

AGENDA

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

April 3, 2014 – 7:00 p.m.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

CORRESPONDENCE

COMMENTS FROM THE PUBLIC

BOARD AND COMMITTEE REPORTS/COUNCILMEMBER COMMENTS

PRESIDING OFFICER'S REPORT

Item 1: FUTURE CITY PRESENTATION

ADMINISTRATION REPORT

Item 1: EMERGING ISSUES

Page 1 Item 2: POLICE DEPARTMENT ANNUAL REPORT

CONSENT AGENDA

Page 35 Item 1: APPROVAL OF MINUTES
Motion is to approve the minutes from the March 13, 2014 Regular City Council Meeting.

Page 39 Item 2: WASHINGTON STATE FUTURE CITY REGIONAL COMPETITION PROCLAMATION
Motion is to approve the Proclamation recognizing the achievements of the Pacific Middle School students in the Washington State Future City National Competition.

PUBLIC HEARING/CONTINUED PUBLIC HEARING

Page 43 Item 1: APPLICATION FOR APPROVAL OF A SHORELINE VARIANCE REQUEST TO THE SHORELINE MASTER PROGRAM, (LUA2013-0025 GREG LINDSTROM)
Staff Presentation: Land Use Planner Nikole Coleman-Porter

NEXT MEETING DATE

April 10, 2014 Regular City Council Meeting

ADJOURNMENT

Des Moines Police Department

2013 Annual Report

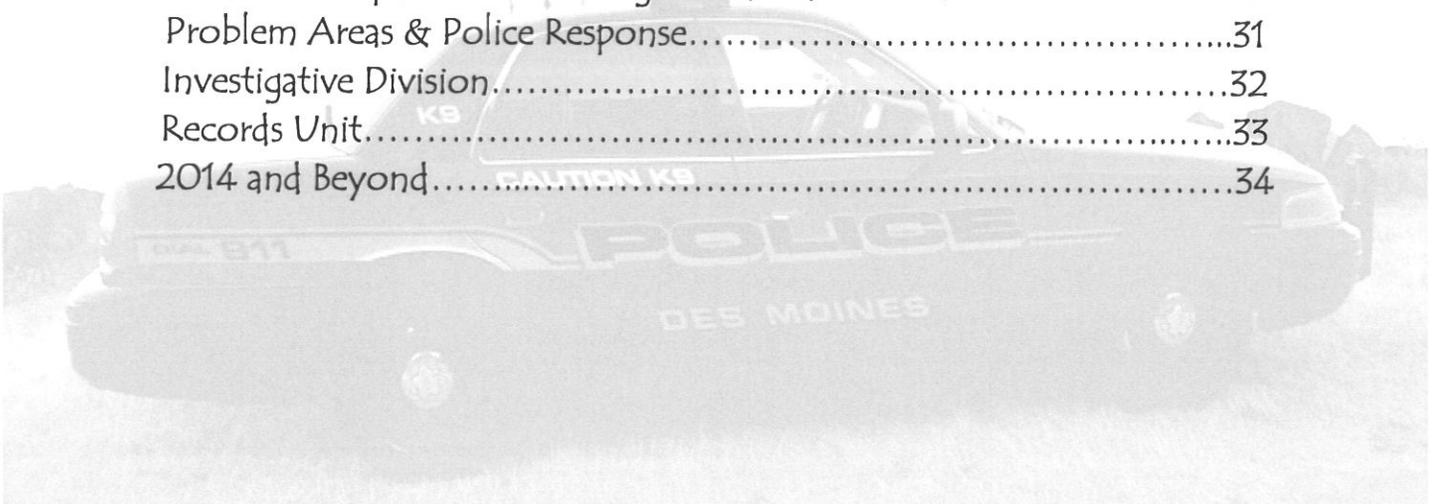


Des Moines Police Department
21900 11th Avenue South
Des Moines, WA 98198-6319
Main Station Phone: 206-878-3301
Non-Emergency Phone: 206-878-2121



Table Of Contents:

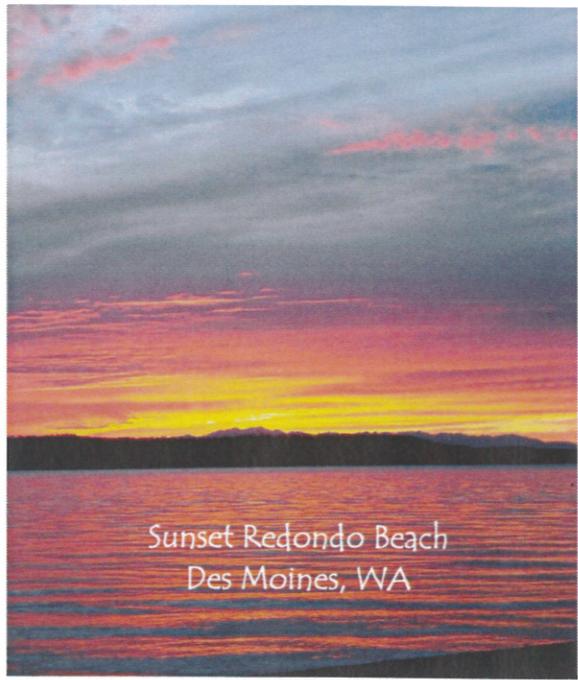
Our Mission.....	3
About Des Moines.....	4
Message From The Chief.....	5
Organizational Chart.....	6
DMPD 2013 LE Budget Allocations.....	7
Police Administration/Internal Affairs Annual Statistics.....	8
Use of Force/Complaint Statistics.....	9
Department Awards and Commendations.....	10
Annual Training Report.....	11
Department Statistics.....	12
Specialized Services.....	13
Community Out Reach.....	14, 15, 16, 17, 18, & 19
Volunteer Program & Department Advisory Group.....	20
Patrol Division.....	21, 22, 23, & 24
Patrol Stats & Narcotics Unit.....	25
UCR Statistics.....	26
10 Year Study of Part 1 Crime.....	27
Comparable Crime Statistics.....	28
Comparable City Statistics.....	29
What Our Department is Doing to Make a Difference.....	30
Problem Areas & Police Response.....	31
Investigative Division.....	32
Records Unit.....	33
2014 and Beyond.....	34



Our Mission

We, the members of the Des Moines Police Department are committed to provide quality, professional law enforcement services. We encourage a problem solving, community policing philosophy and seek to work together with the community as well as other departments to effectively improve the quality of life in our neighborhoods.

About Des Moines



The city of Des Moines is a diverse water front community with a rich historical presence in the Puget Sound area. The city enjoys a great small town feel, balanced with a close proximity to metropolis and regional services such as SeaTac International Airport.

Population	
	Des Moines
Population April 2013	29,730
Persons per square mile	4574
Land area in square miles	6.5



Chief's Message

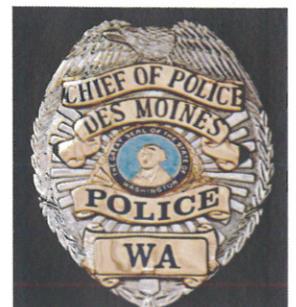
Message from the Chief:

It is with great pleasure that I share this 2013 Annual Report with the citizens of Des Moines. I believe that this report will help to shed light on the hard work the men and woman of this department provide to the community on a daily basis. The Des Moines Police Department has much to celebrate over the last year. Our city's population is steadily increasing and the commerce in the area is moving in a positive direction. These realities have served to increase the demand on police services. In the last year, our department personnel exceeded even my high expectations in their commitment and dedication to improving the quality of life in our city. While we celebrate our successes, we will also continue to look for ways to improve. The Des Moines Police Department will continue to work on increasing efficiency and providing even better customer service to our community. I see great potential for the future of this department and this fine city. Looking ahead into 2014, I look forward to seeing where our developing partnerships throughout the community will take us. Through our community outreach programs and community focused policing strategy, it is our goal to work together with our citizens and neighboring agencies to make Des Moines one of the safest cities in the Puget Sound region.

George Delgado

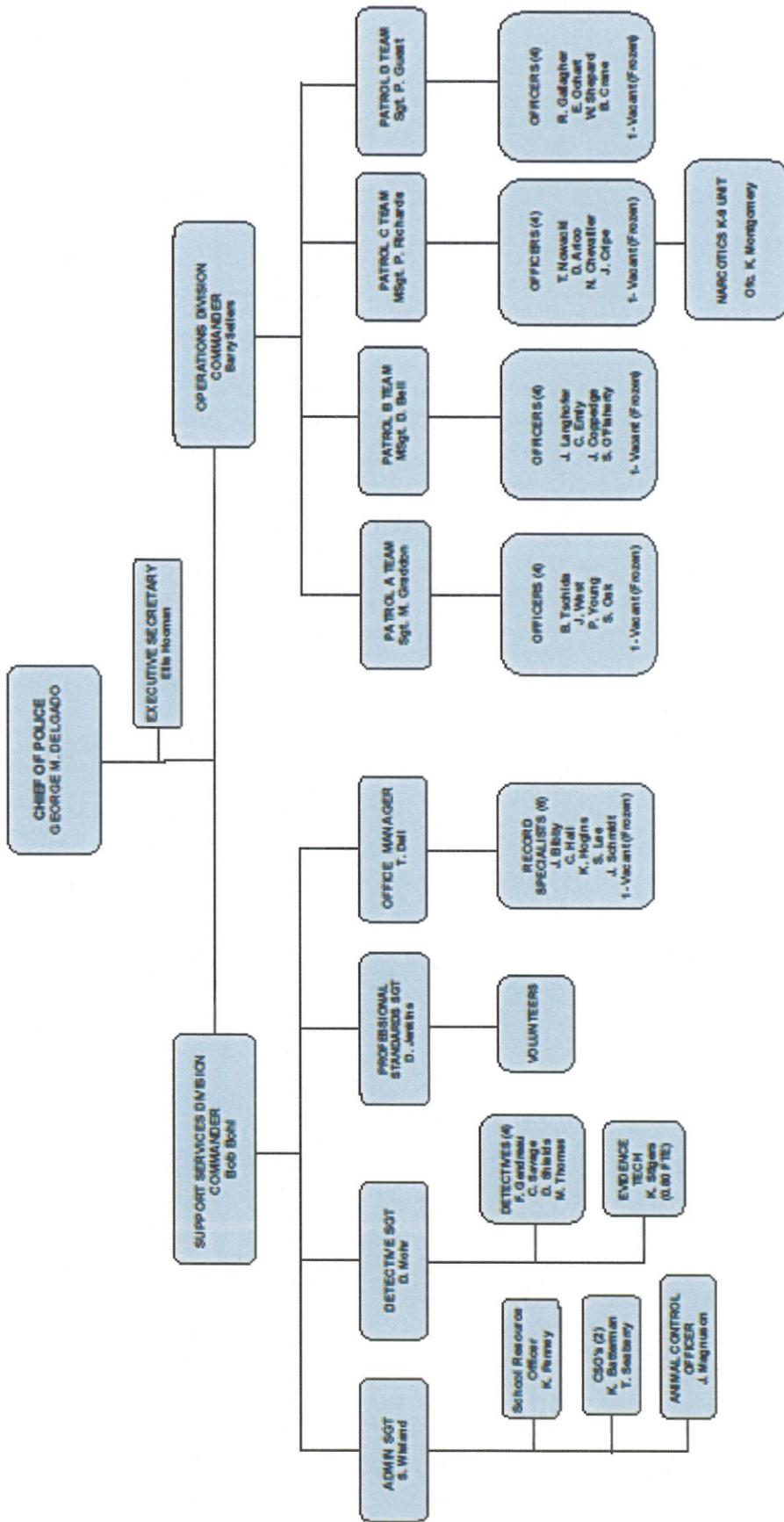
Chief of Police

A handwritten signature in blue ink, appearing to read "G. Delgado".

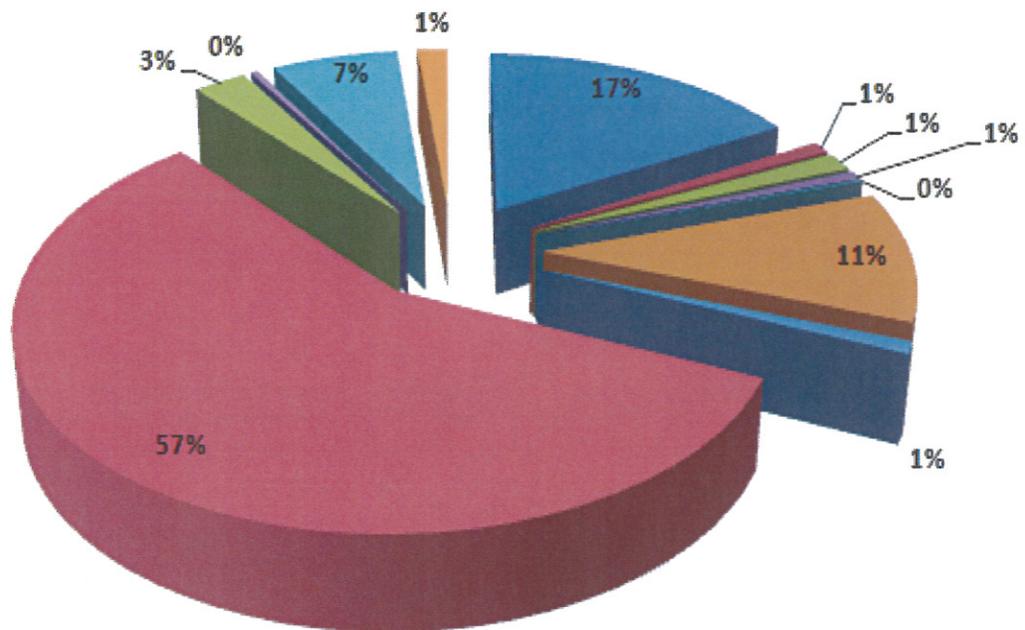


CITY OF DES MOINES
LAW ENFORCEMENT

Organizational Chart



DMPD 2013 Law Enforcement Budget Allocations



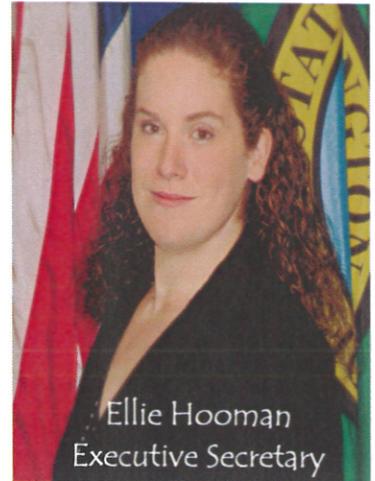
Budget Section	Adopted Amount	Percentage of Total Budget
Administrative Division	1,341,770	16.7%
Retiree Benefit Payments	78,735	1.0%
Police Facilities	118,562	1.5%
Police Officer Training	60,344	0.8%
Civil Service	9,394	0.1%
Detective Division	852,420	10.6%
Property & Evidence Room	75,388	0.9%
Patrol Division	4,592,775	57.1%
Crime Prevention	224,350	2.8%
Police Grants	32,091	0.4%
Automated Traffic Enforcement Program	531,465	6.6%
Animal Control	127,700	1.6%
LE Budget Total	8,044,994	

Police Administration



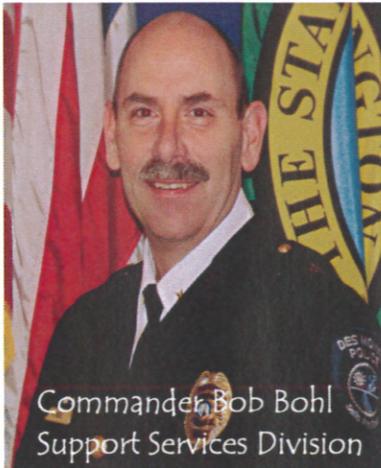
Chief George Delgado

The Administrative Services Division is comprised of several units which include the Command Staff, and Sergeants of:



Ellie Hooman
Executive Secretary

Professional Standards/Internal Affairs,
& Administrative Support



Commander Bob Bohl
Support Services Division



Commander Barry Sellen
Operations Division

Internal Affairs Annual Statistics

Internal Investigations

In 2013 the Professional Standards Sergeant conducted three internal investigations which were initiated for potential violations of City and or Department policy violations. One investigation was done on a City employee from another City Department, one was on a commissioned Police Officer and another was done on an officer from an outside agency.



Master Sgt. Doug Jenkins
Professional Standards/
Internal Investigations

<u>Internal Investigation</u>	<u>Disposition</u>
#1 (City Employee)	Employee resigned prior to final disposition
#2 DMPD Officer	Disciplined
#3 Officer from OSA	Referred to their Chief

9

Use Of Force

Year	2013	2012	2011	2010	2009	2008
Number of Subjects	96	83	66	67	68	70
Number of Incidents	80	70	55	59	54	66
Number of Force Actions	167	122	100	107	89	115

Des Moines Police Department Records show in 2013 officers took 863 subjects into custody. 683 were custodial arrests/seizures and 180 were mental health commitments. Officers utilized force response in 9.3% of these incidents which includes all deployment of firearm only incidents. There were twenty-eight (28) incidents where “Firearm Deployment Only” was the only “Force” used. Since “deployment of firearm only” does not involve actual physical force, the percentage of arrests where physical force was directly applied to subjects taken into physical custody is reduced to 6.0%.

YEAR	CUSTODIAL ARRESTS	IVC/CARE TAKING	TOTAL	Force Response Percentage	Percent With Injury
2013	683	180	863	9.3%	0.9%
2012	564	181	745	9.4%	0.40%
2011	476	142	618	8.8%	1.7%
2010	489	131	620	10.4%	1.7%

2013 Department Complaint Disposition

In 2013 the department received 33 complaints. The dispositions of those allegations are as follows:

Exonerated	The alleged conduct occurred, but was lawful and proper.
Sustained	The allegation was supported by proper and sufficient evidence.
Not Sustained	There was insufficient evidence to prove or disprove the allegation.
Unfounded	The complaint was false or did not occur.
Informal	Resolved at supervisor level, no disposition required.

Allegation	Total Complaints	Disposition
Physical Arrest / Use of Force	6	2 - Unfounded 4 - Exonerated
Bias Based	3	1 - Unfounded 2 - Exonerated
Courtesy Issue	17	2 - Unfounded 4 - Not Sustained 2 - Exonerated 1 - Sustained 8 - Informal
Service Issue	7	3 - Unfounded 1 - Exonerated 1 - Sustained 2 - Informal

2013 Department Awards and Commendations

The Following supervisory
Commendations were received by
members of this department during

2013

Date
Awarded

Name

11/12/2013	Ochart, Eddie
11/12/2013	Shepard, Bill
11/11/2013	Gallagher, Randy
9/27/2013	Gendreau, Fred
9/26/2013	Magnuson, Jan
9/20/2013	Oak, Scott
9/20/2013	West, Jay
9/18/2013	Tschida, Bob
8/5/2013	Dell, Terryann
8/5/2013	Young, Paul
8/2/2013	Seaberry, Tonya
7/4/2013	Batterman, Kory
7/4/2013	O'Flaherty, Shawn
6/28/2013	Langhofer, Justin
6/20/2013	Oak, Scott
6/18/2013	Montgomery, Kevin
5/30/2013	Coppedge, Jon
5/21/2013	Gallagher, Randy
4/17/2013	Ochart, Eddie
4/2/2013	Jenkins, Doug
3/22/2013	Shepard, Bill
3/10/2013	Bell, Dave
3/10/2013	Gallagher, Randy
3/10/2013	Guest, Paul
3/5/2013	Dell, Terryann
1/16/2013	Ochart, Eddie
1/16/2013	Shepard, Bill

The Following Personnel Received
Exemplary Performance awards during
2013:

Name

Date
Awarded

Batterman, Kory	12/3/2013
Bell, Dave	12/3/2013
Bibby, Judy	12/3/2013
Dell, Terryann	12/3/2013
Gallagher, Randy	12/3/2013
Hall, Charmaine	12/3/2013
Mohr, David	12/3/2013
Ochart, Eddie	12/3/2013
Schmidt, Jennifer	12/3/2013
Shepard, Bill	12/3/2013
Thomas, Mike	12/3/2013
Young, Paul	12/3/2013

The Following personnel were awarded
with Chief's Commendations during
2013:

December 3rd 2013 Detective Cathy Savage - for her outstanding performance during the 2011 Thomas Homicide Investigation.

April 3rd 2013 Master Sergeant Doug Jenkins - for his dedication to the department. Going above and beyond his job description during a point in time where department need exceeded staffing abilities.

School Zone Photo Enforcement

Location	2013 Total	2012 Total	% Change
Woodmont Elementary	1643	2522	- 35 %
Pacific Middle School/ Midway Elementary	1834	N/A	N/A

*The total number of photo citations increased in 2013 because of the addition of new cameras near Pacific Middle School and Midway Elementary School.



Master Sgt. Steve Wieland
Administrative Sergeant

Annual Training Report

Total Training Hours for 2013: 2285 Hours

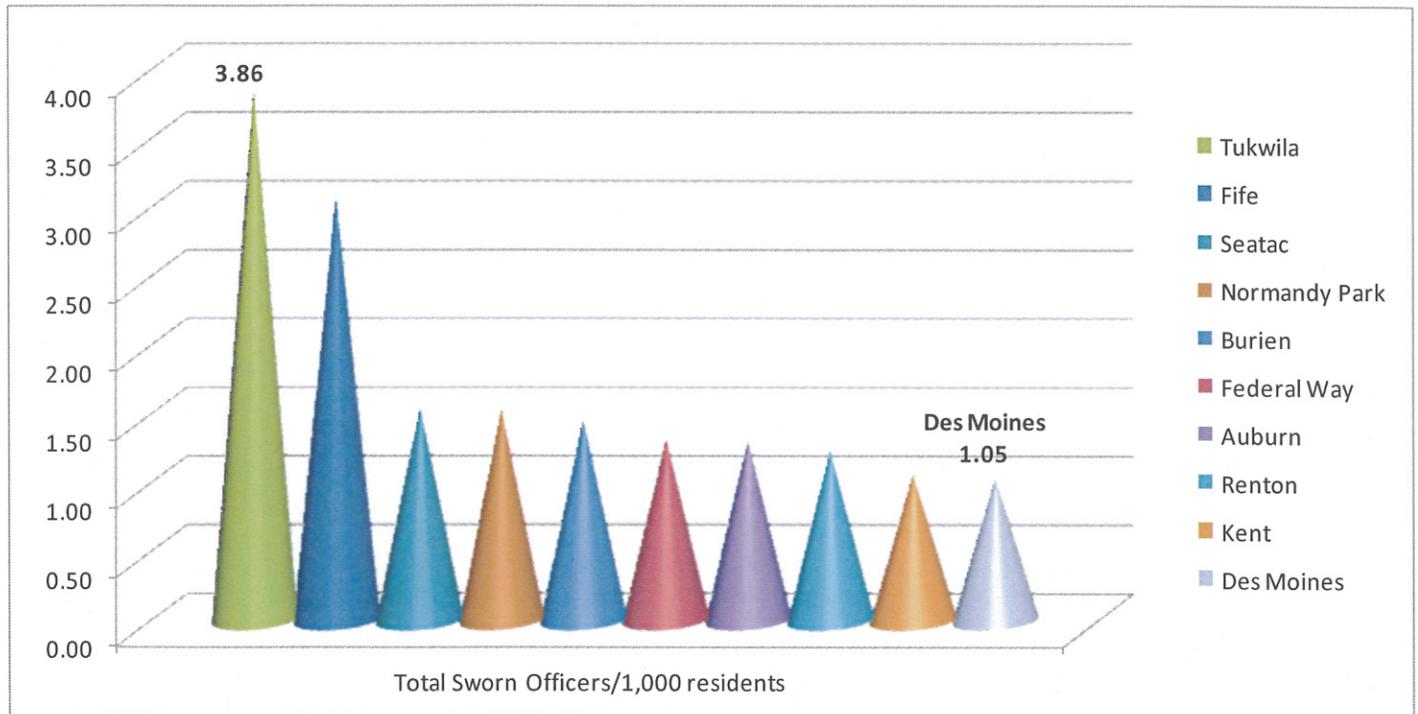
Total Certification Hours for 2013: 657 Hours

2013 Training Accomplishments:

- March 2013: 1 Day Taser Recertification and Policy Review
- April 2013: 1 Day EVOG (Emergency Vehicle Operations) Training
- June 2013: 1 Day Firearms Course
- September/October 2013: First Aid/CPR/Blood Borne Pathogens 1/2 Day Course
- Department personnel attended Crisis Intervention Training.
- All supervisors received Public Information Officer Training.
- Entire agency met CJTC training standards for continuing education.

Police Department Staffing Levels

Number of Sworn Officers	32
Number of Limited Commission Officers	3
Number of Civilian Employees	8
Number of Sworn Officers per 1,000 citizens	1.05



The Police Department has experienced a 7% increase in number of calls for service. This is a testament to the level of dedication the employees of this department have committed to the citizens of Des Moines. They continue to make a positive impact in the community despite the financial obstacles the city faces. It is also important to note that we have experienced a 100% increase in the number of officers assault in the line of duty.

- Number of Calls For Service for 2013: 21,025
- Number of Calls For Service for 2012: 19,677
- Average Response Times to High Priority Calls: 3.42 minutes
- Average Number of dispatch initiated calls handled by each patrol officer per shift: 8.21

Specialized Services



Kevin Penney
School Resource Officer

School Resource Officer

Officer Penney has served during 2013 on a special assignment for Highline School District as a school resource officer. Working to keep our schools safe and protect our youth. Our school resource officer works primarily at Mount Rainier High School, but serves all Highline Schools in the city of Des Moines.



Community Service
Officer Tonya Seaberry

Community Service Officers

CSO Seaberry and CSO Batterman are an integral part of our community policing philosophy. They work in partnership with community members to facilitate many proactive programs such as "Neighborhood Block Watch", "Business Watch", and many of our community out reach events.



Community Service
Officer Kory Batterman

Number of Block Watch Meetings
conducted in 2013: 41

Number of Alarm Permits Processed in 2013: 1,468
Number of False Alarms Processed: 471



Jan Magnuson
Animal Control Officer

Animal Control

Officer Magnuson spends her day assisting with animal related service calls, city animal code, vaccination, license compliance, and community out reach. She is out working hard to ensure that our four legged community members are properly cared for and contained.

Community Out Reach



NATIONAL NIGHT OUT in Des Moines

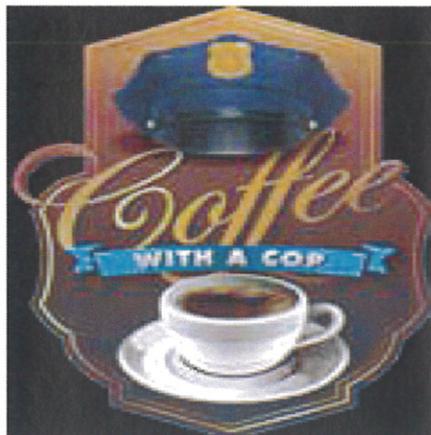
Was held Tuesday, August 6th, 2013

Each year neighbors throughout Des Moines celebrate National Night Out, an annual crime prevention event. National Night Out is a national event dedicated to encouraging neighbors and police to improve the quality of life in our community.

It is a fact that in neighborhoods where neighbors know each other and communicate fairly frequently, crime rates go down. National Night Out provides an opportunity for neighborhoods to come together and focus on building strong, safe communities.



March 2013, The Des Moines Police Department partnered with a local radio station to collect teddy bears that could be given to small children in the community when they are dealing with trauma during a police response.



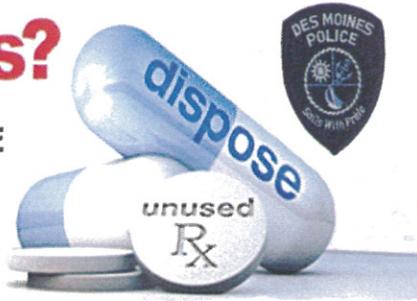
In 2013, the department initiated this relaxed and informal event. We invite area residents to come join us and talk with officers one-on-one, ask questions, voice concerns, or just say hello.

We know that communication with the public is vital for effective policing. The contact that most individuals have with police is usually in an emergency situation which can be emotional or adversarial, which is not the best time to chat about community issues. We believe the best way to meet the needs of our community is to simply have a cup of coffee, get to know one another, talk and share ideas.

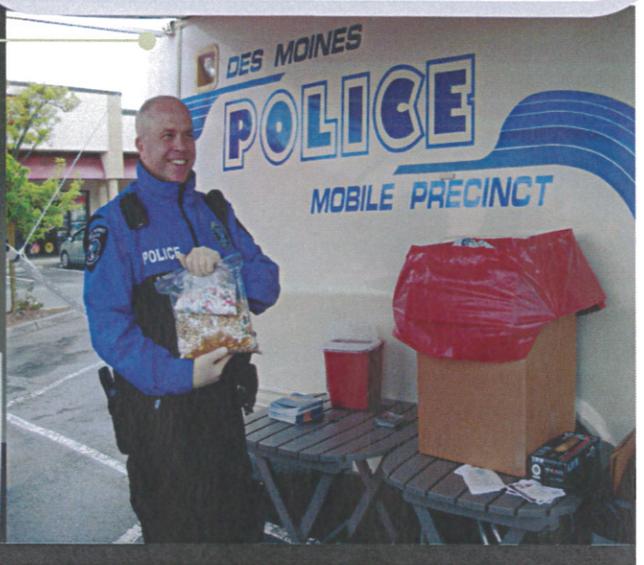
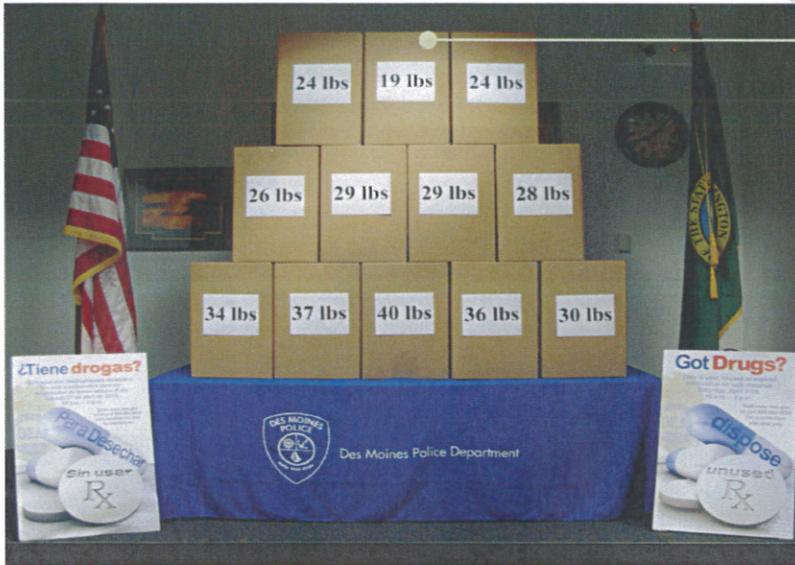
Got Drugs?

