



Administrative Staff Report

Report Date: 01/11/2023

Application Submittal Date: 10/11/2021

Application Complete Date: 10/29/2021

Project Name: Cady Access Tram

Type of Application: Shoreline Substantial Development Permit

Permit Number: 21-05421

Project Location

1655 Cole Loop SE
Port Orchard, WA 98366

Assessor's Account

4515-005-006-0003

Applicant/Owner of Record

Charles Cady and Deborah Arends
7007 25th Ave NW
Seattle, WA 98117

Decision Summary

Approved subject to conditions listed under Section 13 of this report.

VICINITY MAP



1. Background

The Cady property is located in unincorporated south Kitsap, immediately south of the Manchester LAMIRD and within the Shoreline Residential shoreline environment designation. The home is located down the bluff, currently accessed from upslope parking via stairs. Mobility issues have made stair access to the home a safety concern and the owner is requesting installation of a tram to provide safe and continued access to his home.

2. Project Request

The Shoreline Substantial Development project will construct a new tram structure at the top of the property parking area descending to the house below. The proposal is to construct new 47'10" Accumar Tram including 6'x6' motor box from the parking area at the top of the slope to a flat area to the North of the house. The proposed upper and lower landing decks combined are 81 sq ft (36 sf upper deck, 45 sf lower landing deck). The tram corridor is 287 sq ft and vegetation will not be removed, only trimmed. A geotechnical report and shoreline mitigation plan have been prepared for this project.

3. SEPA (State Environmental Policy Act)

The State Environmental Policy Act (SEPA), found in Chapter 43.21C RCW (Revised Code of Washington), is a state law that requires the County to conduct an environmental impact review of any action that might have a significant, adverse impact on the environment. The review includes the completion of an Environmental Checklist by the applicant and a review of that checklist by the County. If it is determined that there will be environmental impacts, conditions are imposed upon the applicant to mitigate those impacts below the threshold of “major” environmental impacts. If the impacts cannot be mitigated, an environmental impact statement (EIS) must be prepared. The decision following environmental review, which may result in a Determination of Nonsignificance (DNS), Mitigated DNS, or the necessity for an EIS is called a threshold determination. A separate notice of the threshold determination is given by the County. If it is not appealed, it becomes part of the hearing record as it was issued, since it cannot be changed by the Hearing Examiner.

Pursuant to WAC 197-11-355, the optional DNS process was utilized for this project. The SEPA Comment period previously occurred concurrent with the Notice of Application dated 03/26/2022. A Determination of Nonsignificance (DNS) was issued on 12/01/2022. SEPA noted the following information/SEPA mitigation conditions have been imposed and are listed under conditions at the end of this report:

- 1) This project will be conditioned to meet the requirements of Kitsap County Code Title 12, Stormwater Drainage; Title 19, Critical Areas Ordinance; and Title 22, Shoreline Master Program.

The SEPA appeal period expired 12/22/2022. No appeals were filed; therefore, the SEPA determination is final.

4. Physical Characteristics

The 0.22-acre residential parcel is located along Yukon Harbor in south Kitsap. A parking area is located next to Cole Loop SE at the western end. An existing single-family residence and drainfield are located on a broad flat area adjacent to the shoreline and at the toe of the steep slope (20 feet high) and above an existing shoreline bulkhead. Ordinary high water is estimated at the toe of the concrete bulkhead east of the home. The property was surrounded by similar private properties to the north and south, the tidelands of Puget Sound to the east, and Cole Loop Road SE to the west.

Table 1 - Comprehensive Plan Designation and Zoning

Comprehensive Plan: Rural Residential Zone: Rural Residential	Standard	Proposed
Minimum Density	NA	NA
Maximum Density	NA	

Minimum Lot Size	5 acres	NA
Maximum Lot Size	NA	NA
Minimum Lot Width	140 feet	NA
Minimum Lot Depth	NA	NA
Maximum Height	35 feet	NA
Maximum Impervious Surface Coverage	NA	NA
Maximum Lot Coverage	NA	NA

Staff Comment: No changes to the lot density, size or dimension is proposed. Lot is legally existing, non-conforming. The proposal will not make the use or any structures more non-conforming.

