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JUN 24 2008

KITSAP COUNTY DEPT. OF  
COMMUNITY DEVELOPMENT



**Kitsap County Hearing Examiner**

**Stephen K. Causseaux, Jr.**

COUNTY COURTHOUSE, 614 DIVISION STREET MS-36  
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**OFFICE OF THE HEARING EXAMINER**

**KITSAP COUNTY**

**REPORT AND DECISION**

**CASE NO.:** 080522-040  
LONG LAKE ACCESS IMPROVEMENTS  
SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT

**APPLICANT:** Washington State Department of Fish and Wildlife  
Capital Programs and Engineering  
600 Capital Way North  
Olympia, WA 98501-1091

**PROJECT REPRESENTATIVE:** Ms. Lauren Stalmaster  
Fish and Wildlife Biologist  
Washington Department of Fish and Wildlife  
600 Capital Way North  
Olympia, WA 98501-1091

**SUMMARY OF REQUEST:**

The Washington Department of Fish and Wildlife (DFW) have applied for a Kitsap County Shoreline Substantial Development Permit (SSDP) for the re-development of an existing boat launch facility and to add accessible provisions that meet the Americans with Disabilities Act (ADA) design standards.

Specifically, development activities would include:

- Paving an accessible van-parking stall, an accessible boat trailer parking stall and an ADA walkway. Total proposed asphalt paving is approximately 2,885 square feet.
- Installing a barrier rock and striping to delineate parking.
- Installing an accessible boat-boarding float. The float would be 8 foot wide by 40 foot long and secured with two 8-inch diameter steel piles. The float would be constructed using polyencapsulated floats, untreated Port Orford cedar and

- Trex decking.
- Installing a 40 foot aluminum gangway that hinges on a 5 foot wide by 8 foot long concrete abutment and connects to the ADA float.
- Installing an 8 foot wide by 16 foot long articulated concrete mat at the ramp end (waterward side) for erosion protection.

The purpose of the project is to improve an existing public boat access site and to add accessible provisions that meet the Americans with Disabilities Act (ADA) design standards.

**PROJECT LOCATION:**

The 1.1 acre project site is located on the west side of Long Lake at the intersection of Clover Valley Road SE and SE Brooke Street, Kitsap County, Commissioner District 2, (southwest quarter section, Section 18, Township 23N, Range 2E).

**SUMMARY OF DECISION:**

Request granted, subject to conditions.

**PUBLIC HEARING:**

After reviewing Department of Community Development Staff Report and examining available information on file with the application, the Examiner conducted a public hearing on the request as follows:

The hearing was conducted in the chambers of the Kitsap County Board of Commissioners on May 22, 2008.

Parties wishing to testify were sworn in by the Examiner.

The following exhibits were submitted and made a part of the record as follows:

ITEM NO.	DOC. TYPE/SUBJECT	DATED	DATE REC'D.
1	Letter from W Lauren Stalmaster WSDFW	12/12/06	12/13/06
2	Pre-Application Meeting Request	No Date	12/13/06
3	Pre-Application Conference Confirmation Letter	1/10/07	N/A
4	Cancellation of Pre-Application Meeting	1/10/07	N/A
5	KC Assessor's Parcel Map	No Date	N/A
6	GIS Topo Map	No Date	N/A
7	GIS Comprehensive Plan Map	1/10/07	N/A
8	GIS Building Limitations Map	1/10/07	N/A

ITEM NO.	DOC. TYPE/SUBJECT	DATED	DATE REC'D.
9	GIS Topo Map	1/10/07	N/A
10	GIS Aerial Photo	1/10/07	N/A
11	KC Assessor's Property Report	1/10/07	N/A
12	E-mail from Lauren Stalmaster	6/13/07	6/13/07
13	Determination of Non-Significance –WSDFW	6/19/07	No Rec'd Date
14	JARPA Application	7/20/07	7/20/07
15	Site Plan	4/4/07	7/20/07
16	Request to Waiver Pre-Application Meeting	7/20/07	7/20/07
17	Letter from W Lauren Stalmaster 7/20/07	7/20/07	7/20/07
18	Notice of Application – Publication	No Date	7/20/07
19	Notice of Final Determination – WSDFW	7/5/07	7/20/07
20	KCPW Application for Concurrency Test	7/20/07	7/20/07
21	Letter from Jeff Davis	8/14/07	8/14/07
22	Notice of Complete Application	9/18/07	N/A
23	Memo from Shawn Alire	12/17/07	N/A
24	Letter from W Lauren Stalmaster	12/31/07	1/3/08
25	Notice of Application	1/4/08	N/A
26	Affidavit of Mailing – NOA	1/7/08	N/A
27	E-mail from Betty High	1/22/08	1/22/08
28	Notice of Public Hearing	5/5/08	N/A
29	Affidavit of Posting	5/7/08	N/A
30	Staff Report	5/13/08	N/A
31	Power Point Presentation	5/22/08	5/22/08
32	Memo from Lisa Lewis	5/22/08	5/22/08
33	Affidavit of Mailing – NPH	5/5/08	N/A