DES MOINES POLICE

**Medication
Disposal
Resource List**



With the rate of prescription drug abuse on the rise, it is becoming more and more important to get excess drugs out of our community. The Des Moines Police Department has held 3 DEA sponsored drug disposal events in 2013. With the help of CSO Kory Batterman, AC Jan Magnuson, and Officer Paul Young, the department was able to recover 739lbs of unwanted or expired prescription drugs.



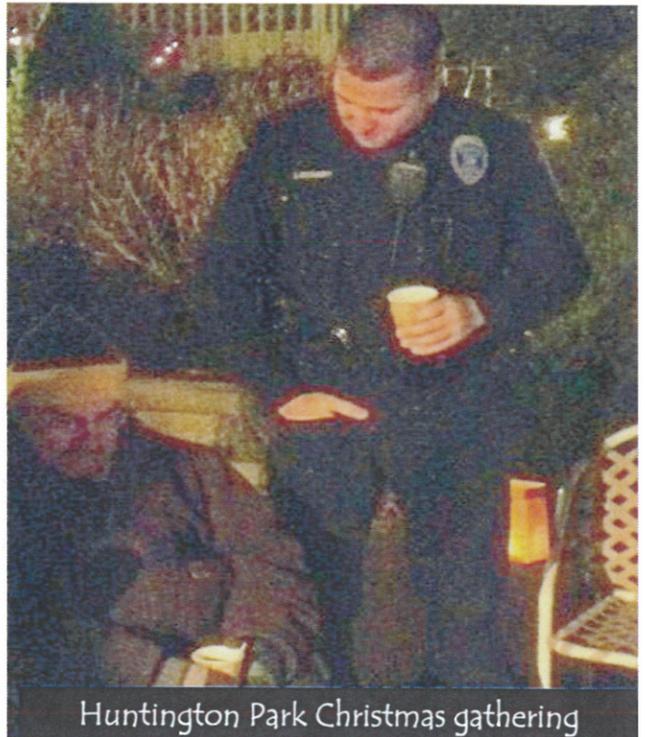
Des Moines PD joined over 2,000 individuals from virtually every branch of federal, state, county and municipal law enforcement, representing over 97 different agencies, together raising more than \$650,000 for local Special Olympics programs. Des Moines contributed by participating in the annual Torch Run event, raising donations through the sale of the popular LETR Campaign T-shirts and our annual Tip-A-Cop cop campaign.



Toy drive donation for HCSATS.



Tip A COP Campaign

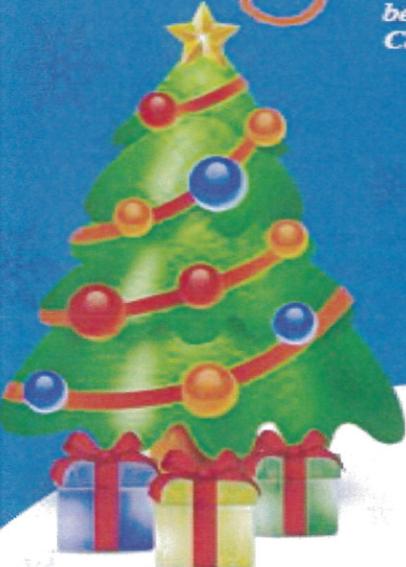


Huntington Park Christmas gathering

1st Annual Des Moines Police Department

Toy Drive

benefiting the Harborview Center for Sexual Assault and Traumatic Stress (HCSATS)



Among the many other things they do, HCSATS provides examination, interview and therapy services for children who are the victims of sexual assault and other abuse or traumatic incidents.

The gift of a small toy, blanket or stuffed animal during their visits may bring some joy to their otherwise stressful and unpleasant situation.



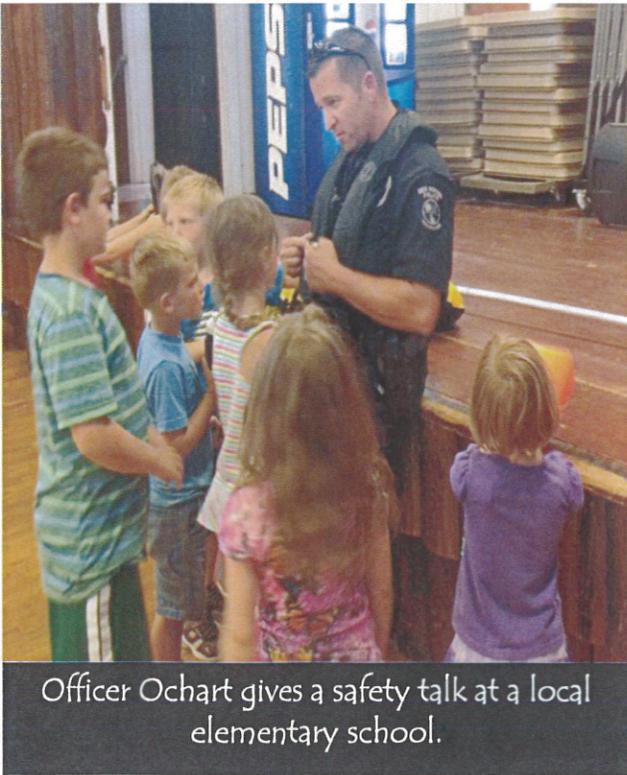
THANK YOU FOR YOUR SUPPORT!

For more information or questions, please contact Detective Fred Gendreau at 206-870-7615 or fgendreau@desmoineswa.gov

In 2013 Des Moines Police Department held it's first annual toy drive for HCSATS. The event was a great success, raising blankets, toys, and even a bicycle for child victims that are brought into Harborview Medical Center during traumatic incidents.



Hubie's Towing stopped by to drop off a very generous donation.





Des Moines Water Front Farmers Market

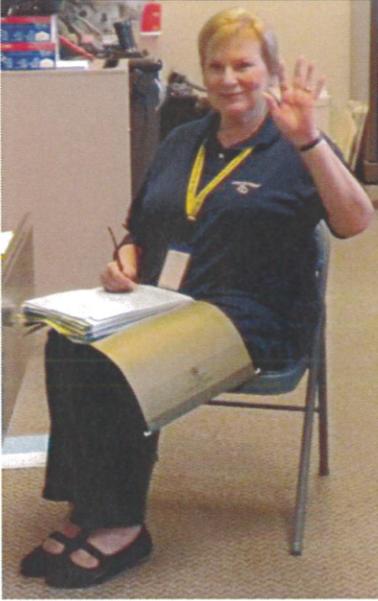


Ugly Holiday Sweater Winner



Ordination of Officer Bill Shepard
December 14, 2013

Volunteer Program



Des Moines Police Volunteer Program

The Des Moines Police Department is working aggressively to recruit additional volunteers who will assist in building the foundation for an expanded and more proactive volunteer program.

This program will include citizen neighborhood patrols that will be active in neighborhoods and at community events. We'll also be working with seniors who will volunteer with reading programs and lunch programs in our local schools.

We've also begun looking for grant funding sources to purchase police radios, uniforms, and other equipment for our volunteers. With background investigations underway, and specific volunteer roles being developed, we'll soon begin developing training to meet the needs of our volunteers.

A total of 552.5 hours were provided to the department by volunteers during 2013.

Department Advisory Group

The advisory group was formed in 2013. Chief Delgado meets with this group on a monthly basis and keeps them informed on the progress and challenges of the agency. The members have received briefings from the various divisions in the department and have offered insight and perspective on how the department does business. The group is made up of members from the local business community, local residents, and a student representative.

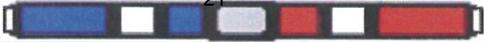
The purpose of the Des Moines Police Department Chief's Advisory Group is to allow members of the community to provide the Chief of Police and his staff advice and insight on proposed direction, procedures, and outreach opportunities, and to share customer perspective on our services as a law enforcement agency.

How members participate:

- Ride-along with Officers.
- Visit a patrol shift briefing.
- Be a source of information to the community and the police department.
- Listen to reports from the various department divisions then provide feedback and advice from a citizen perspective.



Not Pictured: Al Isaac



Patrol Division

Our patrol officers are responsible for the protection of life and property, the prevention of crime, the apprehension of criminals, and the enforcement of federal, state, and local laws. They strive to provide the citizens of Des Moines with the highest level of competent, professional, community focused policing .

A Team



Officer Paul Young



Officer Robert Tschida



A Team
Sgt. Mike Graddon



Officer Scott Oak



Officer Jay West

B Team



Officer Jon Coppedge



Officer Casey Emly



B Team
Master Sgt. Dave Bell



Officer Justin Langhofer



Officer Shawn O'Flaherty

C Team



Officer Tony Nowacki



Officer Dominic Arico



C Team Master Sgt.
Patti Richards



Officer Nathan Chevallier



Officer Justin Cripe

D Team



Officer William Shepard



Officer Robert Crane



D Team
Sergeant Paul Guest



Officer Randy
Gallagher



Officer Eddie Ochart

PATROL STATS

NUMBER OF CASE REPORTS	4137
NUMBER OF DUI ARRESTS	51
NUMBER OF WARRANT ARRESTS	325
NUMBER OF FIELD OFFICER REPORTS	747



Master Police Officer
Kevin Montgomery &
K9 Harley

Narcotics K9 Unit

- Conducted 54 K9 applications for both local and federal agencies

- Participated in 70.5 Hours of continued training during 2013

Significant Findings of 2013

- Increase in pure form of heroin difficult to scent and not testing positive with current NIK testing Kit
- Increase in scheduled searches of SCORE Correctional Facility
- Demonstration given for approximately 100 children at Des Moines Camp Khoas.
- Assisted FBI with raid on a stash house. Harley successfully located several ounces of cocaine.

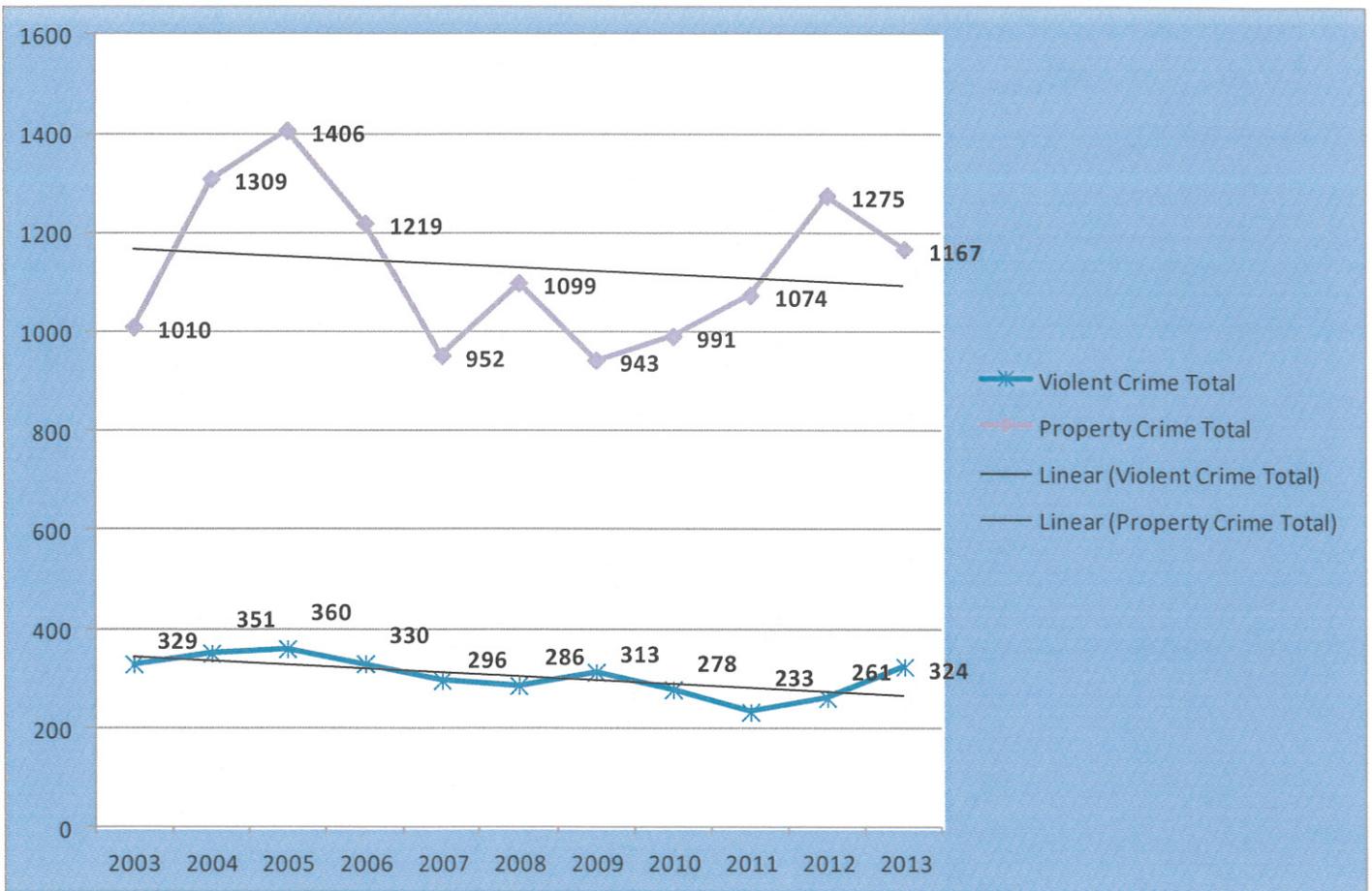
UCR Crime Statistics Annual Comparison and Trend

CATEGORY	2012	2013	DIFFERENCE
Homicide	0	0	0 %
Rape	10	6	- 40 %
Robbery	34	45	32 %
Assaults*	217	273	26 %
Burglary	249	207	- 17 %
Larceny*	778	728	- 6 %
MV Accidents	310	249	- 20 %
MV Thefts	238	223	- 6 %
Arson	10	9	- 10 %
Moving Violations Issued	6331	6883	9 %
Photo Enforcement Citations Issued**	2432	3465	143%
Officers Assaulted	1	2	100 %
Adult Arrests	389	271	- 30 %
Juvenile Arrests	63	37	- 41 %

*Assault and Larceny category include all reported felony and misdemeanor crimes.

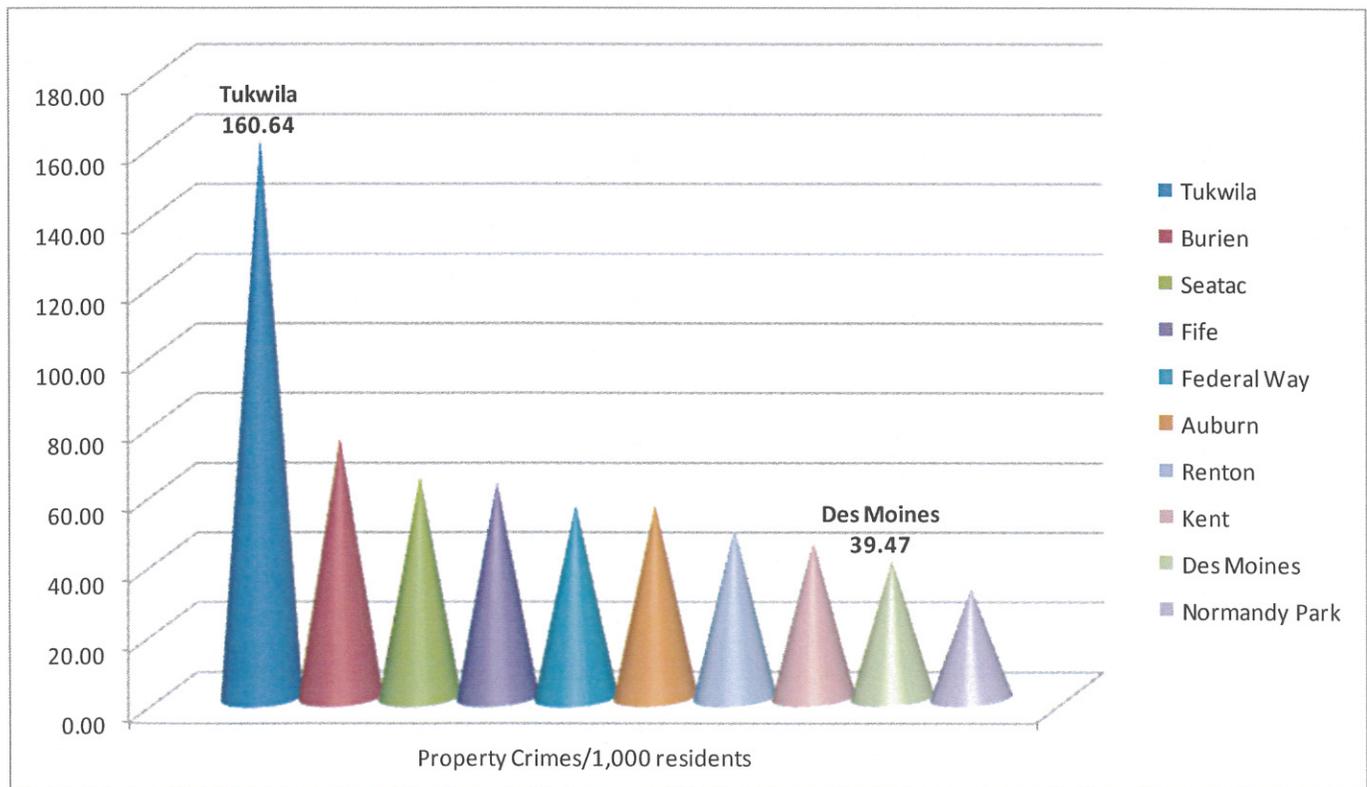
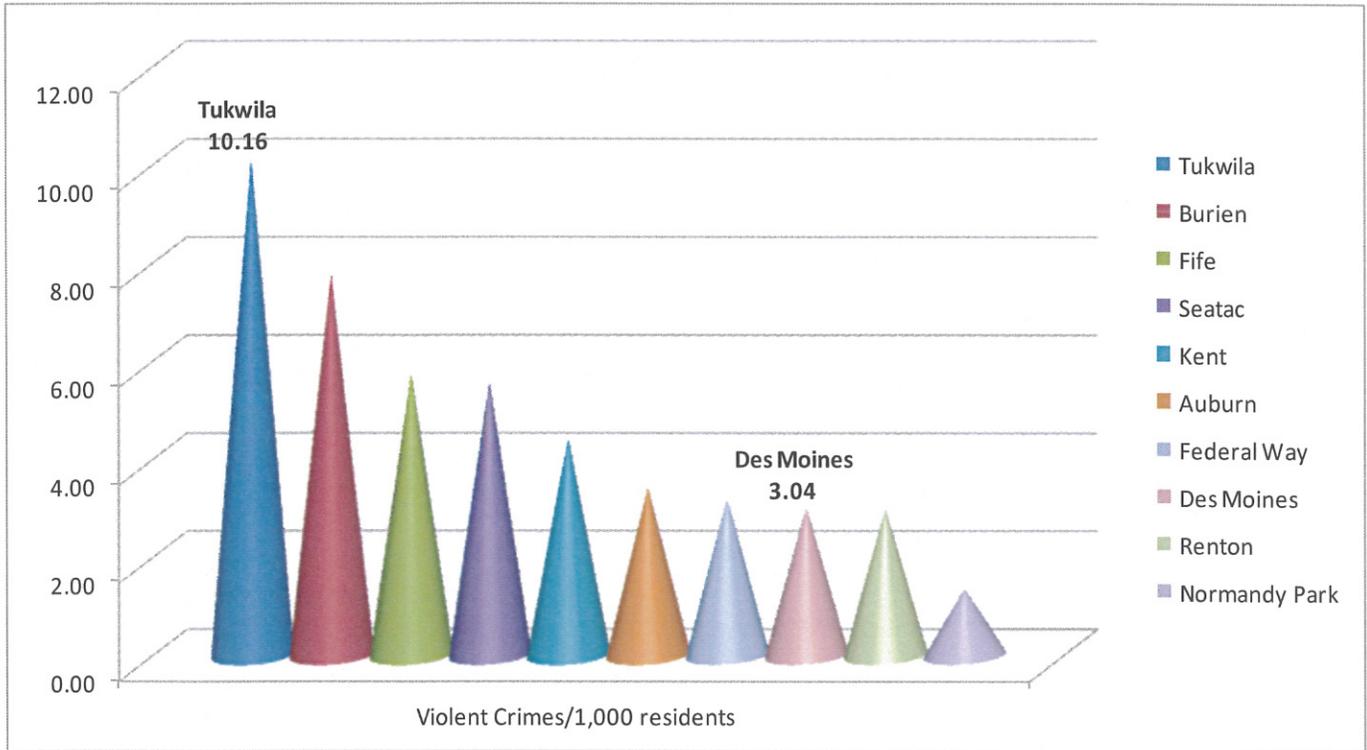
**Total Photo Enforcement Citations numbers are not available until mid-month.
The current month's numbers do not include pending citations.

10 Year Study of Part 1 Crime Sorted by Violent Crime and Property Crime

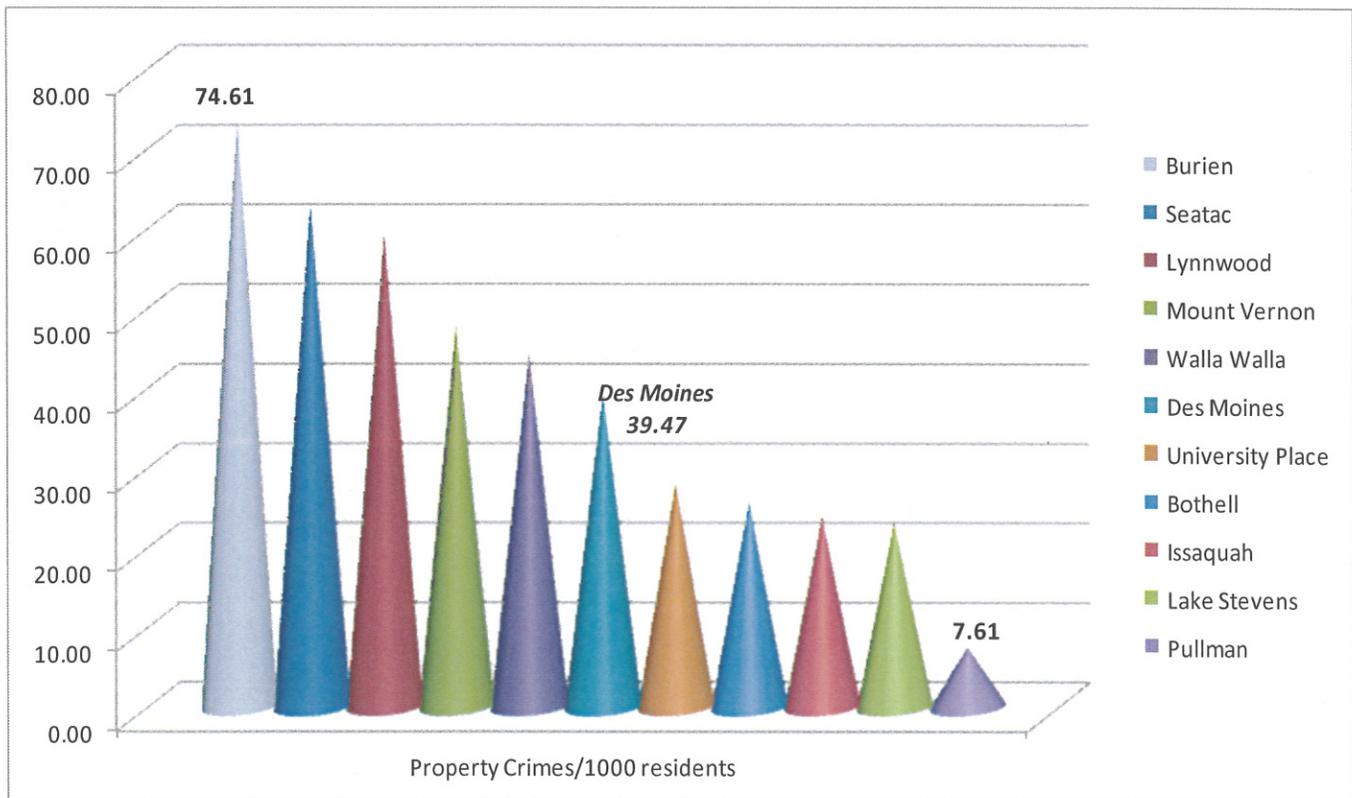
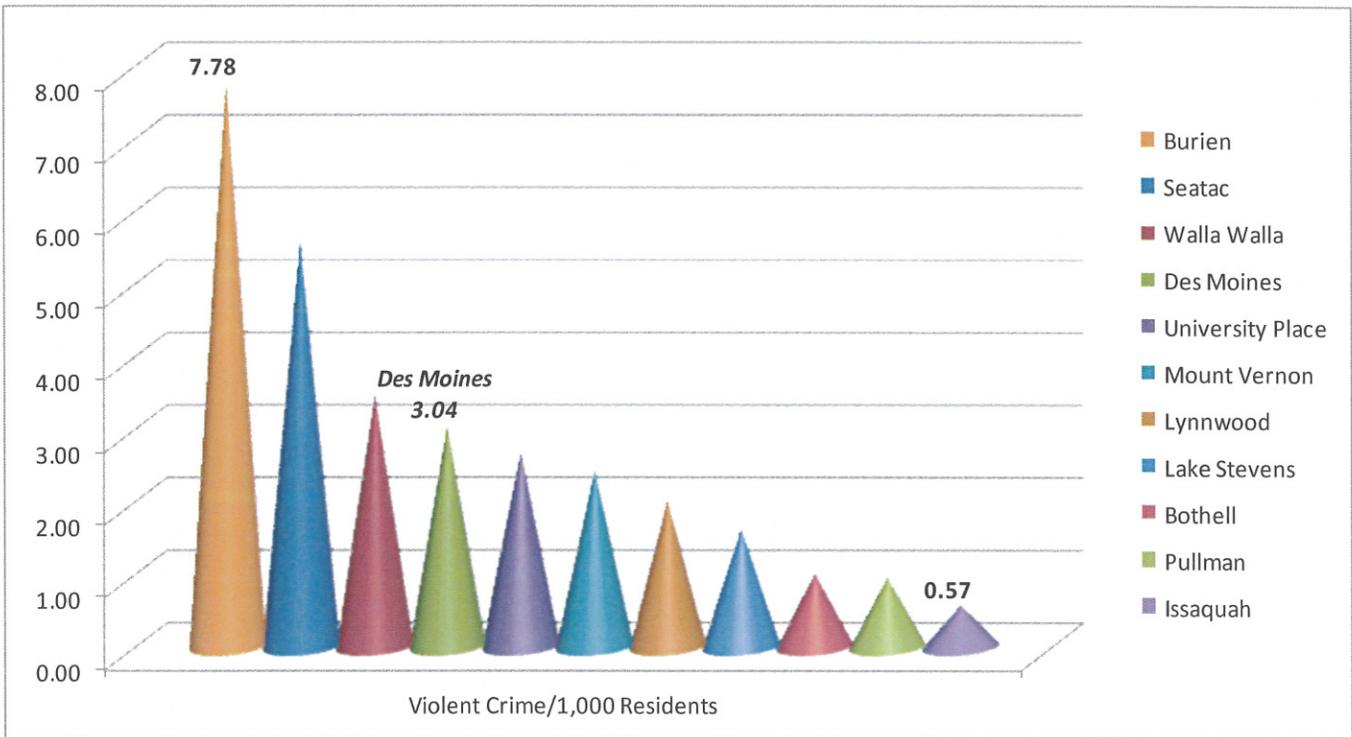


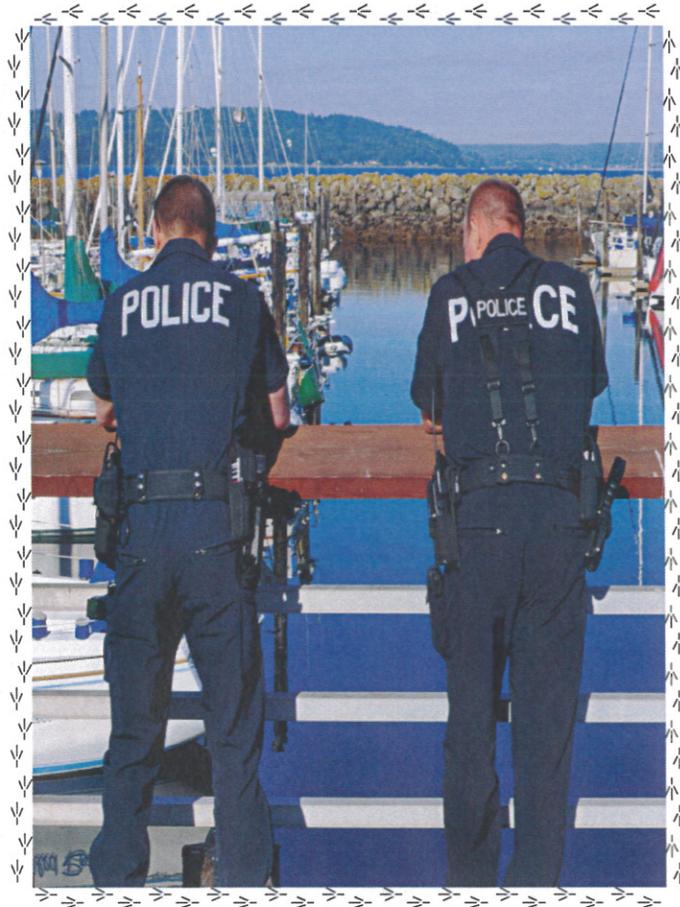
Comparable Crime Statistics as reported by the FBI in their report published in September 2013

Neighboring Communities



Cities Statewide with a population between 25,000 and 35,000 people





What Our Department is doing to deter crime and make our community safer

Target problem areas with additional police presence.