Table 2 - Setback for Zoning District

	Standard	Proposed
Front (West)	50 feet (20-feet*)	20-feet for upper tram landing.
Side (North)	20-feet (5-feet for accessory structures) 5 feet*	25-feet (5-feet required)
Side (South)	20-feet (5-feet for accessory structures) 5-feet*	54-feet (5-feet required)
Rear (East)	20 feet (5-feet for accessory structures) 10 feet*	Lower landing of tram will be approximate 40 feet from OHWM (bulkhead), and approximately 60 feet from the rear property line.

*Parcel utilizes KCC 17.420.060 Footnote 42.b. *Any single-family residential lot of record as defined in Chapter [17.110](#) that has a smaller width or lot depth than that required by this title, or is less than one acre, may use that residential zoning classification that most closely corresponds to the dimension or dimensions of the lot of record, for the purpose of establishing setbacks from the property lines.* Parcel is under 1-acre in size and is under the lot width/depth for the Rural Residential zone and therefore will utilize the Urban Restricted setbacks.

Table 3 - Surrounding Land Use and Zoning

Surrounding Property	Land Use	Zoning
North	Single-family residence	Manchester Village Low Residential (MVLRL)
South	Single-family residence	Rural Residential (RR)

East	Puget Sound	NA
West	Single-family residence	Rural Residential (RR)

Table 4 - Public Utilities and Services

	Provider
Water	Manchester Water District
Power	Puget Sound Energy
Sewer	OSS (Kitsap Public Health)
Police	Kitsap County Sheriff
Fire	South Kitsap Fire & Rescue
School	South Kitsap School District #402

5. Access

Access to the parcel is via Cole Loop SE, a County-maintained right-of-way. Parking is in the front setback at the top of the slope along Cole Loop SE. The tram will provide access to the home at the base of the slope.

6. Site Design

Not applicable.

7. Policies and Regulations Applicable to the Subject Proposal

The Growth Management Act of the State of Washington, RCW 36.70A, requires that the County adopt a Comprehensive Plan, and then implement that plan by adopting development regulations. The development regulations must be consistent with the Comprehensive Plan. The Comprehensive Plan process includes public involvement as required by law, so that those who are impacted by development regulations have an opportunity to help shape the Comprehensive Plan which is then used to prepare development regulations.

Kitsap County Comprehensive Plan, adopted June 30, 2016

The following Comprehensive Plan goals and policies are most relevant to this application:

Chapter 3- Environment, incorporates by reference the goals and policies of the Kitsap County Shoreline Master Program.

Land Use Policy 51: Permit residential uses in rural areas consistent with the planned rural character of the surrounding area.

Policy SH-1. Protect and conserve shoreline areas that are ecologically intact and minimally

developed or degraded. Develop incentives and regulations for privately owned shorelines that will protect and conserve these areas while allowing reasonable and appropriate development.

Policy SH-2. Recognize that nearly all shorelines, even substantially developed or degraded areas, retain important ecological functions.

Policy SH-4. Permitted uses and developments should be designed and conducted in a manner that protects the current ecological condition, and prevents or mitigates adverse impacts. Mitigation measures shall be applied in the following sequence of steps listed in order of priority:

1. Avoid the impact altogether by not taking a certain action or parts of an action.
2. Minimize 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.
3. Rectify the impact by repairing, rehabilitating, or restoring the affected environment.
4. Reduce or eliminate the impact over time by preservation and maintenance operations.
5. Compensate for the impact by replacing, enhancing, or providing substitute resources or environments, including utilization of the in-lieu fee process where appropriate; and
6. Monitor the impact and the mitigation projects and take appropriate corrective measures.

Policy SH-7. In assessing the potential for new uses and developments to impact ecological functions and processes, the following should be considered:

1. On-site and off-site impacts.
2. Immediate and long-term impacts.
3. Cumulative impacts, from both current and reasonably foreseeable future actions, resulting from the project; and
4. Any mitigation measures or beneficial effects of established regulatory programs to offset impacts.

Policy SH-8. Critical areas in the shoreline jurisdiction shall be protected in a manner that results in no net loss to shoreline ecological functions. Pursuant to RCW 36.70A.030(5), critical areas include:

1. Wetlands.
2. Frequently flooded areas.
3. Fish and wildlife habitat conservation areas.
4. Geologically hazardous areas.
5. Critical aquifer recharge areas.

