

1 **BEFORE THE HEARING EXAMINER FOR JEFFERSON COUNTY**

2 Irv Berteig, Hearing Examiner

3

4 **RE:** Richard J. Grandy shoreline ) **File No. SDP02-00037**  
conditional use and shoreline )  
5 substantial development permit )  
application for a cable tram system )  
6 for access to the beach on Dabob ) **FINDINGS, CONCLUSIONS,**  
Bay. )  
7 ) **AND DECISION**  
8 )  
9 )

9 **BACKGROUND INFORMATION**

10 This property is located on southwest end of Toandos Peninsula at  
11 Zelatched Point. This is a high-bank area with a 230-foot high bluff.  
12 The tram is proposed to be located on one 5-acre parcel and the  
13 residence is located on the adjoining 4.2-acre parcel—both owned by  
14 the applicant.

15 **PROCEDURAL INFORMATION**

16 **Notices:** **Mailed:** October 30, 2002  
17 **Posted:** October 9, 2002  
18 **Publication:** October 9, 2002 (Peninsula Daily).  
19 **Site Visit:** Not made.  
20 **Open Record Hearing Date:** December 3, 2002.

21 The hearing was opened at 12:50 p.m. in the Courthouse First Floor  
22 Conference Room. After the procedures were explained, testimony was  
23 accepted. A verbatim recording of the public hearing was made. The  
24 tape is maintained in the Jefferson Permit Center file.

25 **Participants:**

26 Kevin Russell, Associate Planner  
27 Richard J. Grandy, Applicant

28 No other parties were present to testify.

29 **The Hearing Examiner closed the public hearing at 1:15 p.m.**

1 **TABLE OF EXHIBITS:**

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EXHIBIT	DOCUMENT	DATE
1	Staff Report together with a copy of the file containing 21 Log Items	11/15/2002

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5 **FINDINGS OF FACT**

6 1. The proposal involves the installation of a tram system to  
7 provide access to the beach from the top of a 230-foot bluff. The  
8 tram system will consist of:

9 a. A cantilevered wooden deck with steel supports constructed  
10 at the top of the slope;

11 b. A concrete pad at the top will house the electric motor for  
12 the tram;

13 c. Two cables and four support struts will span the 230-foot  
14 bluff to connect to two anchors the cable into the beach substrate;

15 d. A 4-foot by 4-foot gondola will traverse the cable system  
16 to the beach—but not actually touch down on the beach.

17 2. The project site is legally described as Parcel Number 601321003  
18 in Section 32, Township 26 North, Range 01 West, WM, located off  
19 Foxglove Lane, Quilcene WA 98358. The subject parcel is currently  
20 vacant; however, the parcel adjacent to the north is owned by and  
21 contains the applicants' single family dwelling (Parcel No.  
22 601321020). The two parcels total 9.4 acres.

23 3. Pursuant to the SMMP, the site is designated "Conservancy."

24 4. The Jefferson County Comprehensive Plan designates the subject  
25 parcel and parcels in the immediate vicinity as "Rural Residential"  
26 with a density of one dwelling unit per five acres.

27 5. The Department received the application on August 8, 2002 and  
28 determined the application to be substantially complete on August 21,  
29 2002.

1 6. A Threshold Determination of Non-Significance per WAC 197-11-355  
2 is being used. The comment period expired on November 8, 2002. No  
3 comments were received.

4 7. The proposed development is subject to the Unified Development  
5 Code (UDC) for Jefferson County, Washington. Provisions for the  
6 protection of environmentally sensitive areas are found in UDC 3.6.4  
7 *et seq.* The following environmentally sensitive areas are present on  
8 the subject property:

- 9 o Seawater Intrusion Protection Zone- High Risk
- 10 o Geologic Hazard Area (low to moderate landslide and seismic hazard).

11 8. Pursuant to UDC 3.6.8.g(2), the applicant has submitted for  
12 approval a Drainage and Erosion Control Plan, as specified in UDC  
13 3.6.10.f Special Reports/Drainage and Erosion Control Plan and UDC 6.7  
14 Stormwater Management Standards. The required plan will be a small  
15 parcel erosion control plan, which does not require a stamp from a  
16 licensed engineer (UDC 3.6.10.f(2)).

17 9. A Biological Assessment has been prepared and the US Army Corps  
18 of Engineers has issued a 404 permit for the proposal.

19 10. A Geotechnical Report has addressed the slope stability and  
20 rendered recommendations to preserve the marine slope. The tram was  
21 aligned so that only one tree will be removed, which is less of an  
22 impact on the bluff than construction of a staircase to the beach.  
23 Krazen and Associates conducted the geotechnical evaluation and  
24 determined that the proposed tram system will pose little to no impact  
25 on the bluff. Additional recommendations were suggested through the  
26 Geotechnical Report.

27 11. The proposed development will be designed to adequately protect  
28 the water and shoreline aesthetic characteristics.

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1 12. The proposed development will anchor the cables below the  
2 Ordinary High Water Mark (OHWM). The tram will not touch down  
3 directly on the beach.

4 13. Cumulative impacts always provide the potential for habitat  
5 degradation and aesthetic impact. In the review of this project,  
6 consideration was given to the cumulative effects of similar access  
7 structures on this portion of the shoreline, including potential  
8 impacts related to vegetation removal and visual impact. As proposed  
9 and conditioned, the impacts to the shoreline environment should be  
10 minimal. Beach access for individual residences are relatively common  
11 in this area, which holds a shoreline designation of "Conservancy" and  
12 is zoned Rural Residential.