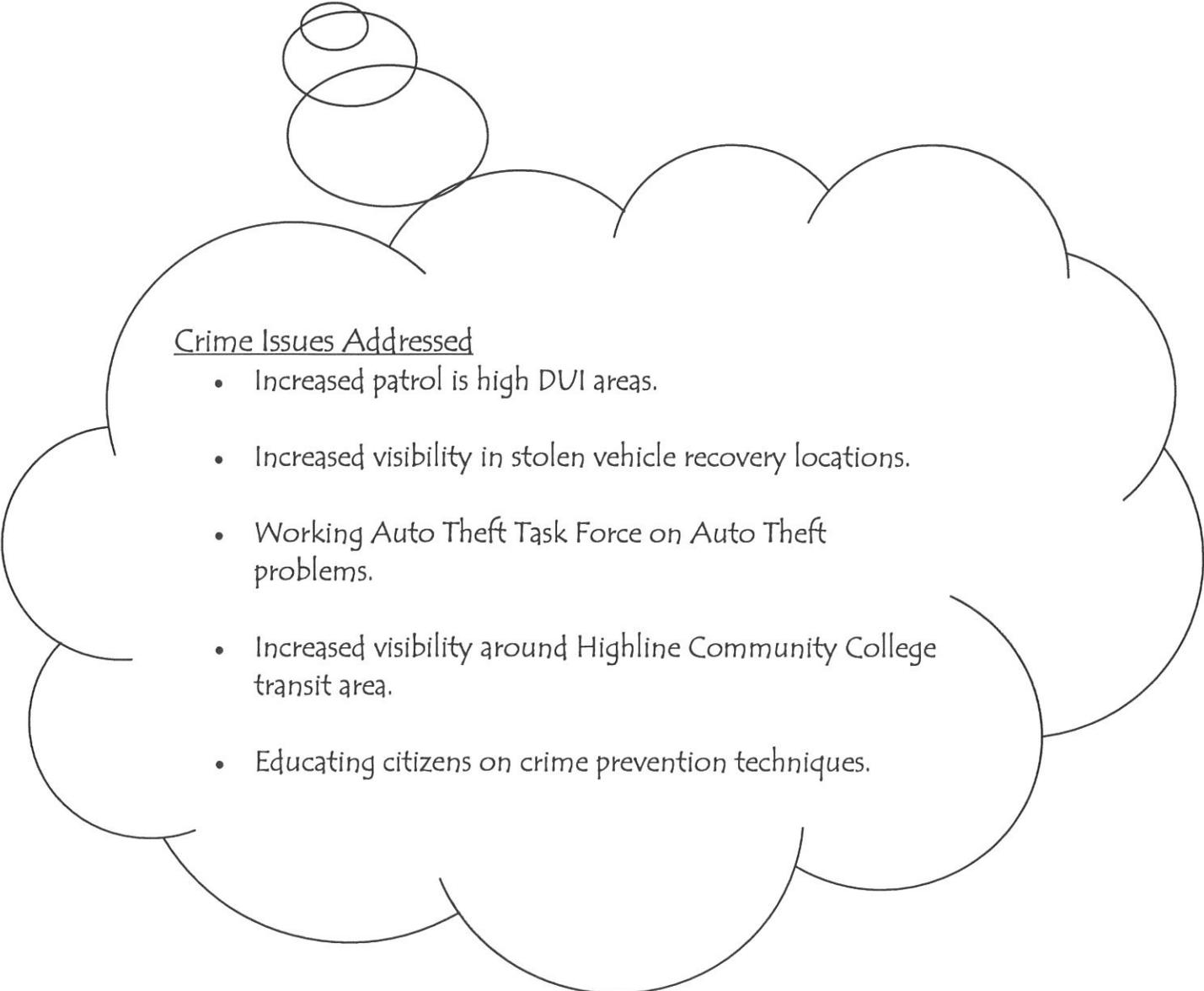
Encouraging formation of neighborhood block watch groups. Helping citizens work together to keep vigilant in watching out for each other. Ensuring that no crime in this city goes un-witnessed or unreported.

Collaboration with citizen groups and other local agencies to come up with unique ideas and solutions to fight crime.

Continued work in assembling a strong volunteer program, to help meet some needs of the department and the community that may not otherwise be possible.

Problem Areas :

- Auto Theft, Stolen Recovery and Theft from Vehicles
- Cell Phone Thefts and Electronic Robberies
- Burglaries
- DUI's and Drug Impaired Driving
- Involuntary Commitment and Mental Health Related Calls
- Mail Theft
- Trespassing



Crime Issues Addressed

- Increased patrol in high DUI areas.
- Increased visibility in stolen vehicle recovery locations.
- Working Auto Theft Task Force on Auto Theft problems.
- Increased visibility around Highline Community College transit area.
- Educating citizens on crime prevention techniques.

Investigative Division



Detective Sergeant
Dave Mohr

Category	2012	2013	% of Change
Assigned Cases	443	721	63%
In-Custody Cases	52	79	52%
Closed Cases	340	591	74%
Cases Closed by Arrest (Misd)	25	27	8%
Cases Closed by Arrest (Felony)	105	174	66%
Items Submitted to Evidence	1468	2190	49%

Detective Sergeant Mohr and Officer Montgomery made 107 Sex Offender Verifications in 2013:

Valley Investigative Team

Detective Sergeant Dave Mohr, Detective Mike Thomas and Detective Fred Gendreau are members of the multi-jurisdictional team known as the Valley Investigative Team (VIT). Members of VIT are experienced investigators from Port of Seattle, Auburn, Des Moines, Federal Way, Kent, Renton and Tukwila who conduct a thorough, objective and transparent investigation on serious incidents involving police officials to include but not limited to officer involved shootings, in-custody deaths or life-threatening injuries during capture, or life-threatening injury or death of a police employee which occur within the participating jurisdictions.

Records Unit



Office Manager
Terryann Dell
Records Unit
Supervisor

The Records Unit is the main clerical support for the police department. Specialists provide the processing and initial distribution of departmental reports, and maintain an up to date records system. Specialists interact with the public and provide information and dissemination of records.



Records Specialist
Jennifer Schmidt

Total Case Reports Processed: 3,398

Number of Online reports Processed: 818

Number of Warrants Processed: 1,119

Number of Court Orders Processed: 449

Number of Pet Licenses Processed: 2415

Number of CPL Applications processed: 411



Records Specialist
Judy Bibby



Records Specialist
Kili Hogins



Records Specialist
Charmaine Hall



Records Specialist
Sara Lee

Requests for Public Records-2013	
Month	PD
January	30
February	68
March	84
April	90
May	106
June	106
July	86
August	119
September	88
October	98
November	84
December	94
TOTAL	1,053

The Future of the Department

In 2013, the Department began work on setting goals for 2014 and beyond. Our command staff understands that sustainable goals are built on a solid foundation, where every member of the organization has a voice in the process of setting those goals. Department supervisors are holding discussions with their assigned personnel to obtain ideas for goal development. Once the goals are compiled, command staff will be facilitating discussions department-wide to determine our direction and priorities.

As we move ahead, our goals will be used to evaluate our challenges and capabilities to ensure they continue to align with council priorities and our City's mission and vision. A major challenge in 2014 will be to increase the ability of the department to meet the demands and needs of our community and our staff. We will continue to strengthen our community focused policing strategy by keeping community safety and department transparency as a high priority in the years to come.

Ultimately, a primary goal of the Des Moines Police Department is to let customer satisfaction be the premise of our mission statement. We will continue to be an agency that the citizens of Des Moines will be proud to call their police department.

35
MINUTES

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

March 13, 2014 – 7:00 p.m.

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

The flag salute was led by Councilmember Musser.

ROLL CALL

Council present: Mayor Dave Kaplan; Mayor Pro Tem Matt Pina; Councilmembers Jeremy Nutting, Melissa Musser, Jeanette Burrage, Bob Sheckler and Vic Pennington.

Staff present: City Manager Tony Piasecki; City Attorney Pat Bosmans; Parks, Recreation & Senior Services Director Patrice Thorell; Community Development Manager Denise Lathrop; City Clerk Bonnie Wilkins.

CORRESPONDENCE

There were no correspondences.

COMMENTS FROM THE PUBLIC

Richard Body, 1423 S 223rd Des Moines, updated Council on the Meals on Wheels program.

Florence McMullin, Wesley View, reported that residents enjoyed City Manager Piasecki's recent visit and the video tape of the meeting is making its way around Wesley Homes.

BOARD AND COMMITTEE REPORTS/COUNCILMEMBER COMMENTS

Councilmember Pennington:

- No Report.

Councilmember Sheckler:

- Arts Commission Meeting:
 - 2014 Beach Park Summer Concert Series:
 - Beer, wine & food.
 - Free kids crafts.
 - Concert dates Wednesdays July 9 - August 13.
 - www.desmoinesartscommission.com or 206-870-6547 for more information.

Councilmember Burrage:

- No Report.

Councilmember Pina:

- Finance & Economic Development Committee:
 - Pacific Highway South Sub-Area Planning.
 - Comprehensive Plan Updates.

Councilmember Musser:

- Mt. Rainier High School Sports Report:
 - Girls Basketball Team finished 2nd in Washington State 4A Girls Basketball Championship.
 - Ava Welch & Reagan Hunt competed at the State Gymnastics Competition; Reagan tied for 3rd on Vault.
 - DECA Club competed at the Washington State Level.
- Pacific Middle School:
 - Reaching at risk youth.
 - High amount of absences.
 - Next meeting March 26th.

Councilmember Nutting:

- North Hill Elementary Annual Bingo Night, record crowd.
- Cove to Clover in Burien.
- Sports Night.
- Sonju Community Garden:
 - Seed swap.
 - Plots for adoption.

PRESIDING OFFICER'S REPORT

- 2014 Regular Session of Legislature ended:
 - No comprehensive transportation package that will pass this session:
 - What would have been funded:
 - State Route 509.
 - Local option funding to pave roads.
 - \$20 congestion fee/bus service.
 - Without King County proposal:
 - 17% cuts in service.
 - Reduction of frequency of routes.
 - Communicate with local Legislatures.

ADMINISTRATION REPORT

- Small sections of town that have inconsistent addresses:
 - Letters out to residents.
 - Change to occur within the next 4-6 weeks.

Item 1: DR. SUSAN ENFIELD, HIGHLINE PUBLIC SCHOOLS SUPERINTENDENT
Dr. Enfield briefed Council on the School District's Strategic Plans and Goals.

Item 2: K-FIT UPDATE
Parks, Recreation & Senior Services Director Thorell gave a power point presentation to Council on the K-Fit Program, Healthy Communities Coalition, and introduced Jim Krieger, MD, MPH, Program Director, Public Health-Seattle and King County.

CONSENT AGENDA

- Item 1: APPROVAL OF MINUTES
Motion is to approve the minutes of the February 20, 2014 and March 6, 2014 regular City Council meetings.

- Item 2: APPROVAL OF VOUCHERS
Motion is to approve for payment vouchers and payroll transfers included in the attached list and further described as follows:
Claim Checks: \$1,293,154.30
Payroll Fund Transfers: \$843,367.01
Total Certified Wire Transfers, Voids, A/P and Payroll Vouchers: \$2,136,521.31

- Item 3: TRANSPORTATION GATEWAY PROJECT S. 216TH STREET SEGMENT 1-A: CONSULTANT AGREEMENT SUPPLEMENT FOR REVISING PROJECT LIMITS; AND PROCEEDING WITH RIGHT OF WAY ACQUISITION
Motion is to approve Supplement #11 with KPG Consulting Engineering, Inc. for engineering and right of way services necessary for South 216th Street Improvements, Segment 1-A (24th Avenue South to Pacific Highway South) in the amount of \$279,532.71, bringing the total Agreement amount to \$3,837,474.57, and further authorize the City Manager to sign the contract supplement substantially in the form as submitted.

Direction/Action

Motion made by Mayor Pro Tem Pina to approve the consent agenda; seconded by Councilmember Musser.
The motion passed 7-0.

PUBLIC HEARING/CONTINUED PUBLIC HEARING

- 1: DRAFT ORDINANCE 13-279, MODIFICATION OF PARKING PROVISIONS
Staff Presentation: Economic Development Manager Marion Yoshino & Planning, Building and Public Works Director Dan Brewer

Mayor Kaplan opened the Public Hearing at 8:21 p.m.

Community Development Manager Denise Lathrop gave a brief power point presentation to Council on the Modifications of Parking Provisions.

Mayor Kaplan asked 3 times if anyone wished to speak; seeing none Mayor Kaplan asked Council if they had any questions.

Seeing none Mayor Kaplan closed the Public Hearing at 8:23 p.m.

Direction/Action

Motion made by Councilmember Sheckler to suspend City Council Rule 26(a) to consider Draft Ordinance 13-279 on first reading; seconded by Councilmember Nutting.
The motion passed 7-0
7-0

Motion made by Councilmember Sheckler to enact Draft Ordinance No. 13-279 amending DMMC 18.210.070(3), Modification of parking provisions; seconded by Councilmember Nutting.

Councilmember Musser offered a friendly amendment to extend the provisions to December 31, 2105; agreeable to the maker and the seconder of the motion. The motion, as amended, passed 7-0.

Mayor Kaplan read Ordinance No. 13-279 into the record.

EXECUTIVE SESSION

At 8:32 p.m. Council went into Executive Session. The purpose of the Executive Sessions was to discuss labor negotiations under to RCW 42.30.140(4)(a). In attendance were Mayor Kaplan; Mayor Pro Tem Pina; Councilmembers Nutting, Musser, Burrage, Sheckler and Pennington. Also in attendance were City Manager Tony Piasecki; Assistant City Manager Lorri Ericson; City Attorney Pat Bosmans. The Executive Session concluded at 9:12 p.m.

No formal action was taken.

NEXT MEETING DATE

March 27, 2014, Regular City Council Meeting

ADJOURNMENT

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

The meeting was adjourned at 9:14 p.m.

Respectfully Submitted,
Bonnie Wilkins
City Clerk

A G E N D A I T E M

BUSINESS OF THE CITY COUNCIL City of Des Moines, WA

<p>SUBJECT: Washington State Future City Regional Competition</p> <p>ATTACHMENTS: 1. Proclamation</p>	<p>FOR AGENDA OF: April 3, 2014</p> <p>DEPT. OF ORIGIN: Administration</p> <p>DATE SUBMITTED: March 24, 2014</p> <p>CLEARANCES: <input type="checkbox"/> Legal <u>NA</u> <input type="checkbox"/> Finance <u>NA</u> <input type="checkbox"/> Marina <u>NA</u> <input type="checkbox"/> Parks, Recreation & Senior Services <u>NA</u> <input type="checkbox"/> Planning, Building & Public Works <u>NA</u> <input type="checkbox"/> Police <u>NA</u> <input type="checkbox"/> Courts <u>NA</u></p> <p>APPROVED BY CITY MANAGER FOR SUBMITTAL: _____</p>
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Purpose and Recommendation:

The purpose of this agenda item is to recognize and congratulate Pacific Middle School students for demonstrating excellence in the Washington State Future City National Competition held January 25, 2014.

Suggested Motion

MOTION: “I move to approve the Proclamation recognizing the achievements of the Pacific Middle School students in the Washington State Future City National Competition.”

Background:

Pacific Middle School teams competed in the Washington State Future City Regional Competition that is part of the National Engineering Week held in February of each year, placing 1st, 2nd, 3rd, 4th, 10th and 22nd in the competition and 34th place Nationally. The Future City is a national competition where middle school students form teams of three to build cities set in the future. This is the third time in six years of competition that Instructor Sandy Gady’s students have placed in the finals.



Proclamation

WHEREAS, Future City is a national competition, held as part of National Engineering week in February of each year, in which teams of middle school students design and build models of cities set at least 150 years in the future, and

WHEREAS, the City of Des Moines recognizes that this competition introduces students to Science, Technology, Engineering and Math (STEM) concepts, as well as the Career and Technical Education aspect of working successfully in groups, time management and communication skills, that build essential future job skills for our community and our nation, and

WHEREAS, the City of Des Moines is pleased to observe that the students must plan for and model the basic services and features of a city, such as zoning, infrastructure, and city location, thus preparing them for the duties of future citizenship, and

WHEREAS, the City of Des Moines applauds the participating teams from Pacific Middle School, and their instructor, for the awards of 1st, 2nd, 3rd, 4th, 10th and 22nd place at the Washington State Future City Regional Competition and the award for 34th place at the National Future City Competition, now therefore;

THE DES MOINES CITY COUNCIL HEREBY PROCLAIMS that the following Pacific Middle School students, along with their Instructor Sandy Gady, have demonstrated excellence in the Washington State Future City Regional & National Competitions, and invites all citizens to join in congratulating them:

- | | | |
|-------------------------|--|---|
| 1 st Place: | Team “Rapture City” | Mia Blankenship, Payton Adams, Joel Willott, Madeline Williams, <i>Students</i> |
| 2 nd Place: | Team “Lochwynn” | Colby Nelson, Julian Orint, Brenton Swart, <i>Students</i> |
| 3 rd Place: | Team “Next Generation” | Erik Harang, Christian Belknap, Abem Fedade-Tessema, <i>Students</i> |
| 4 th Place: | Team “Parallax” | Umi Terukina, Veronica Soran, Emily Ding, <i>Students</i> |
| 10 th Place: | Team “True Vikings” | Evan Frishholz, Nathan Tresham, Riley Stevenson, Erik Wright, <i>Students</i> |
| 22 nd Place: | Team “Skyline” | Jessie Markovich, Sara Gwinn, Taylor Johnsen, <i>Students</i> |
| | Land Surveyor’s Award: Team “Next Generation” | |
| | Early Submittal Awards: Team “Skyline” and Team “True Vikings” | |
| | Sandy Gady | <i>Instructor</i> |

SIGNED this 3rd day of April, 2014

Dave Kaplan, Mayor

A G E N D A I T E M

BUSINESS OF THE CITY COUNCIL City of Des Moines, WA

SUBJECT: Application for approval of a Shoreline Variance request to the Shoreline Master Program.

ATTACHMENTS:

Exhibit 1: March 25, 2013 Staff Report

FOR AGENDA OF: April 3, 2014

DEPT. OF ORIGIN: Planning, Building and Public Works

DATE SUBMITTED: March 25, 2014

CLEARANCES:

- Legal PB
- Finance _____
- Marina _____
- Parks, Recreation & Senior Services _____
- Planning, Building & Public Works DJB
- Police _____
- Courts _____

APPROVED BY CITY MANAGER
FOR SUBMITTAL: [Signature]

Purpose and Recommendation

In accordance with the Des Moines Municipal Code (DMMC) Title 18 and the Shoreline Master Program section 7.5.6 the purpose of this agenda item is to seek a decision from the Council on the Type IV land use application for a Shoreline Variance Permit.

Staff has reviewed the Applicant's proposed Shoreline Variance and has concluded that the variance request meets the criteria provided in the Shoreline Master Program; therefore, the request for a variance should be approved by the City Council. The following motion is provided for Council consideration:

Motion

Motion 1: "I move to approve the shoreline variance application for LUA2013-0025, to install a cable lift tram from the edge of the high bluff down to an existing bulkhead, conduct minor bulkhead repair, and restore landscaping around the single family residence, including a new patio, a low retaining wall, and new plantings."

Background

The applicant submitted a Master Development Application and Joint Aquatic Resources Permit Application Form on August 6, 2013 seeking a Shoreline Variance to encroach into the required 115 foot shoreline buffer and 10 foot building setback. Notice of Complete Application was provided on August 30, 2013.

The project involves installation of a pervious paver patio and planting beds of predominantly northwest native and northwest adapted trees, shrubs, and groundcovers. Planting bed buffers will also be laid out along both the north and south property lines. The western edge of the landscape area will be defined by a retaining wall that will be set back more than 10 feet from the top of the bluff. A walkway will lead to a cantilevered walking deck for the 4 feet x 4 feet cable lift cab secured by pin piles and micro pile anchors. Located east and back from the slope will be the motor and equipment vault, which will require minor excavation. At the bottom of the bluff, minor

lower station repair work and installation will be done by a crane and backhoe from the deck of a barge. A Hydraulic Project Approval is required from the Washington State Department of Fish and Wildlife.

A Notice of Shoreline Application and State Environmental Policy Act (SEPA) Determination of Nonsignificance were issued on September 18, 2013. This initiated a 30 day public comment period. No comments were received during this time.

Discussion

Puget Sound is a shoreline of statewide significance. The Des Moines Shoreline Master Program requires a 115 foot setback from the Ordinary High Water Mark and a 10 foot building setback from the landward edge of the buffer. A variance from this requirement may be granted under extraordinary circumstances provided the applicant demonstrates the following [See SMP 7.5.2 and WAC 173-27-170]:

1. That the strict application of the bulk, dimensional or performance standards set forth in the Shoreline Master Program precludes, or significantly interferes with, reasonable use of the property;
2. That the hardship described above is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or other natural features and the application program and not, for example, from deed restrictions or the applicant's own actions;
3. That the design of the project will be compatible with other permitted activities within the area and with uses planned for the area under the comprehensive plan and shoreline master program and will not cause adverse impacts to the shorelines environment;
4. That the variance authorized does not constitute a grant of special privilege not enjoyed by the other properties in the area, and will not be the minimum necessary to afford relief; and
5. That the public interest will suffer no substantial detrimental effect.

A written narrative was prepared by the Applicant as part of the variance application to demonstrate how the proposal complies with the requirements of the Shoreline Master Program 7.5.2. This narrative is provided in the Staff Report (Exhibit 1). Following each criterion is a City staff response evaluating the merits of the Applicant's comments.

Alternatives

Alternative 1: Council can approve the application for a Shoreline Variance.

Alternative 2: Council can amend the application for a Shoreline Variance.

Alternative 3: Council can deny the application for a Shoreline Variance.

Financial Impact

None.

Recommendation or Conclusion

City staff recommends that the City Council approve the shoreline variance.

1. Based on a review of the proposal, the City has determined that the proposed project does demonstrate minimized adverse impacts on land, water environments, and wildlife habitat:
 - a. The cable lift, in lieu of a trail, provides access to the shoreline without cutting and grading that significantly alters the bluff face.
 - b. The project maintains and increases native vegetation in the shoreline environment improving wildlife habitat and slope stability.
 - c. A Geotechnical study found that the bluff and slope have low erosion potential during construction due to the relatively well developed vegetation cover and recent improvements made to the site, including a new stormwater outfall system.

2. The Applicant's request is consistent with the limitations placed on the surrounding properties; therefore, it does not provide special property rights to the Applicant not enjoyed by the surrounding property owners. Granting the variance would not be granting a special privilege in violation of the Shoreline Master Program.
3. The variance would be consistent with the Comprehensive Plan and the Shoreline Master Program. It achieves access to the shoreline for the property owner with the least intrusive method for the shoreline environment and impact to the slope.

The variance request meets the criteria provided in the Shoreline Master Program; therefore, the request for a variance should be approved by the City Council.

Concurrence

The Legal and Planning, Building, and Public Works Departments concur.

AGENDA ITEM

**BUSINESS OF THE CITY COUNCIL
CITY OF DES MOINES, WA**

<p>SUBJECT:</p> <p><i>Application for approval of a Shoreline Variance request to the Shoreline Master Program.</i></p>	<p>FOR AGENDA OF: April 3, 2014</p>
	<p>DATE SUBMITTED: March 25, 2014</p>
	<p>DEPT. OF ORIGIN: Planning, Building, & Public Works</p>
<p>EXHIBITS:</p> <p>Exhibit 1: March 25, 2013 Staff Report</p> <p>Exhibit 2: August 6, 2013 Shoreline Variance Application</p> <p>Exhibit 3: August 6, 2013 Joint Aquatic Resources Permit Application</p> <p>Exhibit 4: Project Design and Site Plan</p> <p>Exhibit 5: Vicinity Map</p> <p>Exhibit 6: Aerial Photos</p> <p>Exhibit 7: Shoreline Designation Map</p> <p>Exhibit 8: Class III Landslide Hazard Map</p> <p>Exhibit 9: Erosion Hazards Map</p> <p>Exhibit 10: August 30, 2013 Notice of Complete Application</p> <p>Exhibit 11: Notice of Application and SEPA Determination of Nonsignificance</p> <p>Exhibit 12: Zoning Map</p> <p>Exhibit 13: Land Use Map</p> <p>Exhibit 14: March 4, 2014 Notice of Public Hearing</p> <p>Exhibit 15: Public Notice Documentation</p> <p>Exhibit 16: Relevant Sections of the Shoreline Master Program</p> <p>Exhibit 17: Des Moines Municipal Code 16.10.210</p> <p>Exhibit 18: January 3, 2014 Aspect Consulting Response Letter</p>	<p>CLEARANCES:</p> <p>[X] PB & PW DIRECTOR</p> <p style="text-align: center;"><u> DSB </u></p>

EXHIBIT 1

STAFF REPORT FOR THE LINDSTROM SHORELINE VARIANCE REQUEST; LUA2013-0025

April 3, 2014

APPLICANT:

Greg Lindstrom

REQUEST:

The applicant submitted a Shoreline Variance Application (Exhibit 2) and Joint Aquatic Resources Permit Application (Exhibit 3) to install a cable lift tram from the edge of the high bluff down to an existing bulkhead, conduct minor bulkhead repair, and restore landscaping around the single family residence, including a new patio, a low retaining wall, and new plantings (Exhibit 4). The proposal is within the 115 foot minimum buffer setback from the ordinary high water mark and the 10 foot minimum building setback from the landward edge of the buffer.

SITE DESCRIPTION:

The 47,610 square foot subject property is located at 24325 7th Avenue South in the Zenith Neighborhood area as established by the Des Moines Comprehensive Plan. A vicinity map and aerial photo are attached as Exhibits 5 and 6. The site contains a single family home and attached garage with ornamental landscaping on the eastern portion of the lot and steep slopes and natural area on the western portion of the lot. The shoreline designation is *Aquatic* from the toe of the slope to the western edge of the property. The shoreline designation is *Shoreline Residential* from the toe of the slope to approximately the western edge of the circular driveway (Exhibit 7). The site also contains designated Class III Landslide Hazards and Erosion Hazards (Exhibits 8 and 9).

BACKGROUND:

The applicant submitted a Master Development Application and Joint Aquatic Resources Permit Application Form (Exhibits 2 and 3) on August 6, 2013 seeking a Shoreline Variance to encroach into the required 115 foot shoreline buffer and 10 foot building setback. Notice of Complete Application was provided on August 30, 2013 (Exhibit 10).

The project involves installation of a pervious paver patio and planting beds of predominantly northwest native and northwest adapted trees, shrubs, and groundcovers. Planting bed buffers will also be laid out along both the north and south property lines. The western edge of the landscape area will be defined by a retaining wall that will be set back more than 10 feet from the top of the bluff. A walkway will lead to a cantilevered walking deck for the 4 feet x 4 feet cable lift cab secured by pin piles and micro pile anchors. Located east and back from the slope will be the motor and equipment vault, which will require minor excavation. At the bottom of the bluff, minor bulkhead repair will reset toppled rocks to allow the placement of a landing pad for the lower lift station. The designs are shown in Exhibit 4. The lower station repair work and installation will be done by a crane and backhoe from the deck of a barge. A Hydraulic Project Approval is required from the Washington State Department of Fish and Wildlife.

A Notice of Shoreline Application and State Environmental Policy Act (SEPA) Determination of Nonsignificance were issued on September 18, 2013 (Exhibit

11). This initiated a 30 day public comment period. No comments were received during this time.

The following Shoreline Master Program sections have particular relevance in this application:

Shoreline Policies:

3.2.2 Public Access Element

2. Public access improvements should not result in a net loss of shoreline ecological functions.

12. Access development should respect and protect ecological and aesthetic values in the shorelines of the state.

3.2.7.2 Bluffs and Geologically Hazardous Areas

A. Avoid foreseeable risk from geological hazards to people and improvements, recognizing that erosion of marine bluffs is a natural dynamic of shoreline ecological processes.

3.2.8.3 Vegetation Conservation

1. Preserve natural vegetation by controlling plant clearing and earth grading within the shoreline jurisdiction for new and redevelopment activities consistent with safe construction practices and in a manner that ensures shoreline ecological functions, ecosystems, and natural soil systems are not compromised.

6.1.1 Building height, marina buffers, and building setbacks:

1. In all shoreline environments development must comply with applicable buffers and setbacks established by this chapter of the SMP;

2. Pursuant to Section 6.1.3 of this Chapter, buffers for designated critical areas physically located in shoreline jurisdiction shall apply to uses and development located in shoreline jurisdiction. A minimum buffer of 115 feet from the marine ordinary high water mark (OHWM) shall be maintained in designated Urban Conservancy and Shoreline Residential environments;

3. A minimum building setback of 10 feet from the landward edge of buffer must be maintained in all shoreline environments;

5. Adjustment of buffers or setbacks may be allowed pursuant to Sections 6.1.4(3) and 6.1. 4(4) of this Chapter upon obtaining a variance permit that can provide relief from the dimensional requirements of this program. A variance may only be granted when all of the criteria listed at WAC 173-27-170 are met. A variance is intended to allow only a minimum degree of variation from setback or other standards, just enough to afford relief and to allow a reasonable use of a property. Based upon the shoreline inventory and characterization, minimum necessary standards must assure no net loss of shoreline ecological functions.

Transportation Facilities:

The cable lift is classified as Transportation Facilities pursuant to the City Shoreline Master Program:

Transportation facilities. Physical constructs that form the means of conveying people, goods and services, including roads, highways,

bridges, bikeways, trails, sidewalks, ferry terminals, other passenger terminals and other related facilities. [emphasis added]

Therefore, the project must be consistent with the standards established on pages 82-83 of the SMP. The following standards are specific to this project:

4. All transportation facilities in shoreline areas shall be constructed and maintained to cause the least possible adverse impacts on the land and water environments, shall respect the natural character of the shoreline, and make every effort to preserve wildlife, aquatic life and their habitats.
15. Transportation facilities shall not be permitted to locate:
 - (b) In hazardous areas such as steep slopes or in areas with soils subject to severe erosion or landslide hazards.