Policy SH-9. Preserve native plant communities on marine, river, lake, and wetland shorelines to maintain shoreline ecological functions and processes, development along the shoreline should result in minimal direct, indirect, or cumulative impacts. This includes:

1. Keeping overhanging vegetation intact along the shoreline edge to provide shading and other ecological functions.
2. Preserving established areas of native plants and minimizing clearing and grading near bluff edges and other erosion or landslide-prone areas in order to maintain slope stability and prevent excess surface erosion and stormwater runoff.
3. Designing and placing structures and associated development in areas that avoid disturbance of established native plants, especially trees and shrubs; and
4. Removal of noxious weeds in accordance with WAC 16-750-020.

Policy SH-10. Shoreline landowners are encouraged to preserve and enhance native woody vegetation and native groundcovers to stabilize soils and provide habitat. When shoreline uses or modifications require a planting plan, maintaining native plant communities, replacing noxious weeds, and avoiding installation of ornamental plants are preferred. Nonnative vegetation requiring use of fertilizers, herbicides/pesticides, or summer watering is discouraged.

Policy SH-21. Give preference to water-dependent uses and single-family residential uses that are consistent with preservation of shoreline ecological functions and processes. Secondary preference should be given to water-related and water-enjoyment uses. Non-water-oriented uses should be limited to those locations where the above-described uses are inappropriate or where non-water-oriented uses demonstrably contribute to the objectives of the Act. For use preference within shorelines of statewide significance, see Section 22.300.145(B).

Policy SH-23. Through appropriate site planning and use of the most current, accurate and complete scientific and technical information available, shoreline use and development should be located and designed to avoid the need for shoreline stabilization or actions that would result in a net loss of shoreline ecological functions.

The County’s development regulations are contained within the Kitsap County Code. The following development regulations are most relevant to this application:

Code Reference	Subject
Title 12	Storm Water Drainage
Title 14	Buildings and Construction
Title 17	Zoning
Chapter 18.04	State Environmental Policy Act (SEPA)
Chapter 21.04	Land Use and Development Procedures

8. Documents Consulted in the Analysis

<u>Applicant Submittals</u>	<u>Dated or date stamped</u>
Application Form	10/11/21
Site Plan	10/11/21
Photos	10/11/21

SEPA Checklist	10/11/21
Narrative	10/11/21
Plan View Elevation	10/11/21
Perspective View Elevation	10/11/21
JARPA	10/11/21
Habitat Management and Mitigation Plan	8/23/21
Geotechnical Report	6/24/21 and 9/13/21
Narrative Revised	6/17/22
Site Plan Revised	6/8/22
Geotechnical Addendum	6/7/22
HMP Revised	5/21/22
HMP Revised	8/17/22
Planting Plan	8/24/22

9. Public Outreach and Comments

The Notice of Application and SEPA Comment Period were published on 12/01/2022. No comments were received through the SEPA comment period, which ended 12/22/2022.

10. Analysis

a. Planning/Zoning

The proposal is within the Rural Residential zone and the Shoreline Residential Shoreline designation. Trams are an accessory structure to the residential use and are permitted within the shoreline buffer per KCC 22.400.120(D)(1)(d). The proposal is meeting the zoning setback and shoreline standards (see Environmental below for details).

b. Lighting

Lighting was not analyzed as part of this proposal.

c. Off-Street Parking

Not applicable to proposal, but existing parking is provided at the front of the property and will not be reduced by installation of this proposed structure.

d. Signage

No signage is proposed or required.

e. Landscaping

As mitigation for minor shoreline buffer impacts, the proposal will include installation of native landscaping as shown in the approved Mitigation Planting Plan (C3 Habitat, 8/24/22).

f. Frontage Improvements

None required or proposed for this proposal.

g. Design Districts/Requirements

Not applicable to this parcel or proposal.

h. Development Engineering/Stormwater

Proposal has been conditioned for site-appropriate sediment and erosion control.

i. Environmental

Regulations:

KCC 22.400.105 Proposed Development

A. Location.

1. New development shall be located and designed to avoid or, if that is not possible, to minimize the need for new and maintenance dredging.
2. New development shall be located and designed to avoid the need for future shoreline stabilization for the life of the structure. Likewise, any new development which would require shoreline stabilization which causes significant impacts to adjacent or down-current properties shall not be allowed.
3. New development on lots constrained by depth, topography or critical areas shall be located to minimize, to the extent feasible, the need for shoreline stabilization.
4. 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.
5. Subdivision shall be planned to avoid the need for shoreline stabilization for newly created lots, utilizing geotechnical analysis where applicable.
6. Non-water-oriented facilities and accessory structures, except for preferred shoreline uses, such as single-family residences and single-family residential appurtenances when consistent with buffer provisions in this chapter, must be located landward of buffers and adjacent water-oriented uses, or outside shoreline jurisdiction, unless no other location is feasible.