LISA LEWIS appeared, presented the Department of Community Development Staff Report, and introduced Exhibits "1" through "31", which included her powerpoint presentation. DFW owns 110 feet of lakefront. Original construction occurred in 1994 and included a ramp, parking area, and toilet. In 1998 they installed a concrete ramp. Residential lots abut both sides and 215 lots surround the lake. These lots are in private ownership; however, Kitsap County has a park on the north shoreline and DFW has this site. DFW served as the responsible official, issued a DNS following SEPA review, and received no appeals. Most comments support the project, but express concerns. Concerns include trespassing while boarding boats, which the improvements will address. The site is located in the Rural Shoreline Environment which encourages recreational activities. The

improvements include an accessible boat boarding float which will resolve some neighbor issues. The site will also provide better parking and a paved path. The project will also include an eight foot wide, 16 foot long concrete mat to protect against erosion. Two pilings will support the float. All improvements are allowed pursuant to the substantial development permit.

JOHN HANSEN, Engineering Division, DFW, appeared and testified that he agrees with the County's recommendations. They will provide a better toilet and will also pave one space for ADA parking. The ADA trailer pad is on the other side. They will provide a paved walkway from the toilet to the water, and will also provide a 40 foot walkway to an eight foot by 40 foot long float. The ramp is in good shape, but they are installing the mat to keep the scour down. The float will accommodate boarding of boats only and will not accommodate fishing. They will use barrier rock for parking. They have over 700 sites in the State and everyone always want more enforcement, garbage removal, and toilet cleaning. They cannot do this on a daily basis and can usually perform the services once every two weeks. This won't change as more people use the parks. However, they are on call if damage occurs. The site is fenced on both sides and they do not propose additional fencing. The float should keep the public from using the neighbors' docks. They will improve the signage and will replace failing signs. Concerning conditions of approval, he reviewed and discussed them with staff.

HAROLD WILSON appeared and testified that he resides at the south end of the lake and favors the improvements, which are long overdue. He uses the launching ramp twice per year, but enjoys parking his boat off the ramp and watching the activity.

No one spoke further in this matter and so the Examiner took the request under advisement.

**NOTE:** A complete record of this hearing is available in the office of Kitsap County Department of Community Development.

**FINDINGS, CONCLUSIONS AND DECISION:**

**FINDINGS:**

1. The Hearing Examiner has admitted documentary evidence into the record, heard testimony, and taken this matter under advisement.
2. Appropriate notice was provided pursuant to the Kitsap County Code.
3. A SEPA determination of non-significance was issued by DFW on June 19, 2007 with a two-week comment period ending on July 3, 2007. No appeals were filed.

4. The applicant, Washington State Department of Fish and Wildlife (DFW), has a possessory ownership interest in a 1.1 acre parcel of waterfront property abutting the western shoreline of Long Lake in unincorporated Kitsap County. The parcel is located east of the intersection of Clover Valley Road SE and SE Brooke Street and extends from Clover Valley Road to the shoreline. The applicant presently uses the site for a public boat launch facility.
5. The applicant desires to improve the facility and add improvements, necessary to meet the Americans with Disabilities Act (ADA) design standards. The project includes paving an accessible, van parking stall and an accessible, boat trailer parking stall; paving an ADA walkway from the parking area to the launching ramp; installing barrier rock and stripping to delineate parking spaces; installing an accessible, eight foot wide, 40 foot long, boat boarding float; installing a 40 foot long, aluminum gangway which connects the ADA walkway to the float; and installing an eight foot wide, 16 foot long, articulated concrete mat at the waterward side of the boat launching ramp for erosion protection.
6. DFW constructed a boat ramp, gravel parking lot, and vault toilet in 1994, and in 1998 replaced the boat ramp with pre-cast concrete ramp planks. The project will significantly improve the ability of boaters to conveniently launch and recover boats from Long Lake.
7. The parcel slopes moderately from Clover Valley Road to the lake, and lots improved with single family residential homes about the north and south property lines. The site is fenced on both the north and south property lines from Clover Valley Road to the water.
8. The site is located within the Rural Protection (RP) designation of the Kitsap County Comprehensive Plan and the RP zone classification of the Kitsap County Code (KCC). The surrounding area is located within the RP designation and zone classification, but 215 small lots surround Long Lake.
9. Title 22 KCC sets forth the Kitsap County Shoreline Management Master Program (SMMP). The applicable Rural shoreline designation is intended to protect agricultural land from urban expansion, but is also intended to maintain open spaces and opportunities for recreational uses. Both Kitsap County and the State have a public park on Long Lake, and the applicant proposes to continue providing recreational opportunities for the public.
10. The project satisfies the Management Policies of the Rural Shoreline Environment, which encourage public recreation facilities including water access and recreational viewing areas. One purpose of the project is to provide access to the boat launch site in compliance with ADA design standards.
11. The project satisfies the criteria for improving a boat launching ramp as the

improved ramp is at grade and is a public facility. The project is designed to minimize detrimental effects to the nature shore processes as the mat is designed to prevent erosion.