**EXISTING
LAND USE:**

Site: Single Family Residence
North: Single Family Residence
South: Single Family Residence
East: Single Family Residence
West: Puget Sound

ZONING:

Site: RS-15000 – Residential: Single Family 15,000
North: RS-15000 – Residential: Single Family 15,000
South: RS-15000 – Residential: Single Family 15,000
East: RS-15000 – Residential: Single Family 15,000
West: Puget Sound

A zoning map is attached as Exhibit 12.

APPLICABLE POLICIES:

Land Use Plan Map:

The preferred land use designation for the property on the City’s land use map is “SF – Single Family”. Exhibit 13 is a portion of the entire land use map. It shows the desired land uses of the subject property and surrounding properties in the immediate area.

Comprehensive Plan:

Transportation Element

GOAL TR 8: Strive to minimize impact on the environment for all transportation projects and consider context sensitive design strategies when appropriate.

Conservation Element

4-03-08: Promote the preservation of native vegetation and mature trees; revegetation; and appropriate landscaping to improve air and water quality and fish and wildlife habitat.

4-03-09: Regulate significant land clearing, grading, and filling to minimize the area, time, and slope length of exposed soils, and to reduce on-site erosion and

off-site sediment transport.

4-03-10: Regulate public and private development proposals in ways to insure that the valuable functions of natural resources are preserved, restored, or improved.

4-03-17: Undertake all necessary actions to protect the quality of surface water bodies located in the city.

4-04-02(4): Require that development proposals contain measures to stabilize soils, hillsides, bluffs and ravine sidewalls and promote wildlife habitat by retaining critical areas of existing native vegetation.

4-04-02(5): Regulate development on bluffs and ravine sidewalls, and require a buffer of undisturbed native vegetation adjacent to them that is adequate in size to insure human safety, health and welfare and to restore and preserve other functions served by bluffs and ravines.

4-04-02(6): Restrict development proposals on potentially unstable land, such as areas with erosion, landslide, and seismic hazards, to insure safety and conformity with existing natural constraints.

DECISION CRITERIA:

Puget Sound is a shoreline of statewide significance. The Des Moines Shoreline Master Program requires a 115 foot setback from the Ordinary High Water Mark and a 10 foot building setback from the landward edge of the buffer. A variance from this requirement may be granted under extraordinary circumstances provided the applicant demonstrates the following [See SMP 7.5.2 and WAC 173-27-170]:

1. That the strict application of the bulk, dimensional or performance standards set forth in the Shoreline Master Program precludes, or significantly interferes with, reasonable use of the property;
2. That the hardship described above is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or other natural features and the application program and not, for example, from deed restrictions or the applicant's own actions;
3. That the design of the project will be compatible with other permitted activities within the area and with uses planned for the area under the comprehensive plan and shoreline master program and will not cause adverse impacts to the shorelines environment;
4. That the variance authorized does not constitute a grant of special privilege not enjoyed by the other properties in the area, and will not be the minimum necessary to afford relief; and
5. That the public interest will suffer no substantial detrimental effect.

ANALYSIS:

A written narrative was prepared by the Applicant as part of the variance application (Exhibit 2) to demonstrate how the proposal complies with the requirements of the Shoreline Master Program 7.5.2. This narrative is repeated below. Following each criterion is a City staff response evaluating the merits of the Applicant's comments.

1. That the strict application of the bulk, dimensional or performance standards set forth in the Shoreline Master Program precludes, or significantly interferes with, reasonable use of the property;

Applicant Comments: Strict application of the performance standards set forth in the SMP limits access to almost half of the property due to shoreline and bluff/steep slope setbacks and specifically prevents the homeowner from being able to access the major site amenity, the beach/waterfront on the Puget Sound.

The proposed lift will provide the property owner full access to their site for both recreational and maintenance purposes. Design of the proposed cable lift landing minimizes impact on the bluff by using pin piles and cantilevered construction to tread lightly on the bluff edge and minimize area of disturbance. All trees are being preserved and protected. There is a minimal increase in impervious surface (2%) with a large portion of the new rear yard patio using pervious pavers to replace existing concrete patio, a new smaller driveway access, and a new metal roof on the house coated with a non-leaching fluropolymer (PVDF) which will improve water runoff quality. Existing native plantings on the bluff will be protected and maintained and restored in the areas of work to maintain/enhance the existing conditions. In addition, the new landscape planting beds in the rear yard will utilize native drought tolerant plantings to enhance the natural environment. The bottom cable lift landing takes place in an existing "flat area" behind the existing rock bulkhead to be repaired. Ecology block ballast will be set below the top edge of rock bulkhead and native plants added to the impacted area to restore existing shoreline appearance and function.

City Response: Bulkhead repair is a permitted use in the Shoreline Residential Environment and is subject to the standards in SMP 6.2.1. An existing shoreline stabilization structure may be replaced with a similar structure if there is a demonstrated need to protect principal uses or structures from erosion caused by currents, tidal action, or waves. A geotechnical report found that the bulkhead exhibited signs of distress and partial failure due to loss of the top row of rocks at several locations.

Landscaping is considered accessory to a residential use and is permitted in the Shoreline Residential Environment (Exhibit 7). Pursuant to Des Moines Municipal Code (DMMC) 16.10.210 (Exhibit 17), a 50 foot undisturbed buffer of native vegetation shall be established from the top, toe, and sides of all ravine sidewalls and bluffs. As confirmed in a letter from Aspect Consulting (Exhibit 18), the proposed retaining wall and landscaping is at least 10 feet from the top of the bluff.

The cable lift system is considered a Transportation Facility and is a permitted use in the Shoreline Residential Environment.

All properties within the Shoreline Jurisdiction are subject to buffer and building setbacks pursuant to SMP 6.1.1. Adjustment of buffers or setbacks may be allowed upon obtaining a variance permit that can

provide relief from the dimensional requirements of the SMP. A variance is intended to allow only a minimum degree of variation from setback or other standards, only enough to afford relief and to allow a reasonable use of a property.

The applicant currently enjoys reasonable use of the property with a single family residence. A cable lift system is an additional benefit to the property for access to the shoreline.

- 2. That the hardship described above is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or other natural features and the application program and not, for example, from deed restrictions or the applicant's own actions;**

Applicant Comments: The hardships on this property are created by the natural topography and site amenities: the beach/waterfront on the Puget Sound and the natural steep slope/bluff separating the waterfront from the house and yard above (approximately 100 ft of vertical separation). These site conditions and their buffers specifically limit how a large portion of the site can be used.

City Response: The City concurs with this statement.

- 3. That the design of the project will be compatible with other permitted activities within the area and with uses planned for the area under the comprehensive plan and shoreline master program and will not cause adverse impacts to the shorelines environment;**

Applicant Comments: The project is a single family lot, with single family lots on both sides, in the designated Residential Shoreline area. The goal of the project is to maintain and improve the existing conditions of the site including drainage, water quality, habitat, and native vegetation while still providing an access amenity for the homeowner to allow for full use and enjoyment of the property and shoreline. The lift will also provide for easier access in the future for normal repair and maintenance of the full site. The design of the lift and its landings have been carefully planned to integrate into the existing bluff and bulkhead landscaping with minimal disturbance, which will all be restored and enhanced, to minimize both the visual and physical impacts of the project.

City Response: The cable lift is an alternative to stairs or a trail that minimizes the impacts to the slope and the shoreline environment. In addition, the re-grading of the backyard, planting of native Northwest adapted vegetation, and stormwater retention, will enhance slope stabilization.

A geotechnical report concluded that the cable lift can be installed with no net negative impact to the bluff stability or the stability of the surrounding area providing that the setback and foundation recommendations are incorporated into the design and construction of the project.

- 4. That the variance authorized does not constitute a grant of special privilege not enjoyed by the other properties in the area, and will not be the minimum necessary to afford relief; and**

Applicant Comments: Due to the site hardship conditions listed above, the site is already affected by limited access for both recreational and maintenance purposes. The proposed project is not providing a special privilege but more of an equal privilege by providing this homeowner with the same opportunity that some of the neighbors have - full access of their site. Due to slightly different topographic conditions, some neighbors are able to obtain this access with stairs but due to the bluff, this is not an option for this site. Again as stated above, there will be minimal disturbance and the site will be restored and enhanced upon completion.

City Response: All properties within the Shoreline Jurisdiction are subject to the Shoreline Master Program. Granting of this variance would not provide a special privilege not enjoyed by surrounding properties. Many of the properties in the area access the shoreline via stairs or trails. Each of those property owners have the option to apply for the lesser impactful cable lift system. The cumulative effects would be less than that of individual stairs and trails cutting into to the shoreline environment. In addition, property owners along the shoreline have the option of applying for joint use access between multiple property owners. Joint use would allow access for multiple property owners in a single location with less impact to the shoreline environment and the slope.

5. That the public interest will suffer no substantial detrimental effect.

Applicant Comments: Once again, our goal is to maintain or improve the existing conditions on the site. Water absorption, drainage and surface water runoff for the overall site is maintained and improved by minimizing impervious surface, roof materials, pervious pavers, etc. which should have minimal to no affect on downstream properties. We will be protecting and maintaining existing bluff landscape and restoring-enhancing any disturbed areas, which are minimal in the vicinity of the bluff and the Owner is committed to practicing landscape BMP's in vegetation management. Lastly, the structure component (the lift and landings), has been carefully designed to integrate with the surrounding conditions to minimize visual and physical impact.

City Response: A cable lift system is less impactful and more consistent with the Shoreline Master Program, which states that all development shall achieve no net loss of shoreline ecological functions. This project minimizes impacts to the slope and shoreline environment while also enhancing vegetation and wildlife habitat. A trail or stair system would most likely have more significant impacts on shoreline vegetation, wildlife habitat, and slope stability.

**ENVIRONMENTAL
REVIEW:**

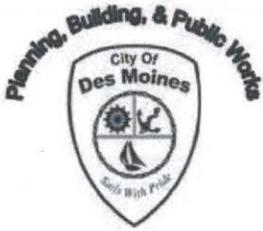
A Determination of Nonsignificance was issued on September 18, 2013.

**RECOMMENDED
ACTION:**

City staff recommends that the City Council approve the shoreline variance.

1. Based on a review of the proposal, the City has determined that the proposed project does demonstrate minimized adverse impacts on land, water environments, and wildlife habitat:
 - a. The cable lift, in lieu of a trail, provides access to the shoreline without cutting and grading that significantly alters the bluff face.
 - b. The project maintains and increases native vegetation in the shoreline environment improving wildlife habitat and slope stability.
 - c. A Geotechnical study found that the bluff and slope have low erosion potential during construction due to the relatively well developed vegetation cover and recent improvements made to the site, including a new stormwater outfall system.
2. The Applicant's request is consistent with the limitations placed on the surrounding properties; therefore, it does not provide special property rights to the Applicant not enjoyed by the surrounding property owners. Granting the variance would not be granting a special privilege in violation of the Shoreline Master Program.
3. The variance would be consistent with the Comprehensive Plan and the Shoreline Master Program. It achieves access to the shoreline for the property owner with the least intrusive method for the shoreline environment and impact to the slope.

The variance request meets the criteria provided in the Shoreline Master Program; therefore, the request for a variance should be approved by the City Council.



Development Services
21630 11th Avenue South
Suite D
Des Moines, WA 98198-6398
(206) 870-7576
www.desmoineswa.gov

Master Development Application

Property Information

Site Address/ Location: 24325 7th Ave South Tax Parcel Number: 2013801720

Project Name: Lindstrom Residence- Cable Lift/ Landscape Restoration

Current Property Use

Single Family

Current Zoning

RS-15000: Residential Single Family 15,000

Site Area: 47,610 (total site)/ 25,283 (land)

Current Comprehensive Plan Designation

Proposed Building Square Footage: NA

SF: Residential Single Family

Proposed Number of Units or Lots: NA

List All Environmentally Critical Areas located on the site (See DMMC 18.86 for a complete list)

Geological Hazardous Area, Bluffs, Erosion and Landslide Hazard Areas

Project Description: (Provide a complete description of the project)

Minor bulkhead repair. Install cable lift tram from edge of high bank down to existing bulkhead. Restore and upgrade landscape around house including new patio, low retaining wall and planting.

Applicant /Contact

Name: Glenn Takagi

Mailing Address: 18550 Firlands Way North

City, State, Zip: Shoreline, WA 98133

Phone Number: (209) 542-6100

Relationship to the Property : Other

Owner

Same As Applicant

Name: Gregory Lindstrom

Mailing Address: 24325 7th Ave So

City, State, Zip: Des Moines, WA 98198

Phone Number: (253) 735-9115 x 102

Type of Review(s)

Check all reviews types that apply.

Fees are based on the current Development Services Fee Schedule

Planning and Land Use Services

- | | |
|---|--|
| <input type="checkbox"/> Conditional Use Permit | <input type="checkbox"/> Unclassified Use Permit |
| <input type="checkbox"/> Comprehensive Plan Amendment | <input type="checkbox"/> Zone Reclassification |
| <input type="checkbox"/> Design Review | <input checked="" type="checkbox"/> Variance |

Subdivision and Land Alteration Services

Lot Line Adjustments

- Lot Consolidations
- Encroachment Resolution/Minor
- Reorientations

Subdivisions

- Preliminary
- Final

Short Subdivisions

- Preliminary
- Final

Modified Short Subdivisions

- Preliminary
- Final

Planned Unit Developments (PUD)

- Preliminary
- Final

Modified Subdivisions

- Preliminary
- Final

Binding Site Plans

- Preliminary
- Final

Master Plan Review

- North Subarea
- South Subarea

Environmental Services

- | | |
|---|---|
| <input checked="" type="checkbox"/> State Environmental Policy Act (SEPA) | <input checked="" type="checkbox"/> Critical Area Reviews |
| <input checked="" type="checkbox"/> Shorelines | <input type="checkbox"/> Flood Hazard Area Review |
| <input checked="" type="checkbox"/> Land Clearing, Grading, or Filling | |

Statement of Ownership and Hold Harmless Agreement

Statement of understanding:

I hereby apply for this permit to do the work indicated, and acknowledge that I have read this checklist and the completed application. I also hereby certify that the information furnished by me is true and correct and the I agree to comply with all City of Des Moines ordinances and Washington State laws regarding land clearing, grading and/or filling.

Statement of ownership:

The undersigned property owner(s), under penalty of perjury, each state that they are all the legal owners of the property described herein and authorize individuals or entities identified herein as applicants to file this application allowing for said property's development.

Authority to enter property:

The undersigned property owner(s), do hereby authorize employees of the City of Des Moines to enter onto property described in this application to examine and inspect as necessary to process this development application.

Hold Harmless Agreement:

The undersigned, certifies under penalty of perjury, the truth and/or accuracy of all statements, designs, plans and/or specifications submitted with said application and hereby agrees to defend, pay and save harmless the City of Des Moines, its officers, employees, and agents from any and all claims, including costs, expenses and attorney's fees incurred in investigation and defense of said claims whether real or imaginary which may be hereafter made by any person including the undersigned, his successors, assigns, employees and agents, and arising out of reliance by the City of Des Moines, its officers, employees and agents upon any maps, designs, drawings, plans or specifications, or any factual statements, including the reasonable inferences to be drawn therefrom contained in said application or submitted along with said application.

Bryan Lindstrom
Signature

Signature

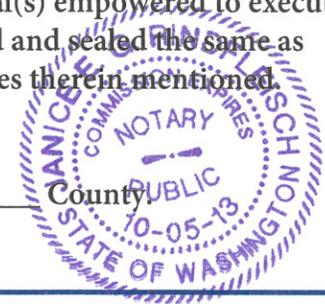
GREG LINDSTROM
Name

Name

STATE OF WASHINGTON)
)
County of King)

I, the undersigned, a notary public in and for the State of Washington, hereby certify that on this 6 day of August, 2013 Greg Lindstrom personally appeared before me, to me known as the individual(s) empowered to execute the foregoing instrument, and acknowledged that they signed and sealed the same as their free and voluntary act and deed for the uses and purposes therein mentioned.

[Signature]
NOTARY PUBLIC in and for the State of Washington, residing at _____
My Commission expires: 10/05/2013



TO BE COMPLETED BY DEVELOPMENT SERVICES STAFF

Application Number: _____

Submittal Date: _____

Land Use Type: _____

Complete Application Date: _____ 59

Address: 24325 7th Ave South
Des Moines, WA

Project Name: Lindstrom Garden

Project Narrative:

The project involves minor re-grading and landscaping of the area between the west side of the house and the top of the slope, repair of existing basalt rock bulkhead, and the installation of a cable lift that will transport a person from the top of the slope to a landing on the bulkhead. Adjacent land uses are residential. There will be no change of use of property; proposed improvements are to compliment the house remodel and neighborhood.

From the house will extend a pervious paver patio and revised planting bed/lawn layout. Planting beds will be predominantly NW native and NW adapted trees, shrubs, and groundcovers. Planting bed buffers are also laid out along both north and south property lines. The western edge of the garden currently follows the ever-steepening slope with multiple small terraces. This western edge will be moved east and defined by a retaining wall. Existing grades show a generally flat margin at perimeter of house transitioning to a grade (less than 15%) leading down to the edge of slope, where it changes to a +40% bluff. Similar ground-form profile extends through both adjacent properties. Ground disturbance will include minor grading operations (2' fills and cuts) on the existing garden area (<15% slope area) to install a low (24" height) segmental retaining wall to replace a series of existing wood-timber walls. Backfill imported to site will consist of planting soils/ amendments, and grade crushed rock to set wall and concrete bases.

A walkway near the SW portion of garden leads to a cantilevered deck and resting place for a 4' x 4' cable lift cab. Located east and back from steep slope is the motor and equipment vault for the cable lift. Installing the concrete vault will require minor excavation. It will be secured with pin piles and micro pile anchors.

The basalt rock bulkhead requires resetting of rock that has fallen forwards. While performing this task, most likely using a crane/backhoe from the deck of a barge at high tide, cast "ecology blocks" will be placed within the bulkhead only at the proposed location of the cable lift lower landing. A steel framework is attached to the eco block and bulkhead rocks are set back into position. When completed, the landing platform, set back slightly from the face of the bulkhead, will be within 12" of the top of the bulkhead and have two steel posts on either side for anchoring the cables and transferring the load to the eco block. The steel deck may be covered with wood and have a retractable ladder that lays flat on the deck when not in use. The cable lift lower landing work will not disturb surrounding existing conditions or extend beyond the limits of the necessary bulkhead reconstruction work.

General Description- Minor Bulkhead Repair to reset toppled rocks, installation of a Cable Tram Lift from the top of bank down to the back of existing bulkhead to allow for beach access (and outfall monitoring). Existing landscape garden between house and top of slope to be renovated by adding a pervious paver patio and a revised planting bed-lawn layout. Planting beds will be predominately NW native and NW adapted trees, shrubs and groundcovers.

Adjacent land uses are residential. There will be no change of use of property; proposed improvements are to compliment the house remodel and neighborhood. Planting bed buffers are laid out along both north and south property lines. Western edge of landscaped garden (top of slope) will be pulled back from the existing line of developed garden.

Existing grades show a generally flat margin at perimeter of house leading transitioning to a grade (less than 15%) leading down to the edge of slope, where it changes to a +40% bluff. Similar ground-form profile extends through both adjacent properties. Ground disturbance will include minor grading operations (2' fills and cuts) on the existing garden area (<15% slope area) to install a low (24" height) segmental retaining wall to replace a series of existing wood-timber walls. Backfill imported to site will consist of planting soils/ amendments, and grade crushed rock to set wall and concrete bases.

Upper lift station is a cantilever section and will require some minor excavation for an equipment vault. Upper station will be structurally secured with pin piles and micro pile anchors. Lower lift station will essentially be a flat landing area immediately behind rock bulkhead. Work at the bulkhead will include resetting toppled rocks and setting the landing pad for the lower lift station. Landing pad of a steel frame and concrete 'ecology blocks' will be set by a crane/ backhoe from deck of a barge.

Address: 24325 7th Ave South
Des Moines, WA

Project Name: Lindstrom Garden

Written Justification (revised 3.16.14):

Describe how the strict application of the bulk, dimensional or performance standards set forth in the SMP precludes, or significantly interferes with, reasonable use of the property.

Strict application of the performance standards set forth in the SMP limits access to almost half of the property due to shore line and bluff/steep slope setbacks and specifically prevents the homeowner from being able to access the major site amenity, the beach/waterfront on the Puget Sound.

The proposed lift will provide the property owner full access to their site for both recreational and maintenance purposes. Design of the proposed cable lift landing minimizes impact on the bluff by using pin piles and cantilevered construction to tread lightly on the bluff edge and minimize area of disturbance. All trees are being preserved and protected. There is a minimal increase in impervious surface (2%) with a large portion of the new rear yard patio in pervious pavers to replace existing concrete patio, new smaller driveway access, and a new metal roof on the house coated with a non-leaching flouropolymer (PVDF) which will improve water runoff quality. Existing native plantings on the bluff will be protected and maintained and restored in the areas of work to maintain/enhance the existing conditions. In addition, the new landscape planting beds in the rear yard will utilize native drought tolerant plantings to enhance the natural environment. The bottom cable lift landing takes place in an existing "flat area" behind the existing rock bulkhead to be repaired. Ecology blocks ballast will be set below the top edge of rock bulkhead and native plants added to impacted area to restore existing shoreline appearance and function.

Describe how the hardship described above is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and not, for example, from deed restrictions or the applicant's own actions.

The hardships on this property are created by the natural topography and site amenities: the beach/waterfront on the Puget Sound and the natural steep slope/bluff separating the waterfront from the house and yard above (approximately 100 ft of vertical separation). These site conditions and their buffers specifically limit how a large portion of the site can be used.

Describe how the design of the project will be compatible with other permitted activities within the area and with uses planned for the area under the comprehensive plan and shoreline master program and will not cause adverse impacts to the shoreline environment.

The project is a single family lot, with single family lots on both sides, in the designated Residential Shoreline area. The goal of the project is to maintain and improve the existing conditions of the site including drainage/water quality, habitats/native vegetation while still providing an access amenity for the homeowner and his elderly parents who are in their 80's to allow for full use and enjoyment of the property shoreline. The lift will also provide for easier access in the future for normal repair/maintenance of the full site. The design of the lift and its landings have been carefully planned to integrate into the existing bluff/bulkhead landscaping with minimal disturbance, which will all be restored and enhanced, to minimize both the visual and physical impacts of the project.

Describe how the variance does not constitute a grant of special privilege not enjoyed by other properties in the area, and will be the minimum necessary to afford relief.

Due to the site hardship conditions listed above, the site is already affected by limited access for both recreational and maintenance purposes. The proposed project is not providing a special privilege but more of an equal privilege by providing this homeowner with the same opportunity that some of the neighbors have - full access of their site. Due to slightly different topography conditions, some neighbors are able to obtain this access with stairs but due to the bluff, this is not an option for this site. Again as stated above, there will be minimal disturbance and the site will be restored and enhanced upon completion.

Describe how the public interest will not suffer substantial detrimental effect.

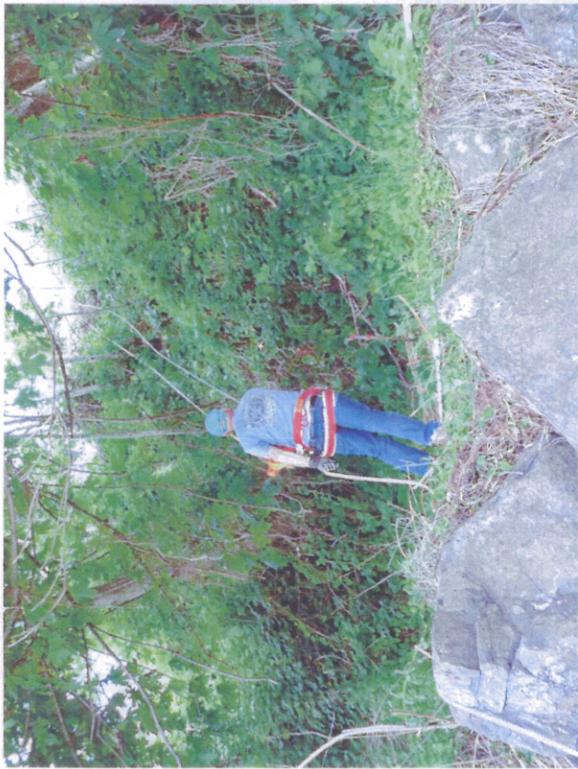
Once again, our goal is to maintain or improve the existing conditions on the site. Water absorption, drainage and surface water runoff for the overall site is maintained/improved by minimizing impervious surface, roof materials, pervious pavers, etc. which should have minimal to no affect on downstream properties. We will be protecting and maintaining existing bluff landscape and restoring-enhancing any disturbed areas, which are minimal in the vicinity of the bluff and the Owner is committed to practicing landscape BMP's in vegetation management. Lastly, the structure component (the lift and landings), has been carefully designed to integrate with the surrounding conditions to minimize visual and physical impact.

For variance request for development that will be located either waterward or the the ordinary high water mark or within marshes, bogs or swamps as designated in WAC 173-22, the applicant describe how the project complies with these additional standards:

Describe how the strict application of the bulk, dimensional or performance standards set forth in the Program precludes all reasonable use of the property.

Describe how the public rights of navigation and use of the shorelines will not be adversely affected by the granting of the variance.

NA



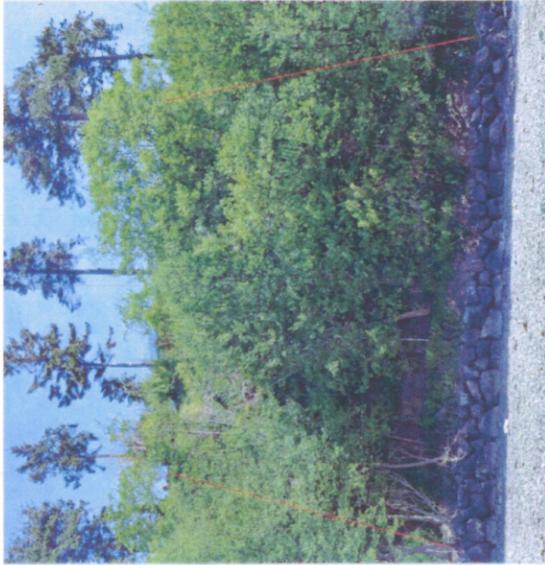
Lower Lift Station Location



Existing Bulkhead Looking South



Toppled Bulkhead Area Needing Repair

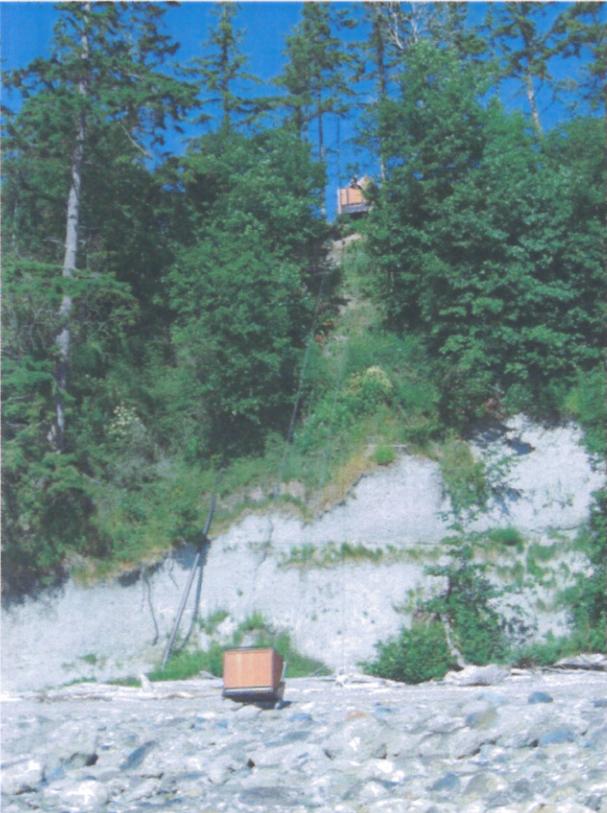


Existing Bulkhead (red lines approx. prop. line)

Reference Number:
 Applicant Name: Robert Kruse
 Proposed Project: Install Cable Lift from top of bluff down to existing rock bulkhead. Restore Landscaping between house and top of bluff including low wall, patio, lawn and planting beds.
 Location: 24325 7th Ave South Des Moines, WA
 Sheet 0 of Date: 8.6.13



Accumar Cable Lift Upper Station Examples



Accumar Cable Lift Lower Station Examples

Reference Number:

Applicant Name: Robert Kruse

Proposed Project: Install Cable Lift from top of bluff down to existing rock bulkhead. Restore Landscaping between house and top of bluff including low wall, patio, lawn and planting beds.

Location: 24325 7th Ave South Des Moines, WA

Sheet 1 of

Date: 8.6.13



Adjacent Property-Bluff Looking North



Adjacent Property- Bluff Looking South

Reference Number:

Applicant Name: Robert Kruse

Proposed Project: Install Cable Lift from top of bluff down to existing rock bulkhead. Restore Landscaping between house and top of bluff including low wall, patio, lawn and planting beds.

Location: 24325 7th Ave South Des Moines, WA

Sheet of Date: 8.6.13



Mid-South Property Line Looking North



Top of Bluff (South) Looking NW to House

Reference Number:

Applicant Name: Robert Kruse

Proposed Project: Install Cable Lift from top of bluff down to existing rock bulkhead. Restore Landscaping between house and top of bluff including low wall, patio, lawn and planting beds.

