



## Notice of Hearing Examiner Decision

08/12/2021

To: Interested Parties and Parties of Record

RE: Project Name: State Agency Lands – Wildcat Lake Boat Ramp Repair  
Applicant: Washington State Department of Fish & Wildlife –  
Alexandra Laughtin, Capital Asset & Management Program  
600 Capitol Way  
Olympia, WA 98501  
Application: Shoreline Substantial Development Permit (SSDP)  
Permit Number: #20-00567

The Kitsap County Hearing Examiner has **APPROVED** the land use application for **Permit #20-00567 State Agency Lands – Wildcat Lake Boat Ramp Repair – Shoreline Substantial Development Permit, subject to the conditions outlined in this Notice and included Decision.**

**THE DECISION OF THE HEARING EXAMINER IS FINAL, UNLESS TIMELY APPEALED, AS PROVIDED UNDER WASHINGTON LAW.**

The applicant is encouraged to review the Kitsap County Office of Hearing Examiner Rules of Procedure found at:

<https://spf.kitsapgov.com/dcd/HEDocs/HE-Rules-for-Kitsap-County.pdf>

Please note affected property owners may request a change in valuation for property tax purposes, notwithstanding any program of revaluation. Please contact the Assessor's Office at 360-337-5777 to determine if a change in valuation is applicable due to the issued Decision.

The complete case file is available for review at the Department of Community Development, Monday through Thursday, 8:00 AM to 4:00 PM and Friday 9:00 AM to 1:00 PM, except holidays. If you wish to view the case file or have other questions, please contact [Help@Kitsap1.com](mailto:Help@Kitsap1.com) or (360) 337-5777.

CC: Applicant/Owner of Record: State Agency Lands  
Authorized Agent: WDFW – Alexandra Laughtin, [Alexandra.Laughtin@dfw.wa.gov](mailto:Alexandra.Laughtin@dfw.wa.gov)  
Health District  
Public Works  
Parks  
DSE

Central Kitsap Fire District  
Central Kitsap School District  
Puget Sound Energy  
Water Purveyor- Kitsap PUD #1  
Suquamish Tribe  
WA Dept of Fish & Wildlife  
WA State Dept of Ecology-SEPA  
WA State Dept of Ecology-Wetland Review  
WA State Dept of Ecology- Shoreline Review  
WA State Dept of Transportation  
Interested Parties: Vicky Wixson Henderson, [vickbo2@yahoo.com](mailto:vickbo2@yahoo.com)

**KITSAP COUNTY HEARING EXAMINER  
FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECISION**

**Shoreline Substantial Development Permit  
Wildcat Lake Boat Ramp Repair  
File No. 20-00567**

**August 4, 2021**

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**1. FINDINGS OF FACT**

**1.1 Proposal.** Replace, enlarge, and enhance existing public boat launch on Wildcat Lake. The existing facility, a concrete cross-structure, has reached the end of its operational use and requires repair. The expansion will improve boat launch efficiency and public safety, as well as reduce scour through ramp beam modifications. The site has been in Washington Department of Fish and Wildlife (“WDFW”) ownership since the 1950’s, with the boat launch constructed in the 1960’s.

**Applicant/Property Owner.** Alexandra Laughtin, c/o Capital and Asset Management Program, WDFW, 600 Capitol Way, Olympia, WA 98501.

**Location.** Northwest end of Lakeview Court NW, just north of 4285 Lakeview Court NW, Bremerton, WA. Parcel numbers 4501-000-004-0002 and 4501-000-003-0003.

**1.2 Hearing.** An open record public hearing was held July 22, 2021. Due to COVID-19 restrictions, the hearing was conducted remotely, with the Examiner, Kitsap County Department of Community Development (“DCD”), and Applicant calling in. Access information was provided to the public to allow citizens to join via either a video link or telephone call-in. There were no reported technical difficulties during the call or afterwards. However, in case any citizens who wished to comment had difficulty calling in, the record was kept open through July 29.<sup>1</sup> No comment was received following the hearing. At the hearing, DCD, through Mr. Heacock, described the project. DCD found it consistent with requirements, and recommended approval with conditions. The Applicant, through Ms. Laughtin, confirmed there were no concerns with DCD’s proposed conditions. No member of the public indicated a wish to speak.

**1.3 Administrative Record.** The Hearing Examiner admitted Exhibits 1-19, which included the Staff Report, application materials, documentation of agency consultation, public notice documents, and a DCD Power Point presentation.

**1.4 SEPA.** WDFW served as the lead agency under SEPA. It issued an unappealed Determination of Non-Significance.<sup>2</sup> SEPA review is complete.

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<sup>1</sup> Temporary Emergency Rule to Address COVID-19 Situation (April 1, 2020).

<sup>2</sup> Exhibit 4.

**1.5 Consultation/Agency Review.** The proposal was circulated within the County. As long as requirements are met, there were no objections to approval. The Suquamish Tribe has been consulted and conducted a site visit with WDFW.<sup>3</sup> A Hydraulic Project Approval and U.S. Army Core of Engineers NWS permit (NWS 2020-234) have issued.<sup>4</sup>

**1.6 Notice.** Hearing and application notice was provided consistent with KCC requirements.<sup>5</sup>

**1.7 Public Comment.** DCD answered a question on weed abatement.<sup>6</sup> Additional written comments were not submitted.