13 14. There was no opposition expressed regarding the proposal. The  
14 Applicant testified that he had spoken with his neighbor adjoining on  
15 the south (Robert Thulin); however, his neighbor declined to  
16 participate in the cost of the tram.

17 15. The applicant testified that he was familiar with the Staff  
18 Report, and had some questions about some of the conditions. Those  
19 questions appeared to be answered, and the Applicant then concurred  
20 with the Staff recommended conditions as explained.

21 16. The Staff recommends Approval of the Shoreline Conditional Use  
22 and Substantial Development Permit for this project involving the  
23 construction of a tram from the top of a 230-foot shore bank to a  
24 terminus located 53-feet, 6-inches, horizontal distance, from the toe  
25 of the bluff below ordinary high water mark.

## 27 **REVIEW CRITERIA**

28 The Jefferson County Shoreline Management Master Program [SMMP]  
29 constitutes the main policy document and review criteria.

1 SMMP Section 6.20 assigns to the Hearing Examiner the responsibility  
2 to apply the SMMP and the Shoreline Management Act. The following  
3 sections of the SMMP are specifically applicable to the proposal;  
4 additional policies and performance standards may also apply:

- 5 o Shoreline Management Master Program, adopted March 7, 1989
- 6 o Jefferson County Comprehensive Plan, adopted August 28, 1998
- 7 o Unified Development Code, effective January 16, 2001

### 9 CONCLUSIONS OF LAW

10 1. Richard Grady demonstrated to the Examiner that he has a personal  
11 commitment to maintaining native plants on their property, and that  
12 his landscape objectives will likely exceed the requirements of the  
13 permit.

14 2. The installation methods proposed will use equipment on top of  
15 the bluff and special hoses to reach the beach. Thus, drilling and  
16 anchoring of the micro piles below the beach level can be accomplished  
17 without taking equipment to the beach, and the cables installed  
18 without damaging the beach or leaving construction debris. Likewise,  
19 the construction at the top for the tram platform will result in a  
20 cantilevered platform with minimal impact. Neither the cable nor the  
21 tram will touch down along the route or on the beach.

22 3. The policies of the Shoreline Management Master Program are met.

23 4. The policies of the Jefferson County Comprehensive Plan are met.

24 5. The application should be approved with the recommended  
25 conditions.

1 **DECISION**

2 Based upon the testimony presented at the Public Hearing, photographs  
3 presented by Staff, the documents and exhibits admitted into the  
4 record, and the above Findings of Fact and Conclusions of Law, it is  
5 hereby the decision of the Hearing Examiner that the Shoreline  
6 Conditional Use Substantial Development permit application by Richard  
7 J. Grandy be **APPROVED** subject to the following conditions:

- 8 1. Prior to issuance of the Jefferson County Building Permit, the  
9 applicant will be required to submit the following:
- 10 a. A small parcel Drainage and Erosion Control Plan as  
11 required by the Jefferson County UDC and described in UDC  
12 3.6.10.f. Once the subject permit has been issued, the  
13 applicant shall fully implement the provisions of the  
14 submitted Drainage and Erosion Control Plan,
  - 15 b. A re-vegetation plan that indicates native plant species to  
16 be used for the purpose of shore bank retention, locations  
17 of plantings, and timelines for planting.
- 18 2. Proper disposal of construction debris must be on land in such a  
19 manner that debris cannot enter the water body or cause water  
20 quality degradation of state waters.
- 21 3. All lumber and other materials treated with preservative shall be  
22 sufficiently cured to minimize leaching into the water or shore  
23 bed, in accordance with the Best Management Practices approved by  
24 the Washington Department of Fish and Wildlife.
- 25 4. In order to minimize visual impact, the tram shall be constructed  
26 to harmonize with the local shoreline environment to the maximum  
27 extent practicable.
- 28 5. Construction shall be in substantial compliance with the site  
29 plans submitted to Jefferson County during the permit process as  
they exist now or are hereafter amended by Jefferson County  
and/or the Washington State Department of Ecology.
6. No fill or other material may be placed in the waters or  
intertidal areas of Jefferson County.
7. Work within the jurisdiction of the Shoreline Program other than  
as described above shall receive separate review from this  
office.

- 1 8. Substantial progress towards completion of the project shall be  
2 performed within two years of the issuance of the permit.
- 3 9. Prior to construction, the proponent shall contact the Jefferson  
4 County Department of Community Development at (360) 379-4450 with  
5 estimated project timelines for monitoring and plan compliance.
- 6 10. Prior to the onset of construction, the applicant shall provide  
7 the Department of Community Development with the name and address  
8 of the contractor carrying out the project.
- 9 11. In order to limit the proliferation of structures the subject  
10 area, the applicant is strongly encouraged to investigate  
11 utilizing this structure as a joint use/joint ownership facility  
12 with neighboring property owners.
- 13 12. The applicant shall comply with the provisions of Hydraulic  
14 Project Approval to be issued by WDFW.
- 15 13. The proposal shall fully comply with the 404 Permit issued by the  
16 US Army Corps of Engineers.
- 17 14. Prior to commencing the proposal the applicant shall obtain a  
18 lease from the Washington Department of Natural Resources for  
19 installing the cable anchors into the beach substrate within the  
20 public shoreline.
- 21 15. The applicant shall obtain an electrical and elevator permit from  
22 the Department of Labor and Industries.
- 23 16. The proposal shall comply with all of the conservation measures  
24 recommended through the Biological Assessment Report.
- 25 17. The proposal shall comply with all of the recommendations  
26 rendered through the submitted Geotechnical Report.

27 **DATED this 16th<sup>th</sup> day of December 2002.**

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30 **Irv Berteig**  
31 **Jefferson County Hearing Examiner**  
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