Location: 24325 7th Ave South Des Moines, WA

Sheet **3** of Date: **8.6.13**



Top of Bluff Looking South



Top of Bluff Looking North

Reference Number:

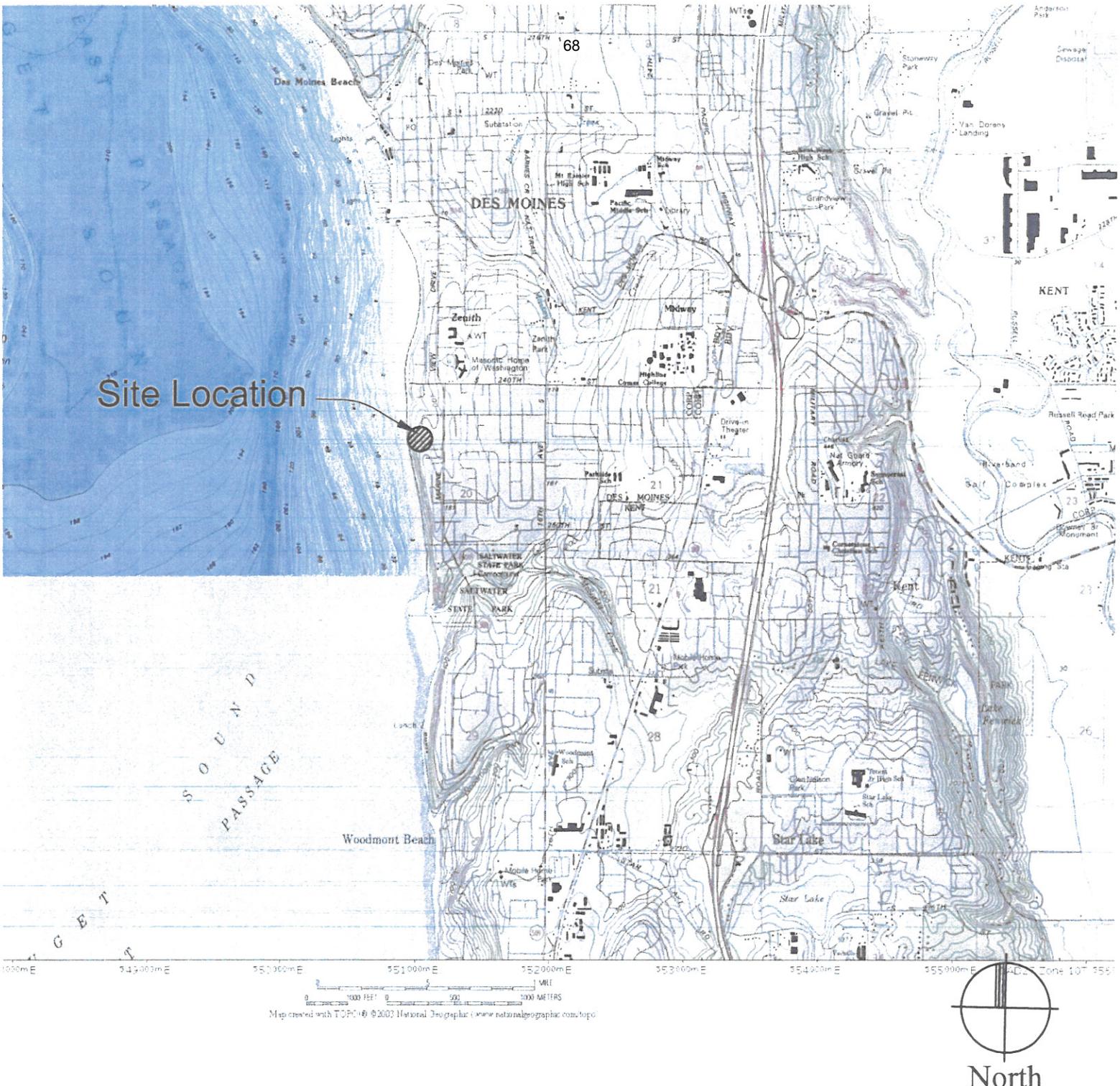
Applicant Name: Robert Kruse

Proposed Project: Install Cable Lift from top of bluff down to existing rock bulkhead. Restore Landscaping between house and top of bluff including low wall, patio, lawn and planting beds.

Location: 24325 7th Ave South Des Moines, WA

Sheet 4 of

Date: 8.6.13



Reference:

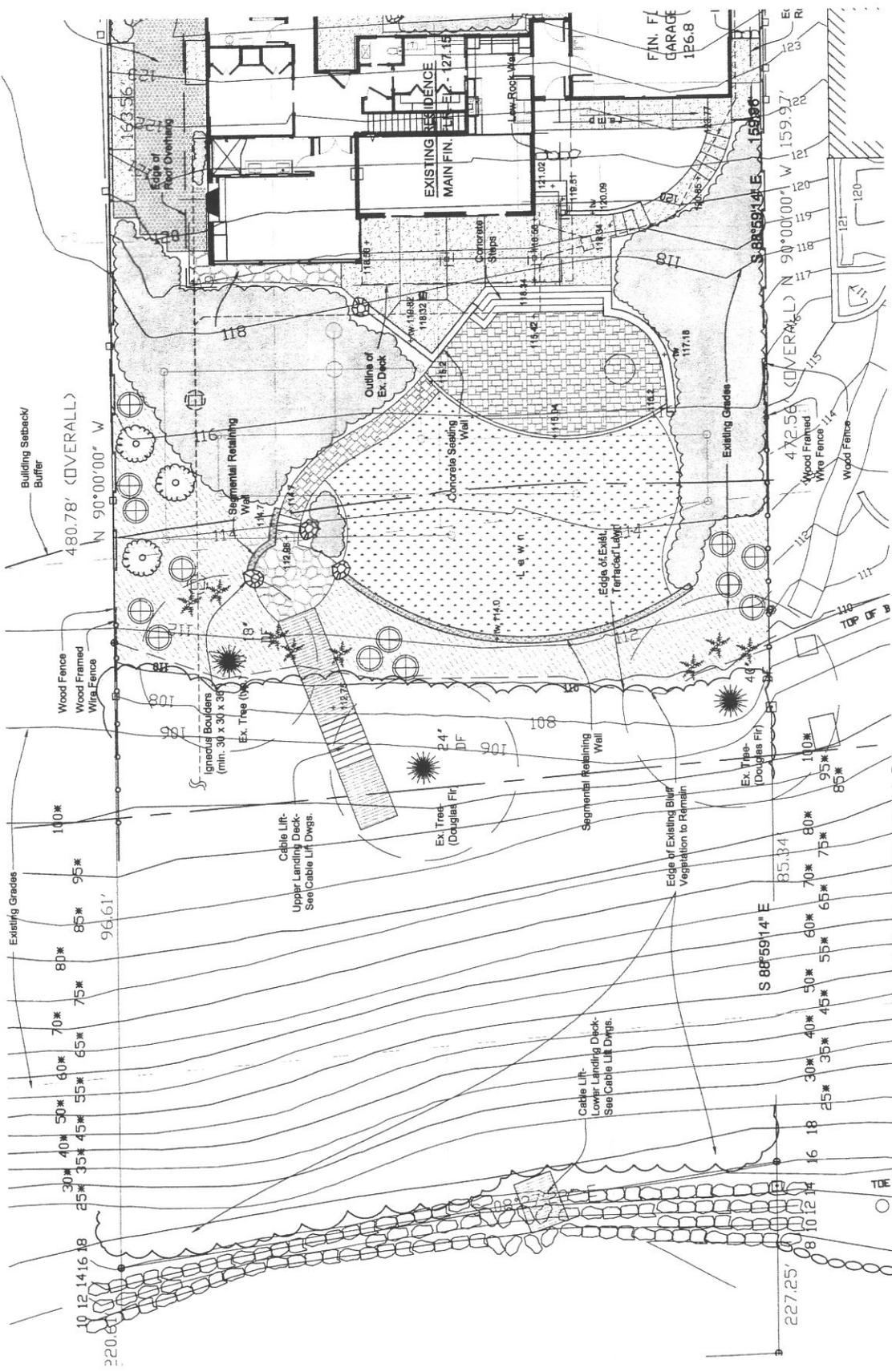
Location: 24325 7th Ave South
 Des Moines, WA
 Parcel # 2013801720
 Lat./ Long: 47.38345 N Lat
 -122.32637 W Long

Proposed Project: Install Cable Lift from top of bluff
 down to existing rock bulkhead. Restore Landscaping
 between house and top of bluff including a low
 wall, patio, lawn and planting beds.

Applicant: Robert Kruse
 Adjacent Property Owners:
 Robert Scarsella/ 2013801721/ 2013801645
 Maria Diamond/ 2013801710
 Richard Drenckpohl/ 2013801620

Page 5 of

In: Puget Sound
 Near/ At: Des Moines, WA
 County: King
 State: WA
 Date: 8.6.13



Planting Plan

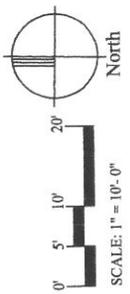
PLANT SCHEDULE

Qty.	Symbol	Botanical/Common Name	Size/Remarks
3		Myrica californica / PACIFIC WAX MYRTLE	min. 30" hgt.
8		Polystichum munitum / SWORD FERN	min. 5 fronds @ 12" o.c.
13		Ribes s. 'King Ed. VI' / FLWG. CURRANT	min. 30" hgt.

Ornamental Planting Beds— Exact species to be determined later. Intent is to select native and Pacific Northwest adapted trees, shrubs and groundcovers/ perennials.

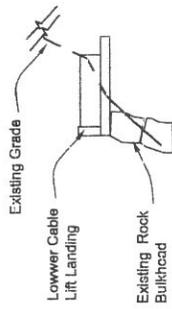
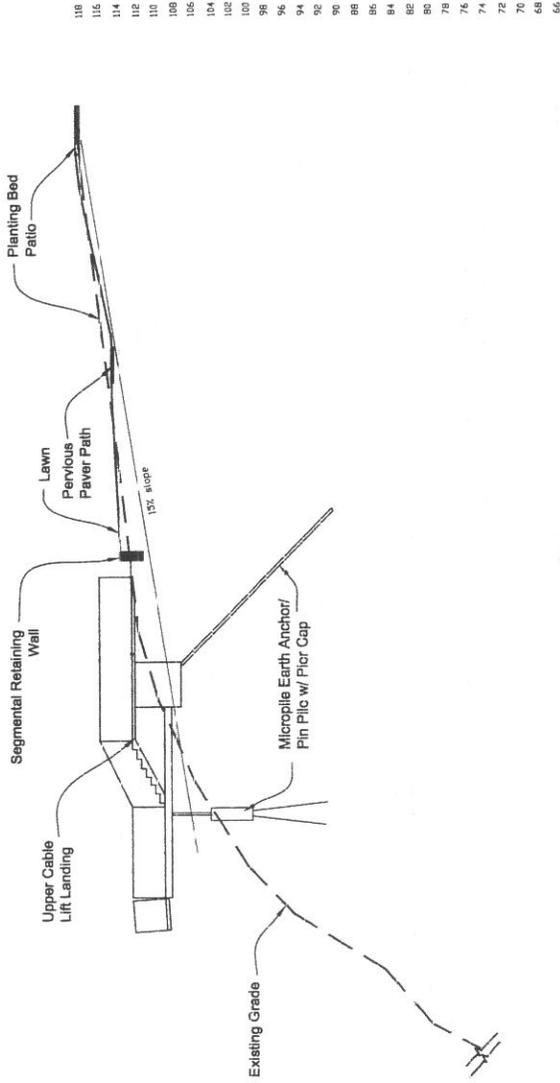
as required Gaultheria shallon / SALAL

as required Lawn



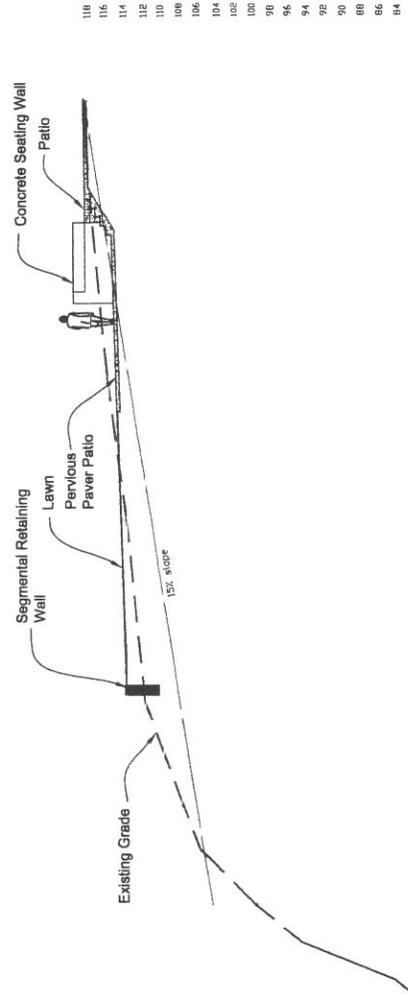
Reference Number:
 Applicant Name: Robert Kruse
 Proposed Project: Install Cable Lift from top of bluff down to existing rock bulkhead. Restore Landscaping between house and top of bluff including low wall, patio, lawn and planting beds.
 Location: 24325 7th Ave South Des Moines, WA
 Sheet of 2
 Date: 9.6.13

* Plant sizes are specified per the American Standard for Nursery Stock, Publication— May 2, 1986 sponsored by the American Association of Nurserymen, Inc.
 * If plant quantity shown on schedule conflicts with what is represented by symbol on Plan, the quantity represented by symbol shall be used.
 * Plant names shown in "bold" are native/ drought tolerant.



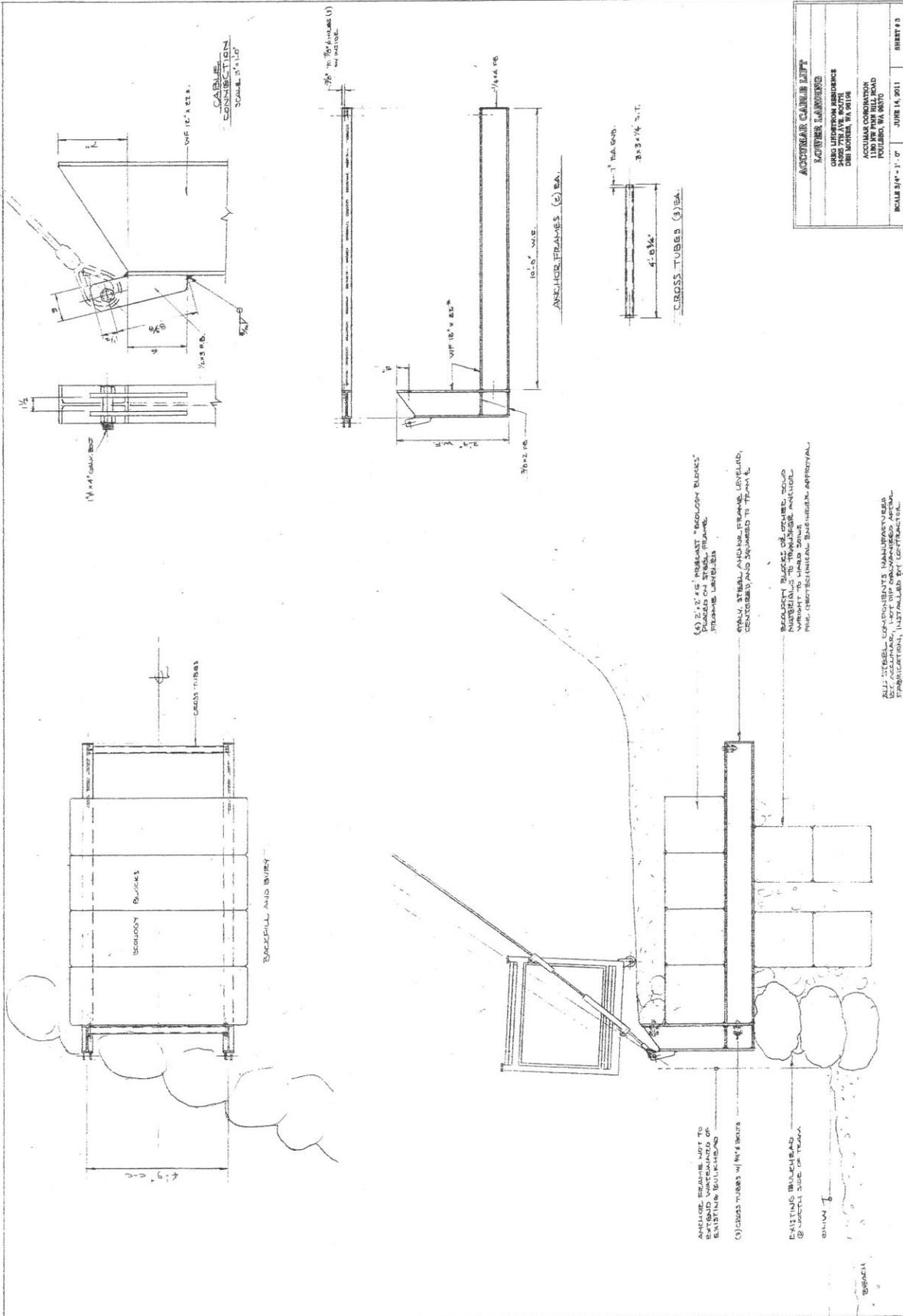
SECTION/ ELEVATION A - A

Reference Number:
 Applicant Name: Robert Kruse
 Proposed Project: Install Cable Lift from top of bluff down to existing rock bulkhead. Restore Landscaping between house and top of bluff including low wall, patio, lawn and planting beds.
 Location: 24325 7th Ave South Des Moines, WA
 Sheet of 9 Date: 8.6.13



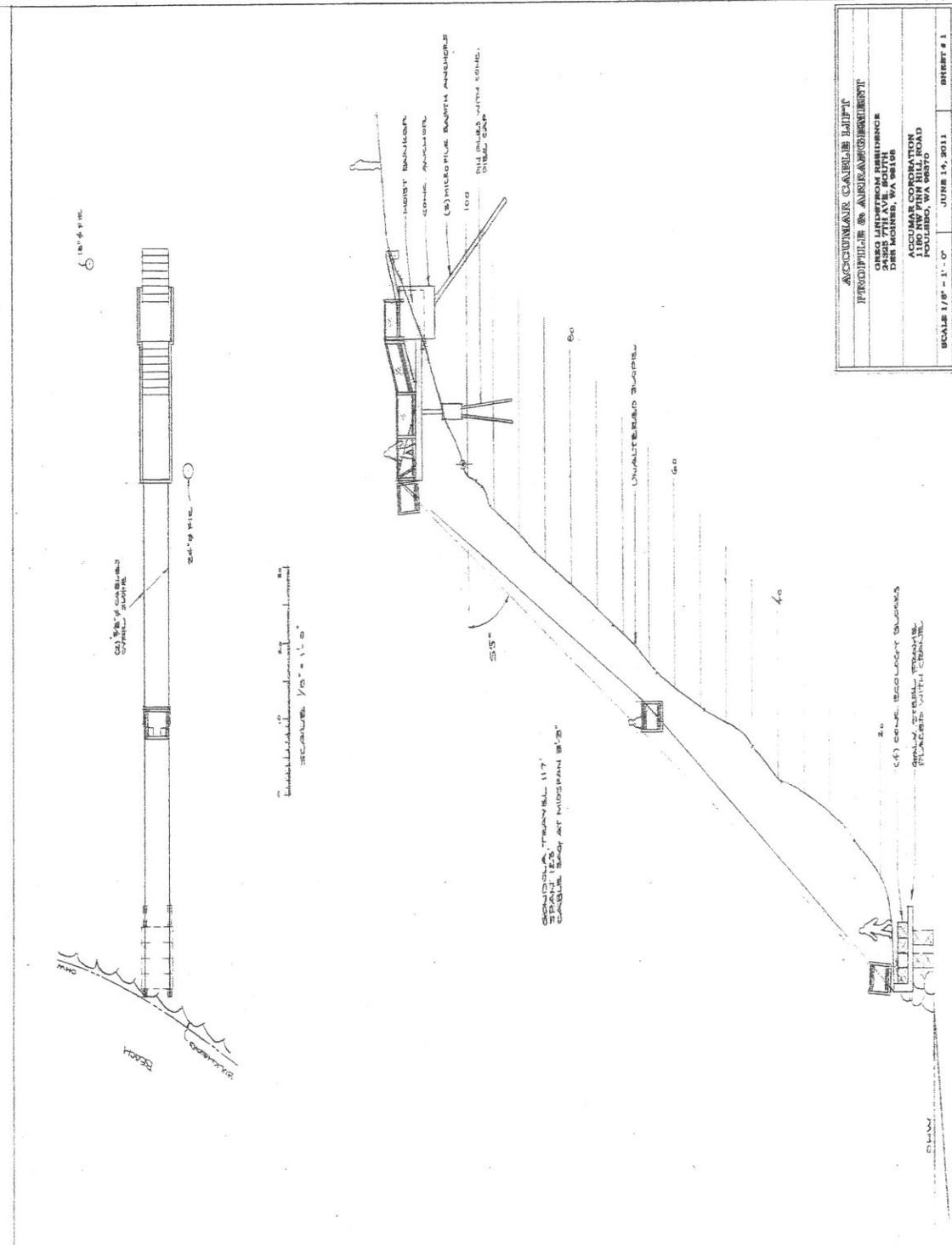
SECTION B - B

Site Sections



ACQUINAR CABLE LIFT	
ACQUINAR LABORERS	
ONE LUTHERAN RESIDENCE	
ONE LUTHERAN RESIDENCE	
ONE LUTHERAN RESIDENCE	
ACQUINAR CORPORATION	
1100 PINE HILL ROAD	
POULSON, WA 98170	
SCALE: 1/4" = 1'-0"	DATE: JUNE 14, 2011
SHEET # 3	

Reference Number:
 Applicant Name: Robert Kruse
 Proposed Project: Install Cable Lift from top of bluff down to existing rock bulkhead. Restore Landscaping between house and top of bluff including low wall, patio, lawn and planting beds.
 Location: 24325 7th Ave South Des Moines, WA
 Sheet 11 of Date: 8.6.13



ACCOUNTEAR CABLE LIFT
 PFDOPHILE & ASSOCIATES
 GREG HENNINGSON PRESIDENT
 1180 NW PINNACLE ROAD
 DES MOINES, WA 98108
 ACCOUNTEAR CORPORATION
 1180 NW PINNACLE ROAD
 HOULDSB, WA 98070
 SCALE 1/8" = 1'-0" JUNE 14, 2011 SHEET # 1

Reference Number:

Applicant Name: Robert Kruse
 Proposed Project: Install Cable Lift from top of bluff down to existing rock bulkhead. Restore Landscaping between house and top of bluff including low wall, patio, lawn and planting beds.
 Location: 24325 7th Ave South Des Moines, WA
 Sheet 12 of 13 Date: 3.6.13



WASHINGTON STATE

**Joint Aquatic Resources Permit
Application (JARPA) Form^{1,2}**

USE BLACK OR BLUE INK TO ENTER ANSWERS IN THE WHITE SPACES BELOW.



US Army Corps
of Engineers
Seattle District

Date received: _____

Agency reference #: _____

Tax Parcel #(s): _____

Part 1–Project Identification

1. Project Name (A name for your project that you create. Examples: Smith’s Dock or Seabrook Lane Development) [\[help\]](#)

Lindstrom Cable Lift and Landscape Improvements

Part 2–Applicant

The person and/or organization responsible for the project. [\[help\]](#)

2a. Name (Last, First, Middle)			
Kruse, Robert C.			
2b. Organization (If applicable)			
2c. Mailing Address (Street or PO Box)			
8885 42 nd Ave SW			
2d. City, State, Zip			
Seattle, WA 98136			
2e. Phone (1)	2f. Phone (2)	2g. Fax	2h. E-mail
(206)932.3589	(206)715.4900	(206)935.7996	robert@rkrusecompany.com

¹ Additional forms may be required for the following permits:

- If your project may qualify for Department of the Army authorization through a Regional General Permit (RGP), contact the U.S. Army Corps of Engineers for application information (206) 764-3495.
- If your project might affect species listed under the Endangered Species Act, you will need to fill out a Specific Project Information Form (SPIF) or prepare a Biological Evaluation. Forms can be found at <http://www.nws.usace.army.mil/Missions/CivilWorks/Regulatory/PermitGuidebook/EndangeredSpecies.aspx>.
- Not all cities and counties accept the JARPA for their local Shoreline permits. If you need a Shoreline permit, contact the appropriate city or county government to make sure they accept the JARPA.

² To access an online JARPA form with [\[help\]](#) screens, go to http://www.epermitting.wa.gov/site/alias_resourcecenter/jarpa_jarpa_form/9984/jarpa_form.aspx.

For other help, contact the Governor’s Office of Regulatory Assistance at 1-800-917-0043 or help@ora.wa.gov.

Part 3—Authorized Agent or Contact

Person authorized to represent the applicant about the project. (Note: Authorized agent(s) must sign 11b of this application.) [[help](#)]

3a. Name (Last, First, Middle)			
Takagi, Glenn			
3b. Organization (If applicable)			
Glenn Takagi Landscape Archtiect			
3c. Mailing Address (Street or PO Box)			
1855 Firlands Way North			
3d. City, State, Zip			
Shoreline, WA 98133			
3e. Phone (1)	3f. Phone (2)	3g. Fax	3h. E-mail
(206)5426100	()	()	glenco1029@earthlink.net

Part 4—Property Owner(s)

Contact information for people or organizations owning the property(ies) where the project will occur. Consider both **upland and aquatic** ownership because the upland owners may not own the adjacent aquatic land. [[help](#)]

- Same as applicant. (Skip to Part 5.)
- Repair or maintenance activities on existing rights-of-way or easements. (Skip to Part 5.)
- There are multiple upland property owners. Complete the section below and fill out JARPA Attachment A for each additional property owner.
- Your project is on Department of Natural Resources (DNR)-managed aquatic lands. If you don't know, contact the DNR at (360) 902-1100 to determine aquatic land ownership. If yes, complete JARPA Attachment E to apply for the Aquatic Use Authorization.

4a. Name (Last, First, Middle)			
Lindstrom, Gregory Lee			
4b. Organization (If applicable)			
4c. Mailing Address (Street or PO Box)			
24325 7 th Ave S			
4d. City, State, Zip			
Des Moines, WA 98198			
4e. Phone (1)	4f. Phone (2)	4g. Fax	4h. E-mail
(253)735.9115	(253)332.6167	(253)735.0437	greg@torrtech.com

Part 5–Project Location(s)

Identifying information about the property or properties where the project will occur. [\[help\]](#)

- There are multiple project locations (e.g. linear projects). Complete the section below and use [JARPA Attachment B](#) for each additional project location.

5a. Indicate the type of ownership of the property. (Check all that apply.) [help]			
X Private			
<input type="checkbox"/> Federal			
<input type="checkbox"/> Publicly owned (state, county, city, special districts like schools, ports, etc.)			
<input type="checkbox"/> Tribal			
<input type="checkbox"/> Department of Natural Resources (DNR) – managed aquatic lands (Complete JARPA Attachment E)			
5b. Street Address (Cannot be a PO Box. If there is no address, provide other location information in 5p.) [help]			
24325 7 th Ave S			
5c. City, State, Zip (If the project is not in a city or town, provide the name of the nearest city or town.) [help]			
Des Moines, WA 98198			
5d. County [help]			
King			
5e. Provide the section, township, and range for the project location. [help]			
¼ Section	Section	Township	Range
NW	20	22N	04E
5f. Provide the latitude and longitude of the project location. [help]			
<ul style="list-style-type: none"> Example: 47.03922 N lat. / -122.89142 W long. (Use decimal degrees - NAD 83) 			
47.38345 N lat./ -122.32637 W long.			
5g. List the tax parcel number(s) for the project location. [help]			
<ul style="list-style-type: none"> The local county assessor's office can provide this information. 			
2013801720			
5h. Contact information for all adjoining property owners. (If you need more space, use JARPA Attachment C.) [help]			
Name	Mailing Address		Tax Parcel # (if known)
Robert Scarsella	P.O. Box 98721		2013801721
	Des Moines, WA 98198		2013801645
Maria Diamond	P.O. Box 98962		2013801710
	Des Moines, WA 98198		
Richard Drenckpohl	24230 7 th Ave S.		2013801620
	Des Moines, WA 98198		

5i. List all wetlands on or adjacent to the project location. [\[help\]](#)

NA

5j. List all waterbodies (other than wetlands) on or adjacent to the project location. [\[help\]](#)

Puget Sound

5k. Is any part of the project area within a 100-year floodplain? [\[help\]](#)

Yes No Don't know

5l. Briefly describe the vegetation and habitat conditions on the property. [\[help\]](#)

All landscaped grounds (lawn with trees and ornamental shrub beds) on whole of property except for the heavily vegetated western portion of steep slope that is comprised of ivy, western hazelnut, blackberries, horsetail, alder, willow, Douglas fir, crabapples and native perennials. Steep slope and associated vegetation extends both north and south.

5m. Describe how the property is currently used. [\[help\]](#)

Property is used as a single family residence with ornamental landscape adjacent to house and the western steep slope area maintained as a natural area.

5n. Describe how the adjacent properties are currently used. [\[help\]](#)

Adjacent properties have similar land form/ cover and use.

5o. Describe the structures (above and below ground) on the property, including their purpose(s) and current condition. [\[help\]](#)

Single family residential with attached garage. Set up with a main floor and a daylight basement. Home is currently being remodeled.

5p. Provide driving directions from the closest highway to the project location, and attach a map. [\[help\]](#)

From I-5 (north or southbound), take 516/ Kent Des Moines Exit westbound. At first traffic light head south on Pacific Hwy. (99). Turn right on S. 240th St. (Highland Community College) continue to Marine View Drive and take a left. Turn right at S. 243 onto a private driveway (posted 'no outlet' and a street sign stating 'to 7th Ave S Private). Site is second house on left.

Part 6–Project Description

6a. Briefly summarize the overall project. You can provide more detail in 6b. [\[help\]](#)

Install cable lift extending from top of western steep slope down to rock bulkhead. Restore landscaping between house and top of slope including a low retaining wall, patio, ornamental planting beds and lawn.

6b. Describe the purpose of the project and why you want or need to perform it. [\[help\]](#)

The cable lift is the least intrusive way to allow access to the bulkhead and to monitor condition of bulkhead, beach and outfall. Owner would like restored landscape to be set further back from the edge of the top of slope and include more native and drought tolerant plant materials.