Staff Comment: The proposal is found to be consistent with the above regulations.

KCC 22.400.115 Critical Areas

The site is located with the Shoreline Residential shoreline environment designation. A Habitat Management Plan (HMP) and Mitigation Planting Plan was submitted in accordance with requirements of the Shoreline Master Program 22.400.120.B. For impacts with the Shoreline Residential Shoreline Buffer (85-feet from OHWM), mitigation sequencing is addressed and analyzed in this report in the sub-section below.

The site is level at the front (west), then slopes dramatically down from west to east toward the water, with another level area at the toe of slope with the home. Parts of the site are mapped as 'High Erosion Hazard Area' and 'Moderate Landslide Hazard Area' as defined in Kitsap County Code 19.400. This classification required the submittal and review of a Geotechnical Report.

That report concluded that the development as proposed is feasible when the recommendations of the report are implemented during construction. Other recommendations of the report are required to be incorporated in construction as a conditional of approval.

KCC 22.400.110 Mitigation

Kitsap SMP section 22.400.110 requires that proposed uses and development implement mitigation sequencing and ensure the proposal will achieve no net loss of shoreline ecological functions. The applicant provided the following responses.

Avoidance.

Applicant comment: The project cannot avoid impacts to habitat or shoreline of Puget Sound due to the nature of the project. The project proposes to construct a tram including a new engine room, an existing upper landing deck, and new lower landing deck near the home. The proposed tram track will be placed in areas free of native vegetation. Two existing stumps will be removed or cut down to base and slope vegetation trimmed back for track clearance; the project does not require the removal of trees. The existing stairway will remain as an emergency backup to the tram; the tram does not create a significant impact to the environment. Vegetation is growing under the stairway.

Minimization.

Applicant comment: The use of heavy equipment will be minimized by hand digging or using a mini-excavator to dig the anchor pad hole. Concrete will be poured directly from truck in the driveway.

Mitigation

Applicant comment: Two existing stumps will be removed or cut down to base and slope trimmed back for track clearance. No native vegetation will be removed for the landing decks or track, and no heavy equipment will be necessary for the construction of the anchors. No water access is proposed. Compensatory mitigation is proposed for the permanent disturbance within the shoreline buffer and for permanent impacts created by the landing, upper anchor and railing. Mitigation is required to compensate for the permanent disturbance within the shoreline buffer, and for the permanent impact impacts created by the landing, the upper anchor and railing. The upper anchor is 36 sf. The lower deck is 45 sf. The total loss of vegetation is 81 sf. The corridor along the tram track is 287 sf. The vegetation in the corridor will be cut back and maintained. To compensate for the corridor, 144 sf of native plants will be planted. The total mitigation square footage is 225 sq ft.

KCC 22.400.120 Vegetation Conservation Buffers

The site is currently developed with a single-family residence, deck, and with associated parking within the buffer. Associated vegetation conservation buffer standards for this proposal are analyzed under the Shoreline Residential buffer criteria in 22.400.120.B.1.b requiring a 85-foot standard buffer.

The existing use of the shoreline within the buffer will remain. As analyzed earlier in this section, impervious surface and clearing within the buffer will be reduced and native plantings installed.

KCC 22.400.125 Water Quality and Quantity

The project as proposed has been reviewed under KCC Title 12 and will be reviewed as a minor project, not requiring additional Site Development Activity Permit.

KCC 22.400.130 Historic, Archaeological, Cultural, Scientific and Educational Resources

A condition of approval has been added that Kitsap County DCD, the Washington State Office of Archaeology and Historic Preservation, and the affected tribes must be notified if archaeological resources are uncovered during excavation.

KCC 22.400.135 View Blockage

Tram will not create a substantial view blockage. The existing home blocks view of the tram to the home south of the subject parcel. Existing vegetation and unopened right-of-way are mostly blocking any view from the northern parcel's home.

KCC 22.400.140 Bulk and Dimension Standards

N/A

KCC Title 22.400.120(D) Other Uses and Modifications in Vegetation Conservation Buffers.