12. Section 22.28.090.3 KCC authorizes boat launching ramps in the Rural Environment subject to a substantial development permit. The project meets all general regulations for such permit as the applicant will comply with all conditions of the Hydraulic Project Approval (HPA) and will minimally disturb the shoreline during construction. The project will not disturb existing trees and shrubs, and the project will prevent erosion to the lake bottom.
13. Concerns were raised regarding the use of the ramp and access float, timely removal of garbage and debris from the facility, cleaning and maintenance of the public toilet, and larger, brighter signs. Requests were made to extend the fence into the lake to prevent boaters from using private docks. Many of the concerns will be mitigated by the new float adjacent to the launching ramp which will provide significant assistance in launching and recovering boats and should result in fewer trespasses onto neighboring parcels. However, the project itself will not create additional impacts to the toilet or trash at the site, and the applicant is limited by budgetary constraints in its policing of its public facilities. The overall project should mitigate existing adverse impacts and not create additional impacts to the general public and adjacent property owners.

#### **CONCLUSIONS:**

1. The Hearing Examiner has jurisdiction to consider and decide the issues presented by this request.
2. The applicant has shown that the request for a shoreline substantial development permit to allow improvements to the existing boat launch facility at Long Lake should be granted subject to the following conditions:
  1. An engineered drainage plan may be required for water quality mitigation. This review, if necessary, will take place at the time of building permit submittal.
  2. If any work is to be done below the ordinary high water mark, a Hydraulic Project Approval (HPA) permit is required from the Washington Department of Fish and Wildlife. Information regarding an HPA can be found at <http://www.wdfw.wa.gov/hab/hpapage.htm> or by calling the Office of Regulatory Assistance at (360) 407-7037.
  3. If necessary, the applicant will submit a site plan to scale showing the following:

- All existing and proposed approaches.
  - Widths of adjoining right-of-way.
  - Location of all adjoining road surfaces and edge of maintenance line in relationship to the existing right-of-way.
  - All adjoining subdivisions.
4. If necessary, the applicant shall submit a Road Approach Permit Application and plans for construction of asphalt concrete accesses between the edge of existing pavement and the right-of-way line at all intersections with county rights-of-way. Approaches shall be designed in accordance with Chapter 11.22, Kitsap County Road Standards, of the Kitsap County Code. Please denote the design vehicle on the plan set. Existing approaches may need to be improved to meet current standards.
  5. Any work within the County right-of-way will require a permit to perform work on County right-of-way and possibly a maintenance or performance bond. This application must be submitted as part of the SDAP process (or building permit if no SDAP is required). The need for and scope of bonding will be determined at that time.
  6. The Long Lake Access Development shall be constructed per the plan specifications received by Kitsap County Department of Community Development (Exhibit 13).
  7. Upon final permit issuance, construction must commence within two years and be complete within five years. A one time one-year extension is available but only if requested on or before ninety days of original permit expiration. No exceptions are allowed unless provided for by law.
  8. The decision set forth herein is based upon representations made and exhibits, including plans and proposals submitted at the hearing conducted by the hearing examiner. Any substantial change(s) or deviation(s) in such plans, proposals, or conditions of approval imposed shall be subject to the approval of the Hearing Examiner and may require further and additional hearings.
  9. 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 precedent 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.

**DECISION:**

The request for a shoreline substantial development permit to allow improvements to the Washington State Department of Fish and Wildlife boat launch facilities on Long Lake is hereby granted subject to the conditions contained in the conclusions above.

ORDERED this 19<sup>th</sup> day of June, 2008.

  
**STEPHEN K. CAUSSEAU, JR.**  
Hearing Examiner

TRANSMITTED this 25<sup>th</sup> day of JUNE, 2008, to the following:

**APPLICANT:** Washington State Department of Fish and Wildlife  
Capital Programs and Engineering  
600 Capital Way North  
Olympia, WA 98501-1091

**PROJECT REPRESENTATIVE:** Ms. Lauren Stalmaster  
Fish and Wildlife Biologist  
Washington Department of Fish and Wildlife  
600 Capital Way North  
Olympia, WA 98501-1091

**OTHERS:** *GARY & BETTY HIGH 6991 CLOVERVALE RD SE PORT ORCHARD WA 98367* *HAROLD WILSON 8565 DORMAN DR SE PORT ORCHARD WA 98367*

*JOAN HANSEN  
600 CAPITOL WAY  
N  
OLYMPIA, WA  
98501*

Kitsap County Board of Commissioners  
Kitsap County Department of Community Development  
Kitsap County Department of Public Works  
Kitsap County Prosecutor – Civil Division  
Kitsap County Department of Parks and Recreation  
Bremerton-Kitsap County Health Department  
The Sun Newspaper

Pursuant to Kitsap County Code Section 21.04.120 and the Land Use Hearing Examiner Rules of Procedure, an OBJECTION to the Examiner's Decision may be filed, in this matter, in writing, with the Clerk of the Board of County Commissioners, on or before July 10<sup>th</sup>, 2008. Prior to the filing of an Objection, the objector shall pay the sum of FIVE HUNDRED AND NO/100 DOLLARS (\$500.00) to the Department of Community Development.

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