6c. Indicate the project category. (Check all that apply) [\[help\]](#)

- Commercial
 Residential
 Institutional
 Transportation
 Recreational
 Maintenance
 Environmental Enhancement

6d. Indicate the major elements of your project. (Check all that apply) [\[help\]](#)

- | | | | |
|---|---|--|---|
| <input type="checkbox"/> Aquaculture | <input type="checkbox"/> Culvert | <input type="checkbox"/> Float | <input checked="" type="checkbox"/> Retaining Wall (upland) |
| <input type="checkbox"/> Bank Stabilization | <input type="checkbox"/> Dam / Weir | <input type="checkbox"/> Floating Home | <input type="checkbox"/> Road |
| <input type="checkbox"/> Boat House | <input type="checkbox"/> Dike / Levee / Jetty | <input type="checkbox"/> Geotechnical Survey | <input type="checkbox"/> Scientific Measurement Device |
| <input type="checkbox"/> Boat Launch | <input type="checkbox"/> Ditch | <input type="checkbox"/> Land Clearing | <input type="checkbox"/> Stairs |
| <input type="checkbox"/> Boat Lift | <input type="checkbox"/> Dock / Pier | <input type="checkbox"/> Marina / Moorage | <input type="checkbox"/> Stormwater facility |
| <input type="checkbox"/> Bridge | <input type="checkbox"/> Dredging | <input type="checkbox"/> Mining | <input type="checkbox"/> Swimming Pool |
| <input type="checkbox"/> Bulkhead | <input type="checkbox"/> Fence | <input type="checkbox"/> Outfall Structure | <input type="checkbox"/> Utility Line |
| <input type="checkbox"/> Buoy | <input type="checkbox"/> Ferry Terminal | <input type="checkbox"/> Piling/Dolphin | |
| <input type="checkbox"/> Channel Modification | <input type="checkbox"/> Fishway | <input type="checkbox"/> Raft | |

Other: cable lift

6e. Describe how you plan to construct each project element checked in 6d. Include specific construction methods and equipment to be used. [\[help\]](#)

- Identify where each element will occur in relation to the nearest waterbody.
- Indicate which activities are within the 100-year floodplain.

At the bulkhead: a barge with crane will replace some toppled rocks and prepare a level base of free draining backfill and ecology blocks behind bulkhead as the bottom station for cable lift.

At top of slope: All work at top of slope and adjacent to house will be accessed from the upland side. The upper landing deck will extend from grade and cantilever out to approx. 10' above adjacent grade to create a clear 'travel route' for cable run. Deck will be supported by pin piles and a concrete anchor.

Gently slope uplands: Restored landscape will require minimal disturbance of existing grades. Series of existing low wood retaining walls will be replaced with a 2'0" height segmental retaining wall. A pervious paver patio will be added along with naturalized planting beds and lawn.

6f. What are the anticipated start and end dates for project construction? (Month/Year) [\[help\]](#)

- If the project will be constructed in phases or stages, use [JARPA Attachment D](#) to list the start and end dates of each phase or stage.

Start date: August 2013 End date: October 2014 See JARPA Attachment D

6g. Fair market value of the project, including materials, labor, machine rentals, etc. [\[help\]](#)

\$115,000.00

6h. Will any portion of the project receive federal funding? [\[help\]](#)

- If **yes**, list each agency providing funds.

Yes No Don't know

Part 7–Wetlands: Impacts and Mitigation

Check here if there are wetlands or wetland buffers on or adjacent to the project area.
(If there are none, skip to Part 8.) [\[help\]](#)

7a. Describe how the project has been designed to avoid and minimize adverse impacts to wetlands. [\[help\]](#)

Not applicable

7b. Will the project impact wetlands? [help]						
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't know						
7c. Will the project impact wetland buffers? [help]						
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't know						
7d. Has a wetland delineation report been prepared? [help]						
<ul style="list-style-type: none"> • If Yes, submit the report, including data sheets, with the JARPA package. 						
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No						
7e. Have the wetlands been rated using the Western Washington or Eastern Washington Wetland Rating System? [help]						
<ul style="list-style-type: none"> • If Yes, submit the wetland rating forms and figures with the JARPA package. 						
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't know						
7f. Have you prepared a mitigation plan to compensate for any adverse impacts to wetlands? [help]						
<ul style="list-style-type: none"> • If Yes, submit the plan with the JARPA package and answer 7g. • If No, or Not applicable, explain below why a mitigation plan should not be required. 						
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Not applicable						
7g. Summarize what the mitigation plan is meant to accomplish, and describe how a watershed approach was used to design the plan. [help]						
NA						
7h. Use the table below to list the type and rating of each wetland impacted, the extent and duration of the impact, and the type and amount of mitigation proposed. Or if you are submitting a mitigation plan with a similar table, you can state (below) where we can find this information in the plan. [help]						
Activity (fill, drain, excavate, flood, etc.)	Wetland Name ¹	Wetland type and rating category ²	Impact area (sq. ft. or Acres)	Duration of impact ³	Proposed mitigation type ⁴	Wetland mitigation area (sq. ft. or acres)
NA						
NA						
NA						
NA						
NA						
¹ If no official name for the wetland exists, create a unique name (such as "Wetland 1"). The name should be consistent with other project documents, such as a wetland delineation report. ² Ecology wetland category based on current Western Washington or Eastern Washington Wetland Rating System. Provide the wetland rating forms with the JARPA package. ³ Indicate the days, months or years the wetland will be measurably impacted by the activity. Enter "permanent" if applicable. ⁴ Creation (C), Re-establishment/Rehabilitation (R), Enhancement (E), Preservation (P), Mitigation Bank/In-lieu fee (B)						

Page number(s) for similar information in the mitigation plan, if available: _____

7i. For all filling activities identified in 7h, describe the source and nature of the fill material, the amount in cubic yards that will be used, and how and where it will be placed into the wetland. [\[help\]](#)

NA

7j. For all excavating activities identified in 7h, describe the excavation method, type and amount of material in cubic yards you will remove, and where the material will be disposed. [\[help\]](#)

NA

Part 8–Waterbodies (other than wetlands): Impacts and Mitigation

In Part 8, “waterbodies” refers to non-wetland waterbodies. (See Part 7 for information related to wetlands.) [\[help\]](#)

X Check here if there are waterbodies on or adjacent to the project area. (If there are none, skip to Part 9.)

8a. Describe how the project is designed to avoid and minimize adverse impacts to the aquatic environment. [\[help\]](#)

Not applicable

Barge work will be scheduled with tides to minimize any beach disturbance. Crane will operate from barge to reset toppled bulkhead rocks and transfer/ place construction materials (free draining backfill and ecology blocks behind bulkhead for bottom lift station). Area to receive work will be concentrated on a 30’0” wide segment of bulkhead.

8b. Will your project impact a waterbody or the area around a waterbody? [\[help\]](#)

X Yes No

8c. Have you prepared a mitigation plan to compensate for the project's adverse impacts to non-wetland waterbodies? [\[help\]](#)

- If Yes, submit the plan with the JARPA package and answer 8d.
- If No, or Not applicable, explain below why a mitigation plan should not be required.

Yes No Not applicable

8d. Summarize what the mitigation plan is meant to accomplish. Describe how a watershed approach was used to design the plan.

- If you already completed 7g you do not need to restate your answer here. [\[help\]](#)

NA

8e. Summarize impact(s) to each waterbody in the table below. [\[help\]](#)

Activity (clear, dredge, fill, pile drive, etc.)	Waterbody name ¹	Impact location ²	Duration of impact ³	Amount of material (cubic yards) to be placed in or removed from waterbody	Area (sq. ft. or linear ft.) of waterbody directly affected
Backfill	Puget Sound	Behind Bulkhead	5 days	8 c.y.	20 l.f.
Reset Rocks	Puget Sound	Bulkhead	3 days	Rocks....12 c.y.	30 l.f.

¹ If no official name for the waterbody exists, create a unique name (such as "Stream 1") The name should be consistent with other documents provided.
² Indicate whether the impact will occur in or adjacent to the waterbody. If adjacent, provide the distance between the impact and the waterbody and indicate whether the impact will occur within the 100-year flood plain.
³ Indicate the days, months or years the waterbody will be measurably impacted by the work. Enter "permanent" if applicable.

8f. For all activities identified in 8e, describe the source and nature of the fill material, amount (in cubic yards) you will use, and how and where it will be placed into the waterbody. [\[help\]](#)

All work to prepare lower lift station will occur behind bulkhead. Structural backfill will be loaded and transported by barge to site. Approximately 4-5 c.y. anticipated. Concrete ecology blocks will be loaded and transported by barge to site. At least four blocks will be used. Additional blocks will replace structural backfill as conditions indicate.

Toppled rocks lying at base of bulkhead will be replaced/ reset into wall.

No material will be placed into waterbody.

8g. For all excavating or dredging activities identified in 8e, describe the method for excavating or dredging, type and amount of material you will remove, and where the material will be disposed. [help]

Any excavation will be for preparation of lower lift station pad (structural fill and/ or ecology blocks). Excavator/ crane work will be from deck of barge. Excavations will be set to side behind bulkhead and used for backfill. No material is anticipated to be disposed of.

Part 9–Additional Information

Any additional information you can provide helps the reviewer(s) understand your project. Complete as much of this section as you can. It is ok if you cannot answer a question.

9a. If you have already worked with any government agencies on this project, list them below. [help]

Agency Name	Contact Name	Phone	Most Recent Date of Contact
WA Dept. of Fish and Wildlife	Laura Arber	(425)379.2306	July 9 th 2011
City of Des Moines, WA Planning Dept	Laura Techico	(206)870.6595	January 29 th 2012
		()	

9b. Are any of the wetlands or waterbodies identified in Part 7 or Part 8 of this JARPA on the Washington Department of Ecology's 303(d) List? [help]

- If Yes, list the parameter(s) below.
- If you don't know, use Washington Department of Ecology's Water Quality Assessment tools at: <http://www.ecy.wa.gov/programs/wq/303d/>.

Yes No

9c. What U.S. Geological Survey Hydrological Unit Code (HUC) is the project in? [help]

- Go to <http://cfpub.epa.gov/surf/locate/index.cfm> to help identify the HUC.

17110019

9d. What Water Resource Inventory Area Number (WRIA #) is the project in? [help]

- Go to <http://www.ecy.wa.gov/services/gis/maps/wria/wria.htm> to find the WRIA #.

#9 - Duwamish/ Green

<p>9e. Will the in-water construction work comply with the State of Washington water quality standards for turbidity? [help]</p> <ul style="list-style-type: none"> Go to http://www.ecy.wa.gov/programs/wq/swqs/criteria.html for the standards.
<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not applicable</p>
<p>9f. If the project is within the jurisdiction of the Shoreline Management Act, what is the local shoreline environment designation? [help]</p> <ul style="list-style-type: none"> If you don't know, contact the local planning department. For more information, go to: http://www.ecy.wa.gov/programs/sea/sma/laws_rules/173-26/211_designations.html.
<p><input type="checkbox"/> Rural <input type="checkbox"/> Urban <input type="checkbox"/> Natural <input type="checkbox"/> Aquatic <input type="checkbox"/> Conservancy <input checked="" type="checkbox"/> Other Shoreline Residential</p>
<p>9g. What is the Washington Department of Natural Resources Water Type? [help]</p> <ul style="list-style-type: none"> Go to http://www.dnr.wa.gov/BusinessPermits/Topics/ForestPracticesApplications/Pages/fp_watertyping.aspx for the Forest Practices Water Typing System.
<p><input checked="" type="checkbox"/> Shoreline <input type="checkbox"/> Fish <input type="checkbox"/> Non-Fish Perennial <input type="checkbox"/> Non-Fish Seasonal</p>
<p>9h. Will this project be designed to meet the Washington Department of Ecology's most current stormwater manual? [help]</p> <ul style="list-style-type: none"> If No, provide the name of the manual your project is designed to meet.
<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>Name of manual: WA DOE 2005 Stormwater Management Manual</p>
<p>9i. Does the project site have known contaminated sediment? [help]</p> <ul style="list-style-type: none"> If Yes, please describe below.
<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
<p>9j. If you know what the property was used for in the past, describe below. [help]</p> <p>Current house was finished in 1963. Do not know uses prior to then.</p>
<p>9k. Has a cultural resource (archaeological) survey been performed on the project area? [help]</p> <ul style="list-style-type: none"> If Yes, attach it to your JARPA package.
<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>

9l. Name each species listed under the federal Endangered Species Act that occurs in the vicinity of the project area or might be affected by the proposed work. [\[help\]](#)

American Bald Eagle

9m. Name each species or habitat on the Washington Department of Fish and Wildlife's Priority Habitats and Species List that might be affected by the proposed work. [\[help\]](#)

Estuarine Intertidal Aquatic Habitat

Hardshell Clams

Part 10–SEPA Compliance and Permits

Use the resources and checklist below to identify the permits you are applying for.

- Online Project Questionnaire at <http://apps.ecy.wa.gov/opas/>.
- Governor's Office of Regulatory Assistance at (800) 917-0043 or help@ora.wa.gov.
- For a list of addresses to send your JARPA to, click on [agency addresses for completed JARPA](#).

10a. Compliance with the State Environmental Policy Act (SEPA). (Check all that apply.) [\[help\]](#)

- For more information about SEPA, go to www.ecy.wa.gov/programs/sea/sepa/e-review.html.

A copy of the SEPA determination or letter of exemption is included with this application.

X A SEPA determination is pending with City of Des Moines WA (lead agency). The expected decision date is xx.xx.xx.

I am applying for a Fish Habitat Enhancement Exemption. (Check the box below in 10b.) [\[help\]](#)

X This project is exempt (choose type of exemption below).

X Categorical Exemption. Under what section of the SEPA administrative code (WAC) is it exempt?
WAC 197-11-800 Section 3: 'Repair Remodeling and Maintenance Activities'

Other: _____

SEPA is pre-empted by federal law.

10b. Indicate the permits you are applying for. (Check all that apply.) [\[help\]](#)

LOCAL GOVERNMENT

Local Government Shoreline permits:

- Substantial Development Conditional Use Variance

X Shoreline Exemption Type (explain): Shoreline Variance for cable lift_____

Other city/county permits:

- Floodplain Development Permit Critical Areas Ordinance

STATE GOVERNMENT

Washington Department of Fish and Wildlife:

- Hydraulic Project Approval (HPA) Fish Habitat Enhancement Exemption – [Attach Exemption Form](#)

Effective July 10, 2012, you must submit a check for \$150 to Washington Department of Fish and Wildlife, unless your project qualifies for an exemption or alternative payment method below. **Do not send cash.**

Check the appropriate boxes:

- \$150 check enclosed. (Check # _____)
Attach check made payable to Washington Department of Fish and Wildlife.
- Charge to billing account under agreement with WDFW. (Agreement # _____)
- My project is exempt from the application fee. (Check appropriate exemption)
- HPA processing is conducted by applicant-funded WDFW staff.
(Agreement # _____)
- Mineral prospecting and mining.
- Project occurs on farm and agricultural land.
(Attach a copy of current land use classification recorded with the county auditor, or other proof of current land use.)
- Project is a modification of an existing HPA originally applied for, prior to July 10, 2012.
(HPA # _____)

Washington Department of Natural Resources:

- Aquatic Use Authorization
Complete [JARPA Attachment E](#) and submit a check for \$25 payable to the Washington Department of Natural Resources.
Do not send cash.

Washington Department of Ecology:

- Section 401 Water Quality Certification

FEDERAL GOVERNMENT

United States Department of the Army permits (U.S. Army Corps of Engineers):

- Section 404 (discharges into waters of the U.S.) Section 10 (work in navigable waters)

United States Coast Guard permits:

- General Bridge Act Permit Private Aids to Navigation (for non-bridge projects)

Part 11—Authorizing Signatures

Signatures are required before submitting the JARPA package. The JARPA package includes the JARPA form, project plans, photos, etc. [\[help\]](#)

11a. Applicant Signature (required) [\[help\]](#)

I certify that to the best of my knowledge and belief, the information provided in this application is true, complete, and accurate. I also certify that I have the authority to carry out the proposed activities, and I agree to start work only after I have received all necessary permits.

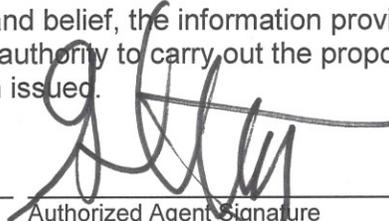
I hereby authorize the agent named in Part 3 of this application to act on my behalf in matters related to this application. RK (initial)

By initialing here, I state that I have the authority to grant access to the property. I also give my consent to the permitting agencies entering the property where the project is located to inspect the project site or any work related to the project. RK (initial)

<u>ROBERT KRURE</u>	<u></u>	<u>8/6/13</u>
Applicant Printed Name	Applicant Signature	Date

11b. Authorized Agent Signature [\[help\]](#)

I certify that to the best of my knowledge and belief, the information provided in this application is true, complete, and accurate. I also certify that I have the authority to carry out the proposed activities and I agree to start work only after all necessary permits have been issued.

<u>GLENN TAKASHI</u>	<u></u>	<u>8.6.13</u>
Authorized Agent Printed Name	Authorized Agent Signature	Date

11c. Property Owner Signature (if not applicant). [\[help\]](#)

Not required if project is on existing rights-of-way or easements.

I consent to the permitting agencies entering the property where the project is located to inspect the project site or any work. These inspections shall occur at reasonable times and, if practical, with prior notice to the landowner.

<u>GREG LINDSTROM</u>	<u></u>	<u>8/6/13</u>
Property Owner Printed Name	Property Owner Signature	Date

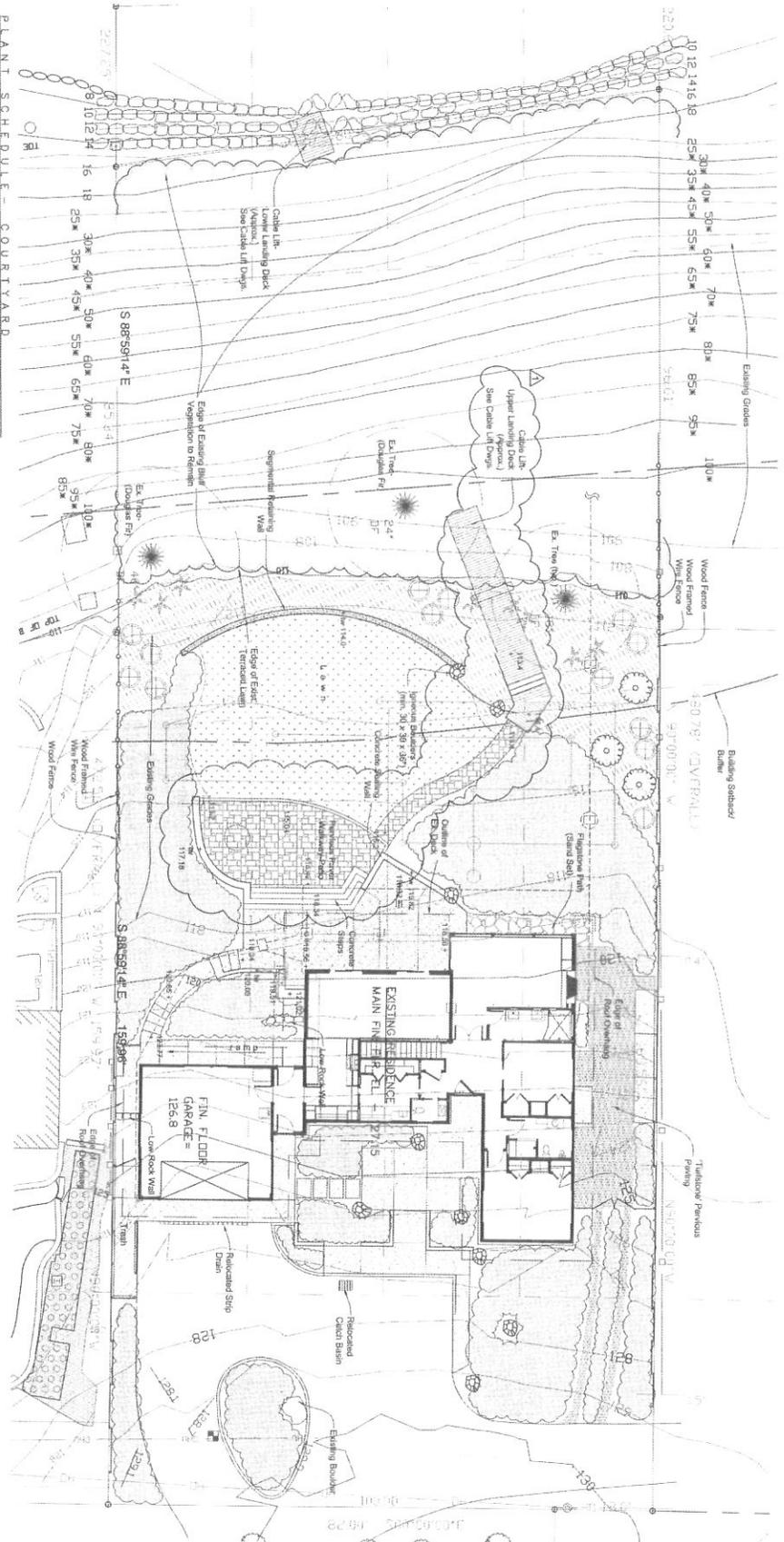
18 U.S.C §1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly falsifies, conceals, or covers up by any trick, scheme, or device a material fact or makes any false, fictitious, or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious, or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than 5 years or both.

If you require this document in another format, contact the Governor's Office of Regulatory Assistance (ORA) at (800) 917-0043. People with hearing loss can call 711 for Washington Relay Service. People with a speech disability can call (877) 833-6341. ORA publication number: ENV-019-09 rev. 06-12

PLANT SCHEDULE - COURTYARD
 City: Shelburne, Vermont
 State: Vermont

- 3 Myrica carolinensis / PACIFIC WAX MYRTLE min. 30" hgt.
 - 8 Polypodium munifolium / SWAMP FERN min. 5 fronds @ 12" o.c.
 - 13 Rhus a. King Ed. w/ F.W.C. CURRANT min. 30" hgt.
- Ornamental Planting Beds - Exact species to be determined later. Intent is to select native and Pacific Northwest adapted trees, shrubs and groundcover/perennials.
- as required: 1 gal. @ 24" o.c. 1 qt. spacing

* Plant sizes are specified per the American Standard for Nursery Stock, Publication - May 2, 1998 sponsored by the American Association of Nurserymen.
 * If plant quantity shown on schedule conflicts with what is represented by symbol on Plan, the quantity represented by symbol shall be used.
 * Plant species grown in "Bald" are native/ Pacific Northwest.



- PLANTING NOTES:**
- Planting soil for new planting areas shall be an approved Compost cultivated into the existing prepared subgrade. If existing subgrade is deemed not suitable by Landscape Architect, a pre-mixed garden soil with a "Sandy Gravelly Loam" texture shall be used. Provide texture and nutrient analysis for approval.
 - Soil Prepared for planting beds: Determine drain beds subgrade and cultivate to a minimum depth of 6 inches (6").
 - Soil Prepared for light beds (LB): clear the area to a minimum depth of 6 inches (6") and fill again to a minimum depth of six inches (6") to incorporate Compost thoroughly into grade. Then lay a two inch lift of Compost (or four (4") depth of imported soil mix) and fill again. (total of 4" of added Compost or total of 7" of imported soil mix). Note that finish grade of mulched beds shall be one inch (1") below adjacent paved surfaces.
 - Substrate for all trees, shrubs, and perennials shall be a minimum depth of four inches (4"). Clear remove all rocks, roots, debris, and other materials from the site. Subgrade shall be 3" of approved sand-compost based "WhiteMix" Topsoil and fill to incorporate into subgrade. Add top three inches (3") of Topsoil Mix, rake smooth and compact. Note that finish grade of lawn shall be 3/4" below top of adjacent paved surfaces.
 - Fertilize all installed plants during backfill operations with 4-3-2 Agro Transplanter as recommended by Manufacturer. Fertilize lawn with Scott's Fertilizer as recommended by Manufacturer.
 - Substitutions or changes in materials and placement shall be made only on the written change orders as agreed between Contractor, Landscape Architect and Owner.
 - Mulch all beds with a minimum 2 inch (2") depth of approved mulch. Finish grade of mulch shall be 1" below adjacent paved surfaces.
 - Stake trees per detail and as directed by Landscape Architect.
 - Maintenance: Provide landscape maintenance (watering and pruning, weeding of plants, removing weeds, adjustments to staking and removal of mulch/debris as needed) for healthy growth of plants. Maintain until Final Acceptance, but in no case less than 30 days (including a min. of two lawn mowings if applicable).
 - The Landscape Architect retains the right to inspect trees, shrubs and groundcover for compliance with the Landscaping Schedule and any items. This includes but is not limited to size and condition of rootballs, root systems, trunks, stem girths and defects. Remove rejected material immediately from project site.



Sheet
L4
 of 6

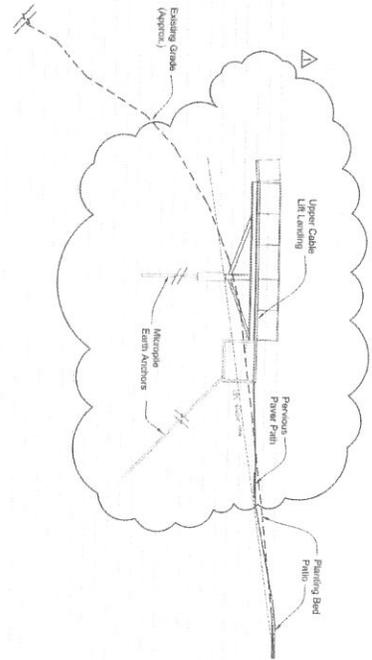
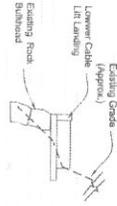
Project No.:	ST
Drawn:	ST
Checked:	ST
Design Issues:	11/13/14
Revision:	11/13/14

Planting Plan

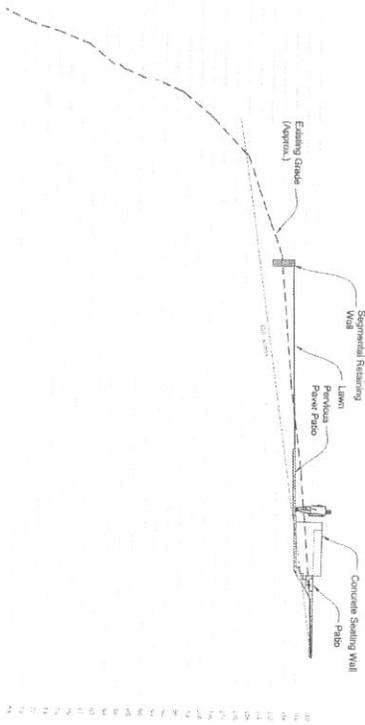
Glenn Takagi
 Landscape Architect
 7000 N. 10th St., Suite 100
 Shoreline, WA 98133
 Phone: (206) 485-1979
 Fax: (206) 546-1278

LINDSTROM GARDEN
 24325 7th Ave South
 Des Moines, WA

GENERAL NOTES:
 1. Cable Lift system in section is provided as graphical representation only and shall not be used for construction. Please refer to drawings prepared by Accumar for details. This drawing is based on Resurgence dated 6/14/11 (revised) 12/3/13 for detailed design and cross section.