KCC 22.400. 120(D)(1)(d) Trams

Trams may be permitted, subject to the permitting requirements of Chapter [22.500](#). Trams are not considered appurtenances under this section. They are prohibited in the aquatic and natural shoreline environment designations. The following development standards apply:

- i. Tram landings may not exceed one hundred square feet each.

Staff comment: The upper anchor is 36 sf. The lower deck is 45 sf. Both landings combined are under 100 square feet.

- ii. The width of a clearing for a tram shall be a maximum of five feet on either side of the tram, with a maximum clearing corridor of fifteen feet.

Staff comment: The area designated for the tram consists of berry bushes, ivy and laurel that will be pruned back. Two old stumps will be either removed or cut off at the base. Project is conditioned to limit maintenance clearing to no more than 5-feet on either side of the tram.

iii. The installation of a tram shall be limited only to geologically hazardous areas as defined in Chapter [19.400](#) and subject to “special studies” as outlined in Section [22.700.120](#).

Staff comment: The proposal is located in a mapped geologically hazardous area (Moderate Landslide; High Erosion) and has been analyzed by a geotechnical engineer and conditioned for appropriate installation.

iv. Mitigation sequencing must be used to avoid, minimize, and compensate for any impacts; enhancement of shoreline buffer vegetation will be required. See Section [22.700.140](#), Shoreline mitigation plan, for guidance on minimum submittal requirements.

Staff comment: The proposal has provided a Shoreline Mitigation Planting Plan to compensate for temporary and permanent impacts from the proposal. Mitigation sequencing has been provided (see above) and the proposal conditioned for mitigation to meet ‘no net loss of ecological function’ requirements.

Access, Traffic and Roads

Access, Traffic and Roads were analyzed for this proposal, but were found either not-applicable or no conditions needed. There are no changes to general site access or parking.

j. Fire Safety

No comments at this time.

k. Solid Waste

No comments at this time.

l. Water/Sewer

No comments at this time.

m. Kitsap Public Health District

No comments at this time.

11. Review Authority

The Director has review authority for this Shoreline Substantial Development Permit application under KCC 21.04.100. The Director may approve, approve with conditions, or deny this application.

12. Findings

1. The proposal is consistent with the Comprehensive Plan.
2. The proposal complies or will comply with requirements of KCC Title 17 and complies with or will comply with all of the other applicable provisions of Kitsap County Code and all other applicable regulations, including all applicable development standards and design guidelines, through the imposed conditions outlined in this report.
3. The proposal is not materially detrimental to existing or future uses or property in the immediate vicinity.
4. The proposal is compatible with and incorporates specific features, conditions, or revisions that ensure it responds appropriately to the existing character, appearance, quality or development, and physical characteristics of the subject property and the immediate vicinity.
5. The proposal is consistent with policies, standards, and development regulations of the Shoreline Master Program, Title 22.

13. Decision

Based upon the analysis above and the decision criteria found in KCC 22.500.100.B and 21.04, the Department of Community Development recommends that the project be **approved**, subject to the following conditions:

a. Planning/Zoning

1. All required permits shall be obtained prior to commencement of land clearing, construction and/or occupancy.
2. The authorization granted herein is subject to all applicable federal, state, and local laws, regulations, and ordinances. Compliance with such laws, regulations, and ordinances is a condition to the approvals granted and is a continuing requirement of such approvals. By accepting this/these approvals, the applicant represents that the development and activities allowed will comply with such laws, regulations, and ordinances. If, during the term of the approval granted, the development and activities permitted do not comply with such laws, regulations, or ordinances, the applicant agrees to promptly bring such development or activities into compliance.

3. The decision set forth herein is based upon representations made and exhibits contained in the project application. Any change(s) or deviation(s) in such plans, proposals, or conditions of approval imposed shall be subject to further review and approval of the County and potentially the Hearing Examiner.

b. Development Engineering

4. Erosion and sedimentation control devices shall be installed in accordance with best management practices. Provide silt fence(s) along contours. Provide appropriate gravel construction entrance mat. Protect all exposed soils.