SECTION/ELEVATION A - A



SECTION B - B

Layout and Grading Plan-Sections

Glenn T. Seigel
 Landscape Architect
 1824 1/2 Ave. SW, 2nd Fl.
 Shoreline, WA 98133
 P: (206) 548-1178
 F: (206) 548-1178



LINDSTROM GARDEN
 24325 7th Ave South
 Des Moines, WA

Project No.: _____
 Drawn: GT
 Checked: GT
 Drawing Issue: 4/4/14
 1/13/14
 Revisions: 1/13/14

Sheet **L3** of 6

Vicinity Map

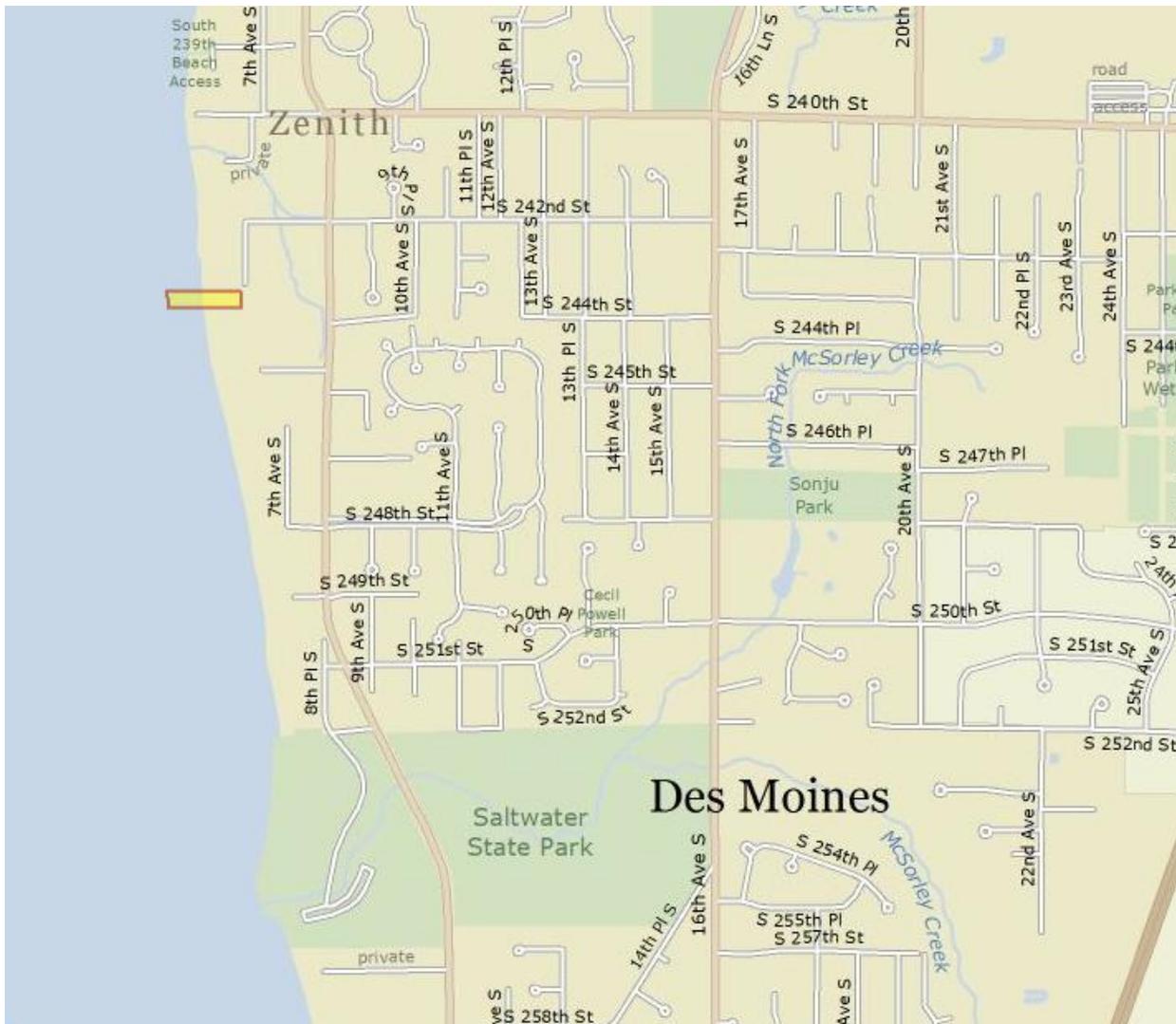
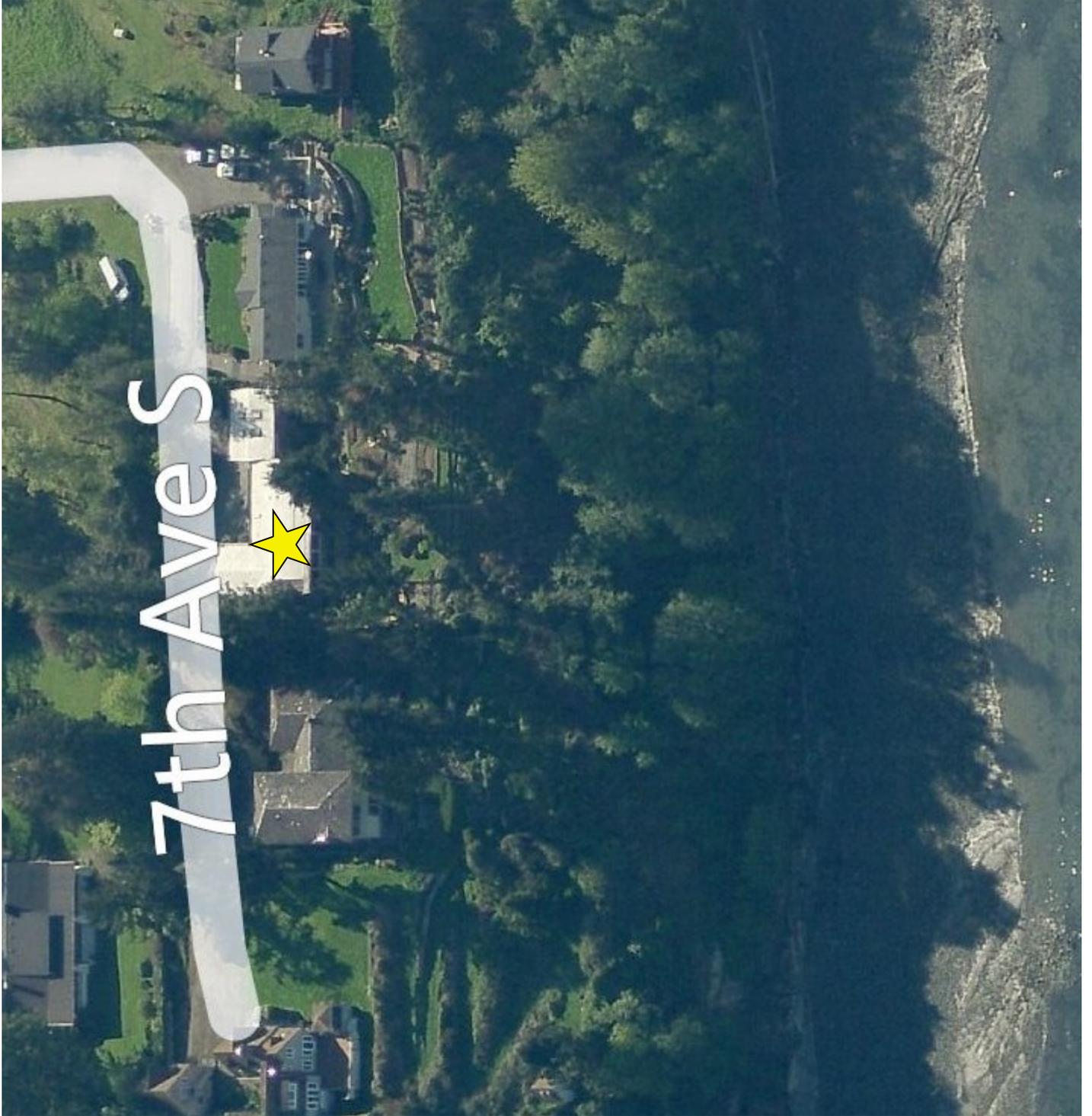


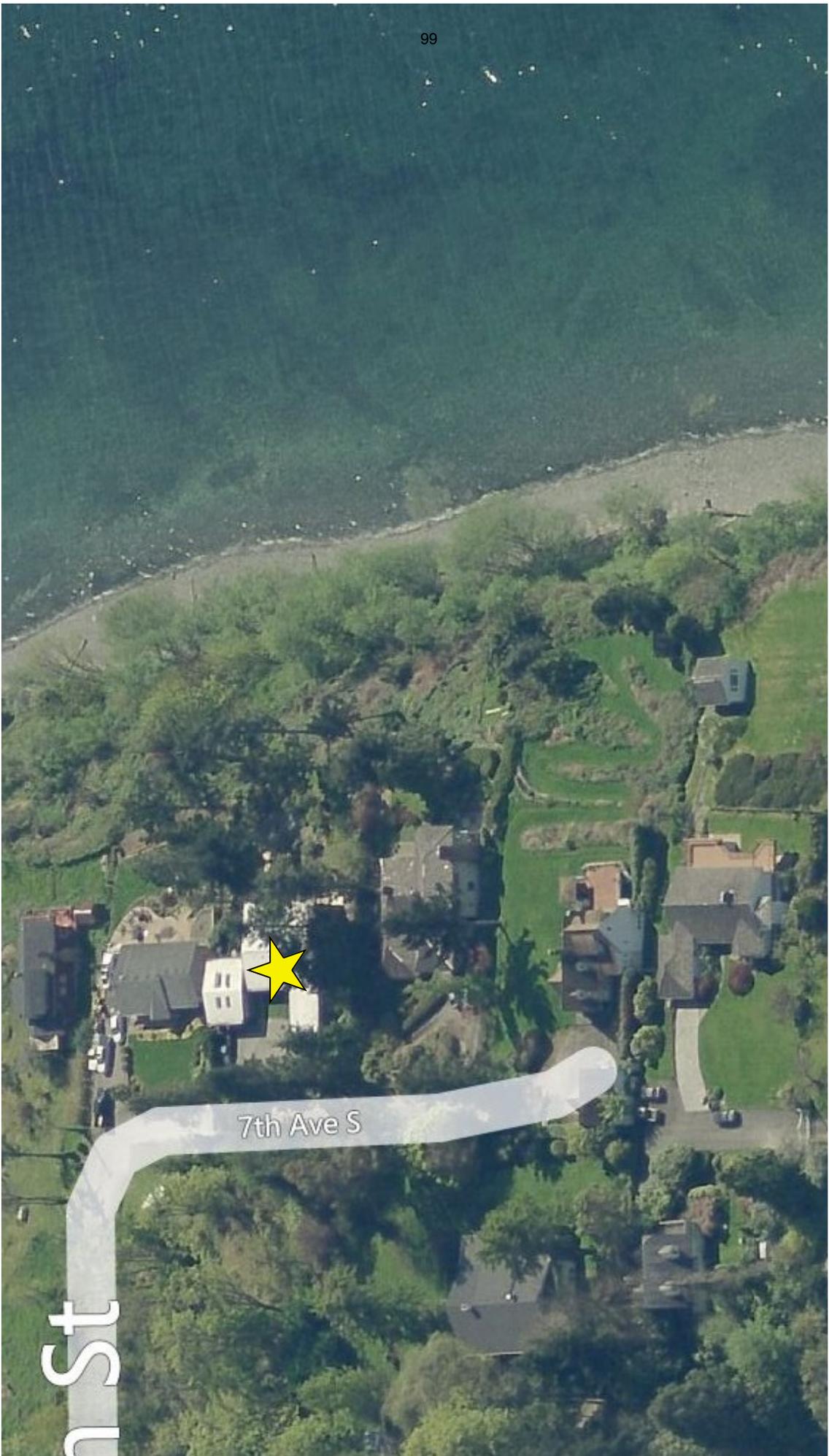
EXHIBIT 6











n St

7th Ave S

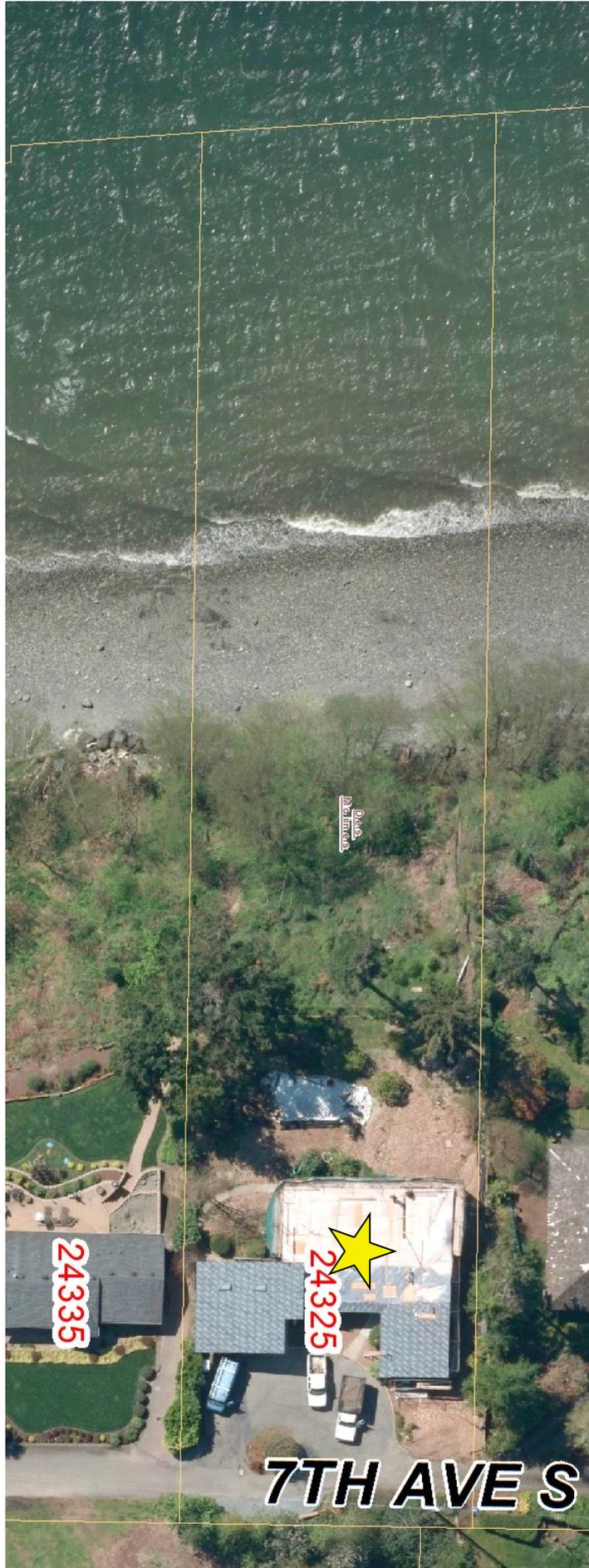




EXHIBIT 7

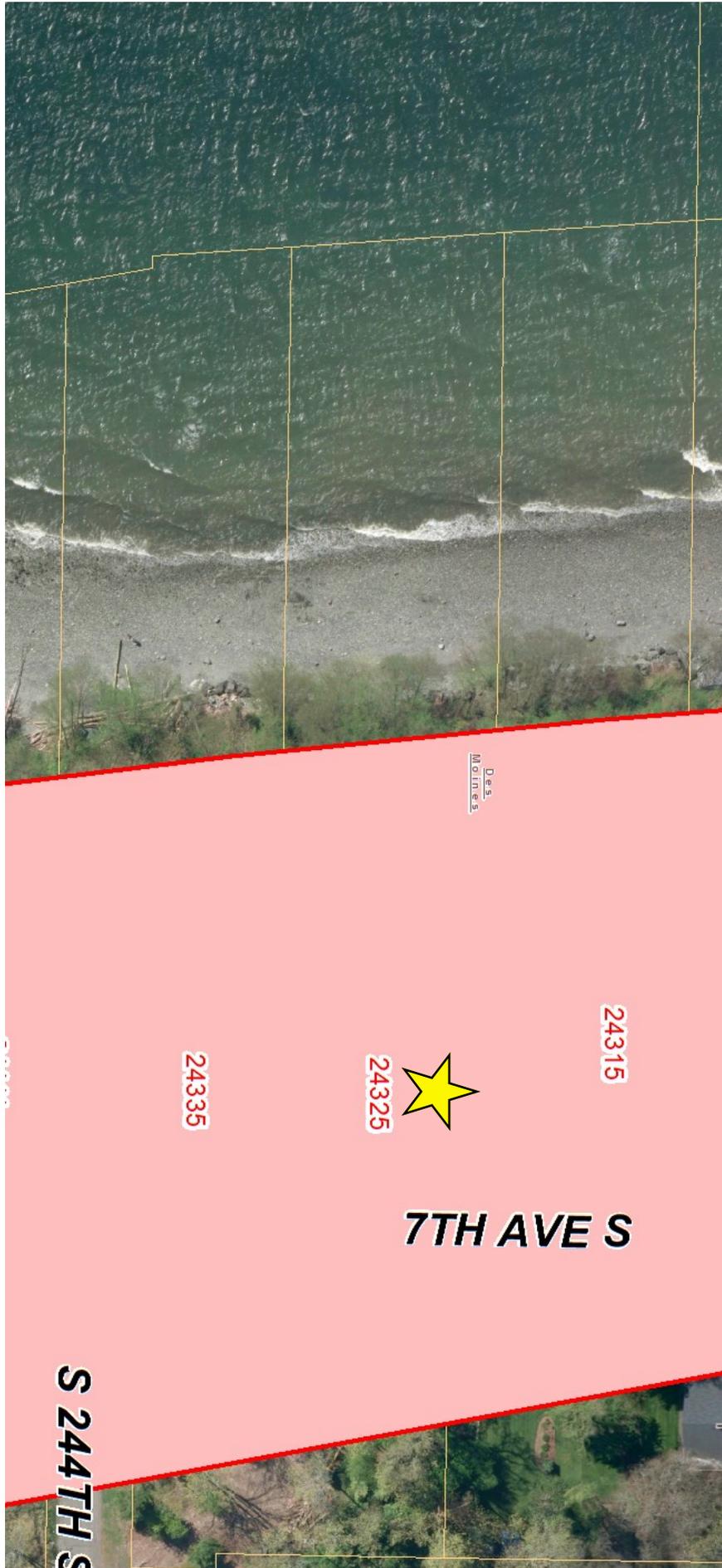


EXHIBIT 8

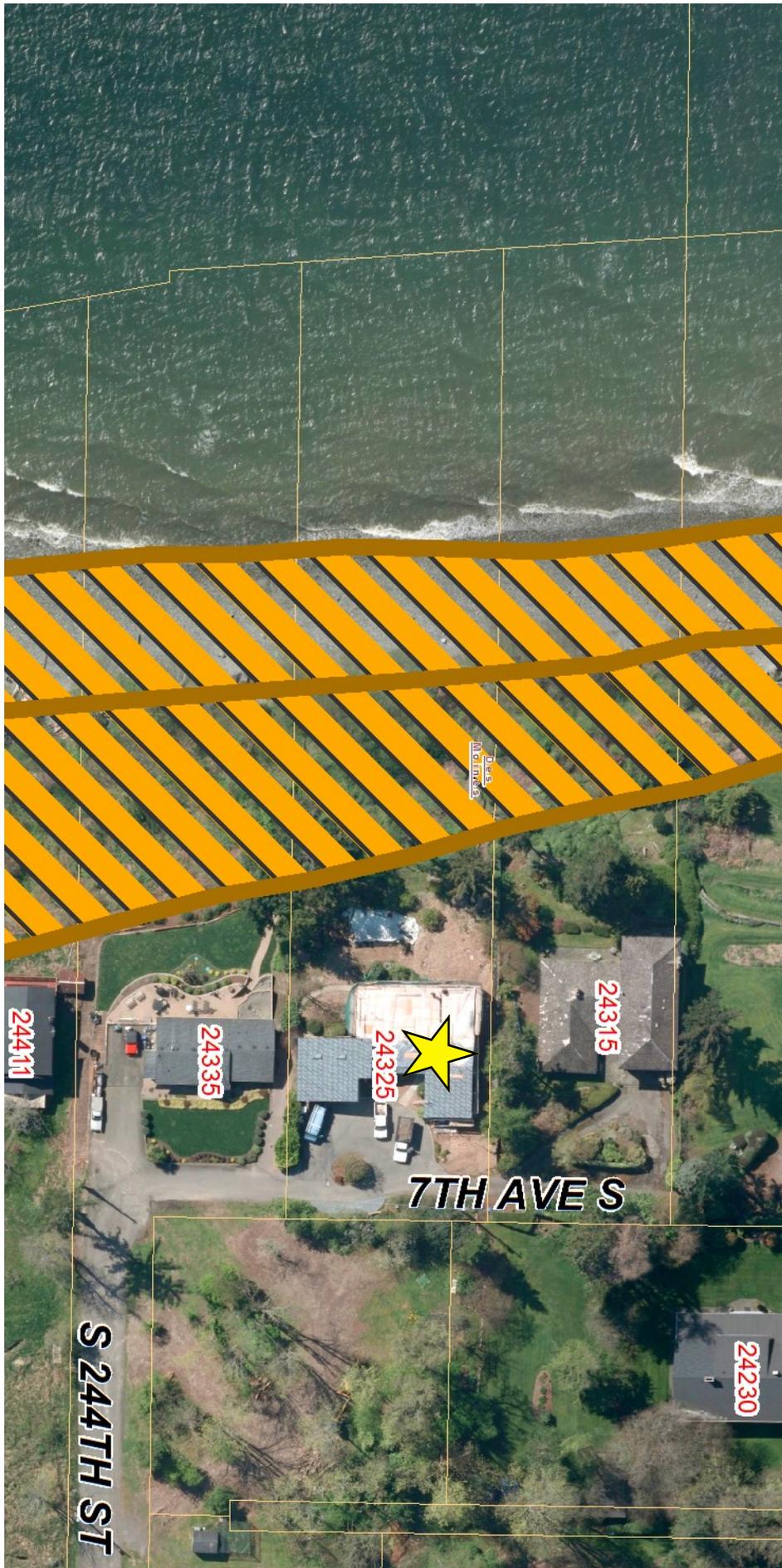


EXHIBIT 9



City of Des Moines

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



August 30, 2013

Glenn Takagi
 18550 Firlands Way North
 Shoreline, WA 98133

PROVIDED BY EMAIL

Re: Lindstrom Cable Lift/Landscaping (24325 7th Avenue South) – LUA2013-0025

Dear Mr. Takagi,

The purpose of this letter is to provide written notice as required by RCW 36.70B.070 that the Development Services Division has determined that the permit application submitted on August 06, 2013 to install a cable lift and landscaping at the residence referenced above met the procedural submittal requirements established by the Des Moines Municipal Code – Chapter 20.07. The application was deemed complete effective August 30, 2013. The Master Land Use Application number is LUA2013-0025. Please use this number when inquiring on this project. The documents associated with the City's review and the current status of the application are available at the following website:

www.desmoineswa.gov/mypermits

To access the information, once on the above website, please click on ***Click to Search*** under the Permit Search Section and then enter the File Number identified above in ***The Search By ID Number*** box and then click ***Search***.

The Development Services staff will review the application materials, which will include a determination of the type of shoreline permit that will be required. We will contact you for additional information as needed.

If there are any questions regarding the above information please contact me by phone at (206) 870-6551 or email me at ncoleman@desmoineswa.gov.

Sincerely,

Nikole Coleman-Porter

Nikole Coleman-Porter
 Land Use Planner
 Development Services

CC: LUA2013-0025 File



CITY OF DES MOINES, WASHINGTON



Notice of Land Use Application, Shoreline Variance Permit and Determination of Nonsignificance

Notice is hereby given that the City of Des Moines Responsible SEPA Official has determined that the following described proposal is not anticipated to create significant adverse environmental impacts and will not require preparation of an environmental impact statement. This determination shall become final and effective, provided a property and complete appeal has not been filed, by **October 18, 2013**

APPLICATION SUBMITTAL:	August 6, 2013	APPLICATION COMPLETE:	August 30, 2013
DATE OF DECISION:	September 18, 2013	COMMENT DUE DATE:	October 18, 2013
PROPOSAL:	Installation of a cable lift tram from the edge of the high bank down to an existing bulkhead, conduct minor bulkhead repair, and restore landscaping around the single family residence, including a new patio, a low retaining wall, and new plantings.		
PROPONENT:	Greg Lindstrom		
LOCATION:	24325 7 th Avenue South, Des Moines WA 98198, Tax Parcel: 2013801720		
FILE NUMBER:	LUA2013-0025 (Lindstrom Cable Lift and Landscaping)		
EXISTING ENVIRONMENTAL DOCUMENTATION:	Geotechnical Report and Critical Area Considerations (Earth+Water); SEPA Checklist.		
OTHER REQUIRED PERMITS:	Grading Permit and Building Permit.		

Written comments concerning the DNS may be submitted to the Des Moines Planning, Building & Public Works Department, located at 21630 11th Avenue South, Suite D, Des Moines, WA 98198, by 4:30 p.m., **October 18, 2013**. Comments should discuss specific environmental issues associated with this proposal and identify how the DNS does or does not address those issues.

The decision to issue the DNS may be appealed by filing an appeal consistent with Sections 16.04.210 and 18.94.113, if applicable, of the Des Moines Municipal Code. Appeals must be complete and filed with the City Clerk by 4:30 p.m., on **October 18, 2013**. The appeal letter must cite specific procedural errors, omissions, environmental impacts, inaccurate environmental information or failure to comply with specific adopted policies or codes which dispute the validity of the DNS.

For further information contact Nikole Coleman-Porter, Land Use Planner, by email at ncoleman@desmoineswa.gov or by phone at (206) 870-6551 during regular office hours. All letters and telephone inquiries should refer to file number (LUA2013-0025).



Zoning Map

EXHIBIT 12

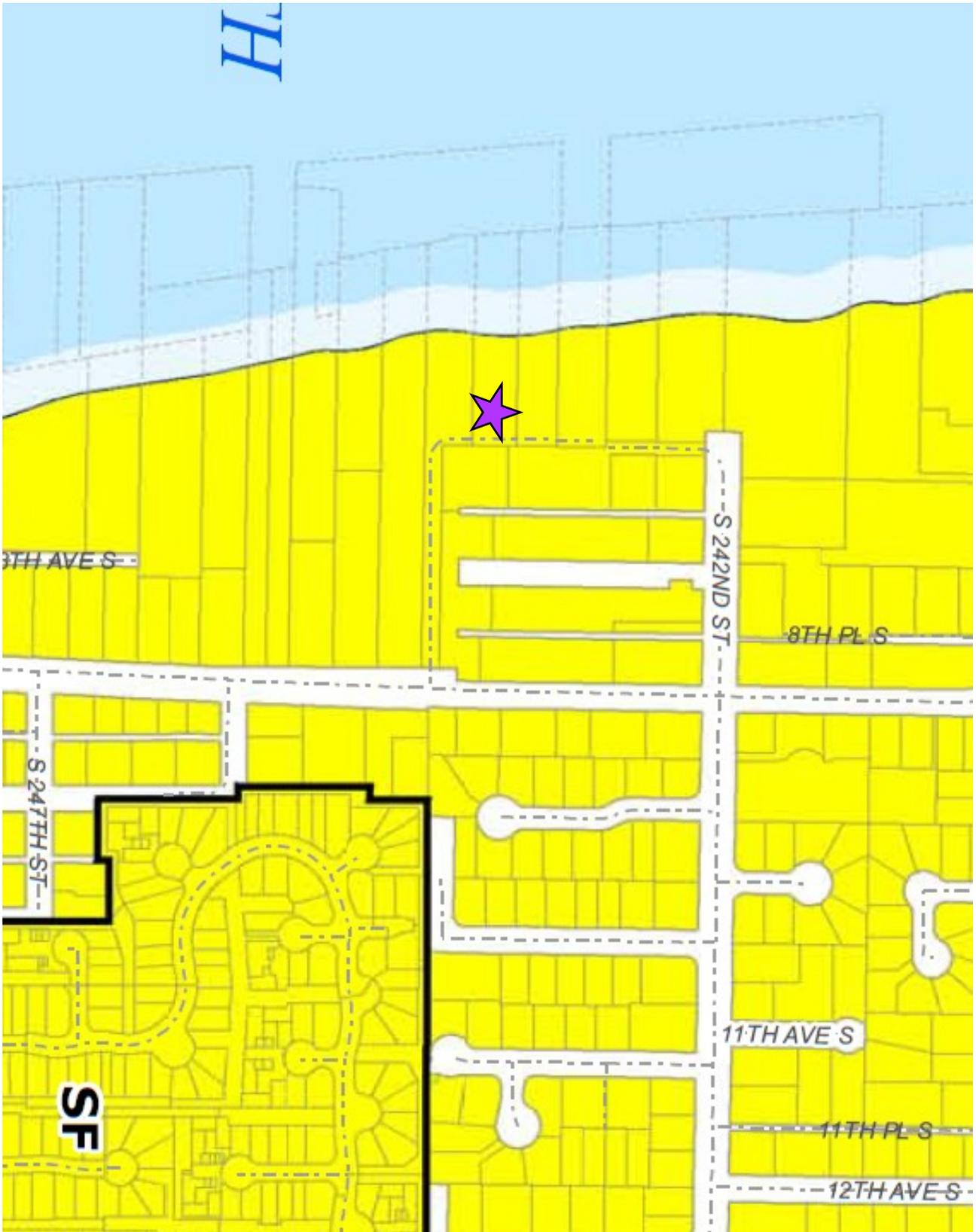


EXHIBIT 13

Land Use Map



NOTICE OF PUBLIC HEARING

Notice is hereby given on **3/4/14** that the Des Moines City Council will conduct a public hearing on **4/3/14** at 7:00 p.m., or as soon thereafter as the matter may be heard, in the Council Chambers, 21630 11th Avenue South, Des Moines, WA 98198 for the following proposal:

PROPOSAL: Install a cable lift tram from the edge of the high bank down to an existing bulkhead, conduct minor bulkhead repair, and restore landscaping around the single family residence, including a new patio, a low retaining wall, and new plantings.

FILE NUMBER: LUA2013-0025

PROPONENT: Greg Lindstrom

LOCATION: 24325 7th Ave. South, Des Moines WA 98198, Tax Parcel: 2013801720

The public has the right to review contents of the official file for the proposal, provide written comments, participate in the public hearings/meetings, and request a copy of the final decision. Written comments are also encouraged and will be accepted for consideration if filed with the Planning, Building, and Public Works Department on or before **4/3/14**.

The documents associated with this land use action are available at the following website: www.desmoineswa.gov/mypermits. Once on the above website, please click on **Click to Search** under the Permit Search Section and then enter the File Number identified above in **The Search by ID Number** box and then click **Search** to access the information

Written comments concerning the proposed project may be submitted to City of Des Moines Planning, Building, and Public Works Department, located at 21630 11th Avenue South, Suite D, Des Moines, WA 98198, by 4:30 p.m., **4/3/14**.

The above proposal is a Type VI Land Use Action; the final decision would be appealable to the Washington State Shorelines Hearings Board under the Shorelines Management Act, Chapter 90.58 RCW.

For further information contact Nikole Coleman-Porter, Land Use Planner, by phone (206) 870-6551 or by e-mail ncoleman@desmoineswa.gov during regular office hours. All letters and telephone inquiries should refer to file number (LUA2013-0025).

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

The Seattle Times

City of Des Moines Comm Dev
Lorraine Cottrell
21630 11th Ave S Ste A

Seattle, WA 98198

Re: Advertiser Account # 107233
Ad #: 409900

Agency Account #: 0
Agency Name:

Affidavit of Publication

STATE OF WASHINGTON
Counties of King and Snohomish

The undersigned, on oath states that he/she is an authorized representative of The Seattle Times Company, publisher of The Seattle Times of general circulation published daily in King and Snohomish Counties, State of Washington. The Seattle Times has been approved as a legal newspaper by others of the Superior Court of King and Snohomish Counties.

The notice, in the exact form annexed, was published in the regular and entire issue of said paper or papers and distributed to its subscribers during all of the said period.

Newspaper and Publication Date(s)	
Seattle Times	02/25/14

Agent MAUREEN E DUGGAN Signature Maureen E Duggan



Subscribed and sworn to before me on Feb 25, 2014
DATE
Christina C. McKenna
Christina C. McKenna
(Notary Signature) Notary Public in and for the State of Washington, residing at Seattle

The Seattle Times

City of Des Moines Comm Dev
Lorraine Cottrell
21630 11th Ave S Ste A

Seattle, WA 98198

Re: Advertiser Account # 107233

Agency Account #: 0

Ad #: 410398

Agency Name:

Affidavit of Publication

STATE OF WASHINGTON
Counties of King and Snohomish

The undersigned, on oath states that he/she is an authorized representative of The Seattle Times Company, publisher of The Seattle Times of general circulation published daily in King and Snohomish Counties, State of Washington. The Seattle Times has been approved as a legal newspaper by others of the Superior Court of King and Snohomish Counties.

The notice, in the exact form annexed, was published in the regular and entire issue of said paper or papers and distributed to its subscribers during all of the said period.

Newspaper and Publication Date(s)	
Seattle Times	03/04/14

Agent MAUREEN E DUGGAN Signature Maureen E Duggan



Subscribed and sworn to before me on March 4 2014
DATE Christina C. McKenna

(Notary Signature) Notary Public in and for the State of Washington, residing at Seattle



AFFIDAVIT OF ADJACENT PROPERTY PUBLIC NOTICE INFORMATION

STATE OF WASHINGTON)
)
County of King)

I, GREG LINDSTROM, being duly sworn on oath, certify, depose and say:

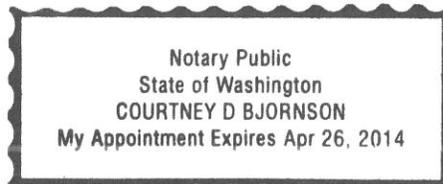
1. I have carefully compiled and, upon the submittal to the City of Des Moines hereof, provide the names and addresses of all property owners and the addresses of known occupants/tenants in accordance with the requirements of Des Moines Municipal Code 16.04.160 (5) within a three hundred foot (300') radius of property located at 24325 7TH AVE S, DES MOINES WA 98198.
2. This information, together with a corresponding radius map, is in the form prescribed by the City of Des Moines and is consistent with the most current records available from the King County Assessor's Office.
3. Attached hereto is a complete list of the names and addresses of all property owners and the addresses of known occupants/tenants who will be sent written notice by myself upon direction from the City of Des Moines Community Development Department or SEPA Official.

Greg Lindstrom
AFFIANT

Signed and sworn to before me this 4TH day of MARCH, 2002014.

Courtney Bjornson
NOTARY PUBLIC in and for the State of Washington, residing at KING County.

My Commission expires: APRIL 26 2014



Lindstrom Project
 Parcel Number: 2013801720
 Address: 24325 7th Ave S, Des Moines WA 98198
 File Number: LUA2013-0025

Property Owners within 300 ft. Radius of Lindstrom Property

Parcel

2013801528	Owner: Robert Scarsella Property address: 24335 7th Ave S, Des Moines WA 98198 Mailing address: PO Box 98721, Des Moines WA 98198
2013801540	Owner: Brad Wagner Property & Mailing address: 803 S 242nd St, Des Moines WA 98198
2013801610	Owner: Roger & Carol Dooley Property & Mailing address: 24218 7th Ave S, Des Moines WA 98198
2013801620	Owner: Richard & Susan Drenckpohl Property & Mailing address: 24230 7th Ave S, Des Moines WA 98198
2013801645	Owner: Robert Scarsella
2013801680	Owner: E. I. Pina Property address: 24219 7th Ave S, Des Moines WA 98198 Mailing address: PO Box 98085, Des Moines WA 98198
2013801700	Owner: Anita Corby Property address: 24305 7th Ave S, Des Moines WA 98198 Mailing address: PO Box 13554, Des Moines WA 98198
2013801710	Owner: Maria Diamond Property address: 24315 7th Ave S, Des Moines WA 98198 Mailing address: PO Box 98962, Des Moines WA 98198
2013801721	Owner: Robert Scarsella
2013801731	Owner: Linda Snyder Property & Mailing address: 24415 Marine View Dr S, Des Moines WA 98198
2013801730	Owner: Linda Snyder
2013801750	Owner: Doug Wang & Yong Zhou Property address: 24411 Marine View Dr S, Des Moines WA 98198 Mailing address: PO Box 23720, Sammamish WA 98075

6.1 General Shoreline Development and Performance Standards

The following general development and performance standards apply to all uses and activities in all shoreline environments.

6.1.1 Building height, marine buffers, and building setbacks.

1. In all shoreline environments development must comply with applicable buffers and setbacks established by this chapter of the SMP;
2. Pursuant to Section 6.1.3 of this Chapter, buffers for designated critical areas physically located in shoreline jurisdiction shall apply to uses and development located in shoreline jurisdiction. A minimum buffer of 115 feet from the marine ordinary high water mark (OHWM) shall be maintained in designated Urban Conservancy and Shoreline Residential environments.
3. A minimum building setback of 10 feet from the landward edge of buffer must be maintained in all shoreline environments.
4. The maximum building height in all shoreline environments for all uses shall not exceed the height requirement of the underlying zone; except that in no case shall building height exceed 35 feet above average grade level on the property.
5. Adjustment of buffers or setbacks may be allowed pursuant to Sections 6.1.4(3) and 6.1.4(4) of this Chapter upon obtaining a variance permit that can provide relief from the dimensional requirements of this program. A variance may only be granted when all of the criteria listed at WAC 173-27-170 are met. A variance is intended to allow only a minimum degree of variation from setback or other standards, just enough to afford relief and to allow a reasonable use of a property. Based upon the shoreline inventory and characterization, minimum necessary standards must assure no net loss of shoreline ecological functions.

6.1.2 Vegetation Conservation

1. Land within shoreline and critical buffer areas extending from marine ordinary high water mark, as described in Section 6.1.1(2), shall be considered vegetation conservation areas. Native shoreline vegetation that has not been otherwise disturbed by legal means shall be preserved to the maximum extent feasible within the vegetation conservation area consistent with safe construction practices, and other provisions of this chapter. Native trees and shrubs shall be preserved to maintain and provide shoreline ecological functions such as habitat, shade, and slope stabilization.
2. The following minimum standards for shoreline and critical area vegetation conservation shall apply:
 - a. In the event buffers for more than one designated critical area per DMMC 18.86 are applicable, the most protective standards for vegetation conservation shall apply;
 - b. No more than 15 percent of the area with native shoreline vegetation shall be cleared within the vegetation conservation area;

- c. All native trees in the vegetation conservation area over 20 inches in diameter at breast height shall be retained. Trees determined by the City to be hazardous or diseased may be removed. Replacement of non-native vegetation with native species shall be done in a manner that will not leave soil bare or vulnerable to erosion.
- d. The Shoreline Administrator may allow removal of vegetation exceeding that described above where an applicant agrees to replacement plantings that are demonstrated to provide greater benefit to shoreline ecological functions than would be provided by strict application of this section, based upon the findings from the 2005 Shoreline Inventory and Characterization.

6.1.3 Environmental Impact Mitigation

1. All shoreline development and uses shall occur in a manner that results in no net loss of shoreline ecological functions, through the location and design of all allowed development and uses. In cases where impacts to shoreline ecological functions from allowed development and uses are unavoidable, those impacts shall be mitigated, according to the provisions of this section, to ensure no net loss of shoreline ecological functions.
2. To the extent Washington's State Environmental Policy Act of 1971 (SEPA), Chapter 43.21C RCW, is applicable, the analysis of environmental impacts from proposed shoreline uses or developments shall be conducted consistent with the rules implementing SEPA (DMMC 16.04 and WAC 197-11).
3. Where required, mitigation measures shall be applied in the following sequence of steps listed in order of priority.
 - a. Avoiding the impact altogether by not taking a certain action or parts of an action;
 - b. Minimizing impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts;
 - c. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
 - d. Reducing or eliminating the impact over time by preservation and maintenance operations;
 - e. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and
 - f. Monitoring the impact and the compensation projects and taking appropriate corrective measures.
4. In determining appropriate mitigation measures applicable to shoreline development, lower priority measures shall be applied only where higher priority measures are determined to be infeasible or inapplicable.
5. Required mitigation shall not be in excess of that necessary to assure that proposed uses or development will result in no net loss of shoreline ecological functions.
6. Mitigation actions shall not have a significant adverse impact on other shoreline functions fostered by the policies of the Shoreline Management Act.

7. When compensatory measures are appropriate pursuant to the priority of mitigation sequencing above, preferential consideration shall be given to measures that replace the impacted functions directly and in the immediate vicinity of the impact. However, alternative compensatory mitigation within the watershed that addresses limiting factors or identified critical needs for shoreline resource conservation based on watershed or comprehensive resource management plans applicable to the area of impact may be authorized. Authorization of compensatory mitigation measures may require appropriate safeguards, terms or conditions as necessary to ensure no net loss of ecological functions.

6.1.4 Critical Areas Development and Performance Standards

1. Subject to the exceptions listed below in this section of the SMP, the provisions of the Des Moines Critical Areas Regulations (DMMC 18.86, dated March 8, 2007, Ordinance No. 1400) shall apply to any use, alteration, or development where designated critical areas are physically located within the shoreline jurisdiction, in addition to a shoreline permit or written statement of exemption. Designated critical areas (per the DMMC for Critical Areas, DMMC 18.86) located in the shoreline include streams and wetlands, geologically hazardous areas (which include; erosion, landslide, and seismic hazard areas), ravine sidewalls and bluffs, fish and wildlife conservation areas, areas of special flood hazard, and aquifer recharge areas.
2. A minimum buffer of one hundred fifteen (115) feet from the marine ordinary high water mark (OHWM), or the stream OHWM when said stream is located within shoreline jurisdiction, shall be maintained in designated Urban Conservancy and Shoreline Residential environments. Alterations shall be prohibited in the buffer except as provided for in this Program. In the event buffers for more than one designated critical area per DMMC 18.86 are applicable, all buffers shall apply.
3. Where a legally established and constructed use or structure exists that interrupts the buffer (e.g., a road or structure that lies within the width of buffer from marine ordinary high water mark), and the isolated part of the buffer does not provide effective biological, geological, or hydrological buffer functions relating to the nearshore environment, then proposed actions in the isolated portion of the buffer may be permitted as long as they do not increase the degree of nonconformity, subject to the following conditions:
 - a. Proposed actions shall not result in a net loss of shoreline ecological functions.
 - b. In no cases shall development encroach further waterward from the waterward-most point of the legally established, nonconforming use or structure.
 - c. In no cases shall new development be allowed within thirty (30) feet of the marine ordinary high water mark.
4. In the event an applicant wishes to adjust standards and provisions for designated critical areas per the Reasonable Use Exception provisions of DMMC 18.86, such application shall be processed as a Shoreline Variance Permit, per the provisions of the SMP and WAC 173-27.
5. In the event development or performance standards in the Critical Areas Regulations (DMMC 18.86) are inconsistent with standards and requirements in the SMP, the SMP shall govern.

5. No additional adverse environmental impact will be caused by the project revision.

If the revision or the sum of the revision and any previously approved revisions violate the terms of one or more of the provisions itemized above, the applicant shall apply for a new Shoreline Conditional Use Permit in the manner provided herein.

The City shall submit the revision to Ecology for approval, approval with conditions, or denial, and shall indicate that the revision is being submitted under the requirements of WAC 173-27-100. The department shall render and transmit to the City and the applicant its final decision within fifteen days of the date of Ecology's receipt of the submittal from the City. The City shall notify parties of record of the department's final decision.

The revised permit is effective upon final action by Ecology. A notice of revision approval shall be forwarded to persons who have notified the Shoreline Administrator of their desire to receive a copy of the action on a permit. Formal revisions to permits are subject to the twenty-one (21) day appeal process described above.

7.5 Variance Permit Procedures

7.5.1 General Provisions

The purpose of a Variance Permit is strictly limited to granting relief from specific bulk, dimensional or performance standards set forth in this SMP, and where there are extraordinary or unique circumstances relating to the physical character or configuration of property such that the strict implementation of the SMP would impose unnecessary hardships on the applicant or thwart the SMA policies as stated in RCW 90.58.020. Requests for allowing uses different than those specifically identified as allowed in the shoreline environment cannot be considered in the variance process.

Construction pursuant to this permit shall not begin nor can construction be authorized except as provided in WAC 173-27. In all instances, extraordinary circumstances shall be shown and the public interest shall suffer no substantial detrimental effect. Ecology is the final approving authority for Variance Permits.

7.5.2 Criteria

Pursuant to WAC 173-27-210, the criteria below shall constitute the minimum criteria for review and approval of a Shoreline Variance Permit. Variance Permits for development that will be located landward of the ordinary high water mark (per RCW 90.58.030(2)(b) definition), except those areas designated as marshes, bogs or swamps pursuant to WAC 173-22, may be authorized provided the applicant can demonstrate all of the following:

1. That the strict application of the bulk, dimensional or performance standards set forth in this Program precludes, or significantly interferes with, reasonable use of the property;
2. That the hardship described above is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and not, for example, from deed restrictions or the applicant's own actions;

3. That the design of the project will be compatible with other permitted activities within the area and with uses planned for the area under the comprehensive plan and shoreline master program and will not cause adverse impacts to the shoreline environment.;
4. That the variance authorized does not constitute a grant of special privilege not enjoyed by other properties in the area, and will be the minimum necessary to afford relief; and
5. That the public interest will suffer no substantial detrimental effect.
6. Variance Permits for development that will be located either waterward of the ordinary high water mark or within marshes, bogs or swamps as designated in WAC 173-22, may be authorized provided the applicant can demonstrate all the criteria stated above as well as the following:
 - a. That the strict application of the bulk, dimensional or performance standards set forth in this Program precludes all reasonable use of the property., and
 - b. That the public rights of navigation and use of the shorelines will not be adversely affected by the granting of the variance.

In the granting of all Variance Permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if variances were granted to other developments in the area where similar circumstances exist, the total of the variances should also remain consistent with the policies of RCW 90.58 and should not produce substantial adverse effects to the shoreline environment or result in a net loss of ecological functions. Variances from the use regulations of this SMP are prohibited.

7.5.3 Application

The owner of the subject property or the authorized agent(s) of the owner is encouraged to have a pre-application meeting with the Shoreline Administrator and/or his or her staff to determine the need for a shoreline variance. If needed, the applicant may apply for a Shoreline Variance Permit by submitting to the Shoreline Administrator a Variance Permit application using the Joint Aquatic Resource Permit Application (JARPA) form provided by the City and accompanied by applicable fees, and any other information requested by the Shoreline Administrator. A completed application for a Shoreline Variance Permit shall, at a minimum, contain the following information and diagrams:

1. Completed JARPA form.
2. Completed intake form from WAC 173-27-990, Appendix A – Shoreline Management Act Permit Data Sheet and Transmittal Letter, included at the end of this chapter.
3. The name, address and phone number of the applicant. The applicant should be the owner of the property or the primary proponent of the project and not the representative of the owner or primary proponent.
4. The name, address and phone number of the applicant's representative if other than the applicant.
5. The name, address and phone number of the property owner, if other than the applicant.
6. Location of the property. This shall, at a minimum, include the property address and identification of the section, township and range to the nearest quarter, quarter section or

Shoreline modifications should be limited to those modifications appropriate to the specific type of shoreline and environmental conditions for which they are proposed.

If shoreline modification is approved, all feasible measures to protect shoreline ecological functions and processes should be incorporated. The City should plan for the enhancement of impaired ecological functions wherever feasible and appropriate while accommodating permitted uses.

6.2.1 Bulkheads and Shoreline Stabilization

Bulkheads, riprap, seawalls, or other shoreline stabilization structures are erected parallel to and near the ordinary high water mark for the purpose of protecting adjacent upland structures from the erosive action of waves or currents. While shoreline stabilization structures may protect the uplands, they do not protect the adjacent beaches, and in many cases are actually detrimental to the beaches by speeding up the erosion of the sand in front of the structures. Hard shore armoring refers to traditional designs for shoreline stabilization, including constructed steel, timber, rock, concrete, or boulder riprap. Soft shore armoring refers to alternative bank protection methods such as bioengineering or biotechnical bank stabilization, which may include use of anchored drift logs, vegetation plantings, and import of beach sediment and/or gravel (also referred to as beach nourishment).

The Shoreline Administrator may approve bulkheads or other shoreline stabilization proposals when he/she determines that naturally occurring movement of the shoreline threatens existing structures, public improvements, unique natural resources, or the only feasible access to property and that the proposed stabilization complies with the criteria and standards in this section.

1. New development will be located and designed to avoid the need for future shoreline stabilization to the extent feasible. New development that would require shoreline stabilization which causes significant impacts to adjacent or down-current properties and shoreline areas shall not be allowed. Subdivision of land must be regulated to assure that the lots created will not require shoreline stabilization in order for reasonable development to occur. New development on steep slopes or bluffs shall be set back sufficiently to ensure that shoreline stabilization is unlikely to be necessary during the life of the structure, as demonstrated by a geotechnical analysis.
2. New hard shore armoring stabilization measures shall not be allowed except when necessity is demonstrated in the following manner:
 - a. To protect existing primary structures: New or enlarged structural shoreline stabilization measures for an existing primary structure, including residences, should not be allowed unless there is conclusive evidence, documented by a geotechnical analysis, that the structure is in danger from shoreline erosion caused by tidal action, currents, or waves. Normal sloughing, erosion of steep bluffs, or shoreline erosion itself, without a scientific or geotechnical analysis, is not demonstration of need. The geotechnical analysis should evaluate on-site drainage issues and address drainage problems away from the shoreline edge before considering hard shore armoring techniques for shoreline stabilization.
 - b. In support of new nonwater-dependent development, including single-family residences, when all of the conditions below apply:

- i. The erosion is not being caused by upland conditions, such as the loss of vegetation and drainage.
 - ii. Nonstructural measures, such as placing the development further from the shoreline, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient.
 - iii. The need to protect primary structures from damage due to erosion is demonstrated through a geotechnical report. The damage must be caused by natural processes, such as tidal action, currents, and waves.
 - c. In support of water-dependent development when all of the conditions below apply:
 - i. The erosion is not being caused by upland conditions, such as the loss of vegetation and drainage.
 - ii. Nonstructural measures, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient.
 - iii. The need to protect primary structures from damage due to erosion is demonstrated through a geotechnical report.
 - d. To protect projects for the restoration of ecological functions or hazardous substance remediation projects pursuant to chapter 70.105D RCW when nonstructural measures, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient.
3. An existing shoreline stabilization structure may be replaced with a similar structure if there is a demonstrated need to protect principal uses or structures from erosion caused by currents, tidal action, or waves. Approved replacement structures are subject to the following provisions:
- a. The replacement structure shall be designed, located, sized, and constructed to assure no net loss of ecological functions.
 - b. Replacement walls or bulkheads shall not encroach waterward of the ordinary high-water mark or existing structure unless the residence was occupied prior to January 1, 1992, and there are overriding safety or environmental concerns. In such cases, the replacement structure shall abut the existing shoreline stabilization structure.
 - c. Where a net loss of ecological functions associated with critical saltwater habitats would occur by leaving the existing structure, remove it as part of the replacement measure.
 - d. Soft shore stabilization measures that provide restoration of shoreline ecological functions may be permitted waterward of the ordinary high-water mark.
 - e. For purposes of this section, standards on shoreline stabilization measures, "replacement" means the construction of a new structure to perform a shoreline stabilization function of an existing structure which can no longer adequately serve its purpose. Additions to or increases in size of existing shoreline stabilization measures shall be considered new structures.
4. Geotechnical reports pursuant to this section that address the need to prevent potential damage to a primary structure shall address the necessity for shoreline stabilization by estimating time frames and rates of erosion and report on the urgency associated with the specific situation. As a general matter, hard armoring solutions should not be authorized

except when a report confirms that there is a significant possibility that a primary structure will be damaged within three years as a result of shoreline erosion in the absence of such hard armoring measures, or where waiting until the need for armoring is so great that it would foreclose on the opportunity to utilize measures that avoid or minimize impacts to ecological functions. Where the geotechnical report confirms a need to prevent potential damage to a primary structure, but the need is not as immediate as the three years, that report may still be used to justify more immediate authorization to protect against erosion using soft shore stabilization measures.

5. When any shoreline stabilization measures are demonstrated to be necessary, pursuant to above provisions, the City's 2005 Shoreline Inventory and Characterization shall be used to assist in the implementation of the following additional standards:
 - a. Limit the size of stabilization measures to the minimum necessary. Use measures designed to assure no net loss of shoreline ecological functions. Soft shore stabilization approaches that absorb and dissipate wave energy shall be used unless demonstrated not to be sufficient to protect primary structures, dwellings, and businesses.
 - b. Ensure that publicly financed or subsidized shoreline erosion control measures do not restrict appropriate public access to the shoreline except where such access is determined to be infeasible because of incompatible uses, safety, security, or harm to ecological functions. When feasible, incorporate ecological restoration and public access improvements to the project.
 - c. Mitigate new erosion control measures, including replacement structures, on feeder bluffs or other actions that affect beach sediment-producing areas to avoid and, if that is not possible, to minimize adverse impacts to natural sediment transport processes.
 - d. All new or replacement shoreline stabilization and flood protection measures shall be designed and constructed so that down-current banks will not be adversely affected. Shoreline stabilization measures, including riprap, shall be designed and constructed in a manner consistent with the Department of Fish and Wildlife, Corps of Engineers and/or other engineering and design specifications deemed appropriate by the Shoreline Administrator.
 - e. Bulkheads shall be permitted only where they provide protection to upland areas or facilities, not for the indirect purpose of creating land by filling behind the bulkhead.
 - f. Adequate toe protection shall be provided to ensure bulkhead stability.
 - g. Bulkheads shall be designed to permit the passage of surface or ground water without causing ponding or saturation.
 - h. To receive permit approval for bulkhead construction, the applicant shall agree to grant adjacent property owners the right to tie in adjacent bulkheads.
6. Shoreline vegetation shall be protected and restored along or near marine and freshwater shorelines to protect and restore the ecological functions and ecosystem-wide processes and to protect human safety and property.
7. Cut-and-fill slopes and backfill areas shall be revegetated with native grasses, shrubs and/or trees.

8. Shoreline protection activities that may necessitate new or increased shoreline protection on the same or other affected properties where there has been no previous need for protection is prohibited.
9. Shoreline modification may be allowed for environmental restoration or if the City determines that there will be a net increase in desired shoreline ecological functions.

6.2.2 Breakwaters

A boulder riprap breakwater is present at the Des Moines Marina and a floating breakwater is present at the Redondo boat launch.

1. Expansion of existing hard breakwaters shall be considered only in the High-Intensity shoreline environment and shall require a Shoreline Conditional Use Permit.
2. New floating breakwaters shall be considered only in the High-Intensity shoreline environment and shall require a Shoreline Conditional Use Permit.
3. New or expanded breakwaters shall be allowed only to support water-dependent uses, public access, shoreline stabilization or other specific public purposes consistent with the provisions of this SMP.
4. All new or expanded breakwaters shall be designed and constructed so that down-current banks will not be adversely affected. Breakwaters shall be designed and constructed in a manner consistent with the Department of Fish and Wildlife, Corps of Engineers and/or other engineering and design specifications deemed appropriate by the Shoreline Administrator.
5. If existing breakwaters need to be rebuilt, replacement breakwaters shall be designed to minimize adverse effects to critical areas and provide mitigation for unavoidable impacts per the provisions of this SMP for environmental impact mitigation (Section 6.1.3).

6.2.3 Piers and Docks

1. New piers and docks or expansion of existing piers and docks may be allowed in High-Intensity environments and Aquatic environments when associated with water-dependent uses and/or public access in areas designated High-Intensity, subject to a Shoreline Conditional Use Permit.
2. New piers and docks are prohibited in the Urban Conservancy and Shoreline Residential environments.
3. Repair, maintenance, rehabilitation, or replacement of existing piers and docks shall be allowed within the High-Intensity shoreline environment given adherence to the following standards:
 - a. A permit to construct a pier or dock must be obtained from the Corps of Engineers.
 - b. Pier and dock construction shall be restricted to the minimum size necessary to meet the needs of the proposed use.
 - c. Replacement of piers, docks and other moorages shall only be authorized after demonstrating that:

16.10.210 Ravine sidewalls and bluffs – Development standards.

Activities on ravine sidewalls and bluffs shall meet the general performance requirements of DMMC 16.10.200 and the specific following requirements:

(1) Buffers. A 50-foot undisturbed buffer of native vegetation shall be established from the top, toe, and sides of all ravine sidewalls and bluffs.

(2) Buffer Reduction. The City Manager or the City Manager's designee may approve a reduction in the width of the required buffer, to a minimum width of 10 feet, when special environmental studies are provided that demonstrate all of the following:

(a) A licensed engineer specializing in geotechnical analysis or a licensed engineering geologist, after review of the geologic conditions of the site, the proposed development plans, and all mitigation measures proposed or required, concludes in a written statement that the development proposal will result in minimal risk of soil instability; and

(b) Special mitigation measures regarding design, construction, and maintenance can reasonably be employed to minimize adverse environmental impacts associated with the proposal; and

(c) The proposal represents minimal disruption of existing native vegetation.

(3) Additional Buffers. The City Manager or the City Manager's designee may require increased buffers if environmental studies indicate such increases are necessary to mitigate landslide, seismic and erosion hazards, or as otherwise necessary to protect the public health, safety, and welfare.

(4) Building Setback Lines. A building setback line of 10 feet is required from the edge of any buffer of a ravine sidewall or bluff. Minor structural intrusions into the area of the building setback line may be allowed if the City Manager or the City Manager's designee determines that such intrusions will not negatively impact the critical area.

(5) All buffers shall be measured from the top, toe, and sides of all ravine sidewalls or bluffs. [Ord. 1583 § 69, 2013.]



January 3, 2014



Ms. Nikole Coleman-Porter
 Land Use Planner, Development Services
 Planning, Building, and Public Works
 City of Des Moines
 21630 11th Avenue South
 Suite D
 Des Moines, WA 98198-3698

Re: Geotechnical Corrections - Lindstrom Cable Lift/Landscaping, 24325 7th Avenue South, Des Moines, WA – LUA2013-0025
 Project No. 100114-001

References: GEOTECHNICAL REPORT AND
 CRITICAL AREA CONSIDERATIONS

Lindstrom Property - Beach Access Cable Lift
 24325 Seventh Avenue South, Des Moines, Washington, by Aspect Consulting LLC, dated
 July 31, 2013.

Cable Lift Plans Set for Greg Lindstrom Residence, 24325 7th Ave. South, Des Moines, WA
 98198, by Accumar Corporation, dated June 14, 2011, revised December 9, 2013.

Lindstrom Cable Lift/Landscaping (24325 7th Avenue South) – LUA2013-0025, email letter
 from Nikole Coleman-Porter of City of Des Moines to Glen Takagi, dated October 15, 2013.

Layout and Grading Plan – Sheet L2, Landscape architectural plans for Lindstrom Garden,
 24325 7th Ave South, Des Moines, WA, by Glenn Takagi Landscape Architect, dated 6-6-
 2013,

Dear Ms. Coleman-Porter:

This letter provides Aspect Consulting's (Aspect) response to your October 15, 2013 request for corrections or additional information for permitting for the Lindstrom Cable Lift project located at 24325 7th Avenue South, Des Moines, Washington (Site). Specifically, this letter addresses the following geotechnical elements of your corrections and information request.

Planning:

1. The retaining wall must be located at least 10 feet from the top of the bluff.
2. Per the Geotechnical Report and Critical Areas Considerations, demonstrate compliance with the following items or submit a geotechnical letter written by a geotechnical engineer approving the current design.



City of Des Moines
January 3, 2014

Project No. 100114-001

- a. “We recommend a minimum setback distance for the proposed upper cable lift station foundation from the top of the steep bluff (the portion of the slope that is consistently steeper than 100% or 1H:1V) of 7 feet.”
- b. “... we recommend the lower cable lift station be founded on mechanically reinforced structural fill or concrete ecology blocks embedded a minimum of 5 feet below the top of the rockery bulkhead.”

Geotechnical Response

Aspect consulting visited the Site on November 20, 2013 to assess current bluff and slope conditions with regard to the proposed locations of the cable lift upper platform and foundations, and to provide confirmation that Aspect’s setback recommendations are being met. While at the site, Aspect met with Mr. Greg Lindstrom, the project owner, Mr. Robert Kruse of Robert Kruse Construction, the project general contractor, Mr. Scott Sprague of Accumar Corporation, the designer of the cable lift, and others associated with the project.

Correction Item 1 – Segmental Block Wall Setback

Aspect has measured on the June 6, 2013 landscape plans the distance from the face of the low segmental block landscape wall from the top of the 40-percent slope, and it exceeds 10 feet. Aspect also notes that the block wall setback exceeds 10 feet from the top of the steep bluff slope that Aspect considers the elevated landslide hazard area.

Correction Item 2a – Upper Cable Lift Foundation Setback

Based on review of site conditions and discussion with the project owner and design and landscape team, the proposed location of the upper cable lift was relocated about 15 feet farther to the east (away from the top of the bluff) to provide additional setback from the top of the bluff. A revised cable lift plan set that reflects the change in the upper cable lift location and foundation configuration has been prepared by Accumar (referenced above). While at the site, Aspect measured the distance from the top of the bluff and any portion of the bluff that appears to be distressed by slope movement and staked a setback that complies with setback recommendations provided in Aspect’s July 31, 2013 geotechnical report (item 2a in your corrections request above). Aspect has also reviewed the December 9, 2013 revised Accumar plans set that shows the revised upper cable lift foundation locations and we note that the plans conform to our setback recommendations. Thus, we conclude that the revised upper cable lift foundation location complies with our setback recommendations.

Correction Item 2b – Lower Cable Lift Foundation Embedment

Accumar’s changes to the upper cable lift location do not impact the location or design of the lower cable lift landing and foundations. Aspect has also reviewed the plan sets of June 14, 2011 and December 9, 2013 and noted that the foundation plans showing ecology blocks buried behind the rockery seawall complies with our foundation design recommendations. We conclude that the lower cable lift foundation plans comply with our design recommendations.

Limitations

Work for this project was performed for the Mr. Greg Lindstrom (Client), and this letter was prepared in accordance with generally accepted professional practices for the nature and conditions

City of Des Moines
January 3, 2014

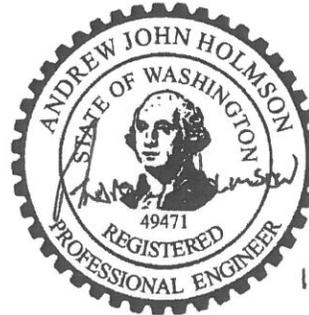
Project No. 100114-001

of work completed in the same or similar localities, at the time the work was performed. This letter does not represent a legal opinion. No other warranty, expressed or implied, is made.

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Sincerely,

Aspect consulting, LLC



David H. McCormack, LHG, LEG
Associate Engineering Geologist
dmccormack@aspectconsulting.com

Andrew J. Holmson, PE
Senior Project Geotechnical Engineer
aholmson@aspectconsulting.com

Attachments:

Lindstrom Cable Lift/Landscaping (24325 7th Avenue South) – LUA2013-0025

cc: Mr. Greg Lindstrom – Owner
Mr. Robert Kruse – Robert Kruse Construction
Mr. Glenn Takagi – Landscape Architect

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