c. Environmental

5. This project shall follow the Habitat Management and Mitigation Plan by C3 Habitat dated 8/17/22 and associated planting plan. Planting of native vegetation shall occur within the first dormant season once the permitted project has been constructed and approved. When planting is complete, the applicant shall submit an as-built plan to DCD for approval prior to requesting the final inspection. Monitoring and maintenance of the planted area shall be conducted for a minimum of five years after DCD staff approves planting.
6. A Kitsap County building permit shall be required before work may begin.
7. This project shall follow the Geotechnical Report by Coastal Solutions LLC dated 6/24/21 and Addendums dated 9/13/21 and 6/7/22. The use of pin piles placed at or near the top of the slope or on the slope are feasible provided the embedded tip of the piling are a minimum of six horizontal feet from the face of the slope.
8. If archaeological resources are uncovered during excavation, developers and property owners must immediately stop work and notify Kitsap County, the Office of Archaeology and Historic Preservation and affected Indian tribes.
9. The width of a clearing for a tram shall be a maximum of five feet on either side of the tram, with a maximum clearing corridor of fifteen feet. This condition applies to maintenance clearing as well.

d. Traffic and Roads

None at this time.

e. Fire Safety

None at this time.

f. Solid Waste

None at this time.

g. Kitsap Public Health District

None at this time.

Report prepared by:



Kathlene Barnhart, Staff Planner / Project Lead

01/06/2023

Date

Report approved by:



Scott Diener, DSE Manager, DCD

1/09/2023

Date

Attachments:

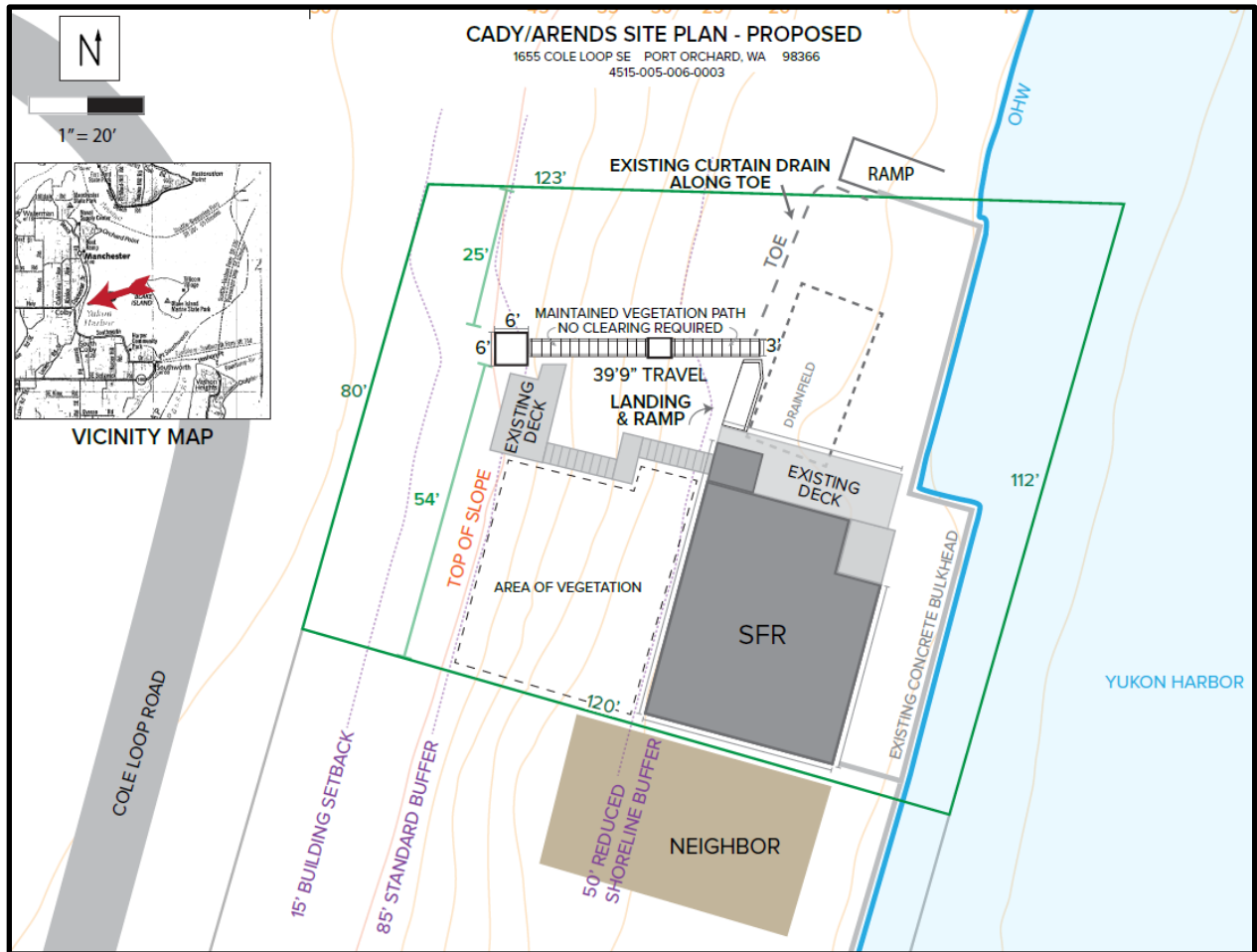
Attachment A – Site Plan

Attachment B – Critical Areas Map

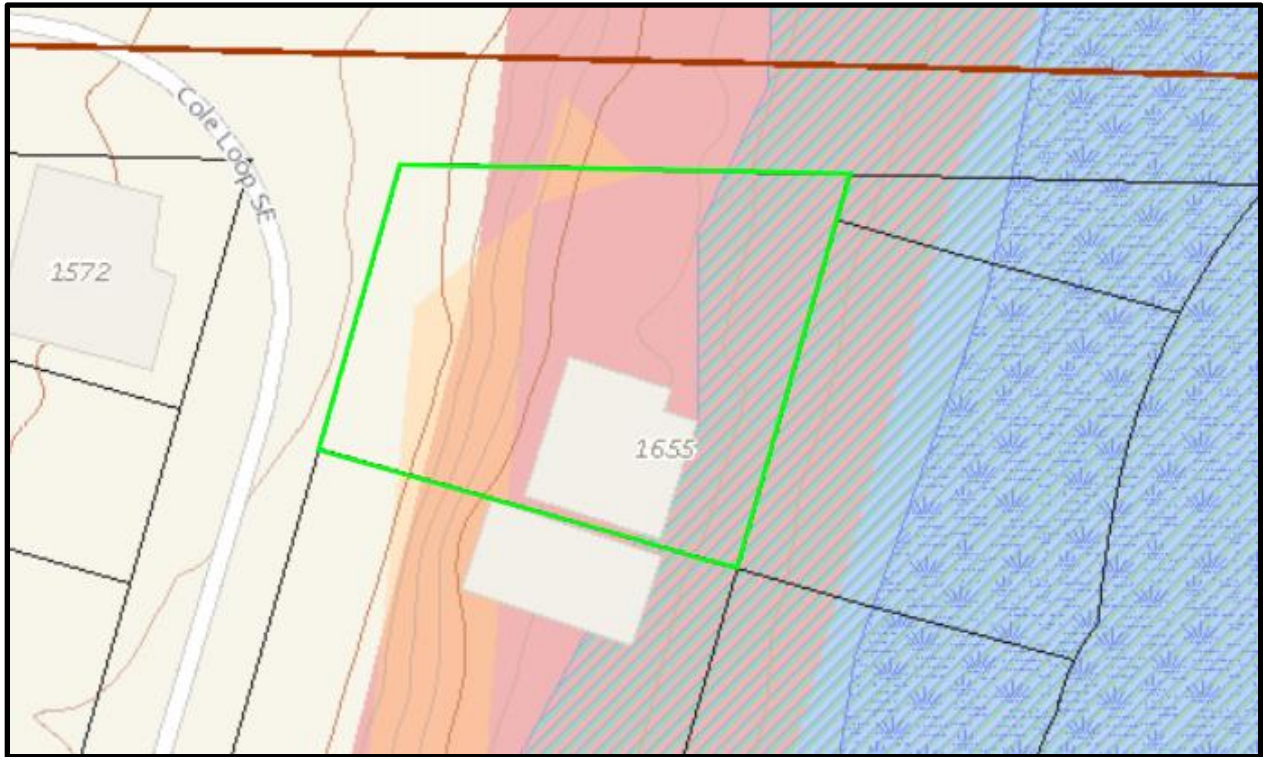
Attachment C – Zoning Map

CC: Charles Cady and Deborah Arends
Shoreline Solutions, Leanne Macdonald; leannm@mac.com
Shoreline Solutions, Rhonda Peacock; shorelinesolutionswa@gmail.com
Interested Parties:
Kitsap County Health District, MS-30
Kitsap County Public Works Dept., MS-26
DCD Staff Planner: Robert Hankins, Stormwater

**Attachment A:
Site Plan**



Attachment B: Critical Areas Map



Attachment C: Zoning Map