**1.8 Land Use Designations.** The Comprehensive Plan designation is Rural Development, with Rural Residential zoning. Zoning to the north and south is also Rural Residential, with single family residences in both directions. The site is accessed from the east off of Lakeview Court NW. The lake is on the west side. The shoreline designation is Shoreline Residential.

**1.9 Utility and Public Services.**

- **Water:** PUD #1
- **Power:** Puget Sound Energy
- **Sewer:** N/A
- **Police:** Kitsap County Sheriff
- **Fire:** Central Kitsap Fire & Rescue
- **Schools:** Central Kitsap School District

**1.10 Access.** Lakeview Court NW provides direct access.

**1.11 Site Physical Characteristics.** The site is an access area, maintained as a gravel parking lot, with vegetation long the fence lines on the north and south sides. Douglas fir and western red cedar are among the coniferous trees on the property's sides, with low-growing vegetation beneath. Low shoreline grasses occupy patchy areas within the shoreline gravel.

**1.12 Project Description.** The present ramp system is 10-feet wide and 40-feet long and elevated above the substrate. The replacement extends further into the water. It will be 12-feet wide and incorporate a two-foot wide cobble surround for improved safety, and to reduce scour and erosion. The new footprint is 768 square feet. Mitigation is proposed to eliminate reed canary grass in the park area and native vegetation will be planted. Net fill is one cubic yard below the ordinary high water mark and one cubic yard above. Excavation includes 23 cubic yards of old ramp and fill and 25 cubic yards of fill for the new ramp and gravel shoulders. The ramp is designed to minimize sediment disturbance from propellor wash. A sediment curtain will be installed during construction. A Biological Evaluation and Mitigation Plan were submitted.<sup>7</sup>

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<sup>3</sup> Exhibit 18 (Staff Report), pp. 6-7.

<sup>4</sup> Exhibits 15 and 17.

<sup>5</sup> Exhibits 9, 10, and 14; KCC 21.04.080, .210.

<sup>6</sup> Exhibit 11; Exhibit 18 (Staff Report), p. 7.

<sup>7</sup> Exhibits 8 and 16.

**1.13 Conditions/Staff Report.** The Applicant accepted the proposed conditions, which are incorporated without substantive revision. Except as the Decision revises it, the Staff Report is incorporated.

## **2. CONCLUSIONS OF LAW**

**2.1 Examiner Review.** The Hearing Examiner reviews SSDP applications.<sup>8</sup> Approval requires consistency with shoreline policies and regulations.

**2.2 Mooring Structures and Activities.** Boat launch ramps in the aquatic designation adjacent to Shoreline Residential uplands are authorized.<sup>9</sup> The project is consistent with KCC 22.600.160. The use is water dependent, legal requirements are followed, and the project is not within critical saltwater habitat. The project will not impact protected species, and minimizes and mitigates impacts to achieve no net loss of ecological functions.<sup>10</sup>

**2.3 Existing Structures.** Lawfully constructed structures may be expanded or redeveloped consistent with mitigation designed to achieve no net loss.<sup>11</sup> The ramp is an existing structure which will be rebuilt and expanded. Consistent with Ch. 22.800 KCC, Appendix B and SMC 22.400.110 professionals have designed mitigation to achieve the “no net loss” standard for project impacts.

**2.3 Aquatic Policies, KCC 22.200.135.** The project facilitates the core objective of these policies, which is to support water dependent uses in an ecologically sound manner. The project makes use of shoreline resources, consistent with environmental mitigation requirements.

**2.4 Work Waterward of OHWM.** Water dependent structures are not subject to shoreline buffers, but all work must obtain required permits, in-water work must comply with applicable construction timing restrictions, and the bank and vegetation must be protected.<sup>12</sup> The project meets these requirements.

**2.5 Aesthetics and Shoreline Access.** Shoreline aesthetics and access will be improved. The project follows Ch. 22.300.

**2.6 Shorelines of Statewide Significance, KCC 22.300.145.** In Kitsap County, areas "seaward from the line of extreme low tide" within Puget Sound and Hood Canal (from the Kitsap-Mason line to Foulweather Bluff) are shorelines of statewide significance. The project is not within such an area.

**2.7 Consistency with SMP.** The project follows KCC shoreline policies, and also furthers their underlying objectives to support environmentally responsible utilization of shoreline resources and water dependent uses. The location is well suited for this water dependent use, which the County's SMP, and the SMA more generally, support. The project

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<sup>8</sup> KCC 21.04.100; KCC 22.500.105(E).

<sup>9</sup> KCC 22.600.160(C)(6); KCC 22.600.160(A)(2).

<sup>10</sup> Exhibits 8 and 16.

<sup>11</sup> SMC 22.400.100(B)(1)(c).

<sup>12</sup> SMC 22.400.105(B).

follows the County's shoreline regulations and policies, and the Shoreline Management Act, Ch. 90.58 RCW, and should be approved.

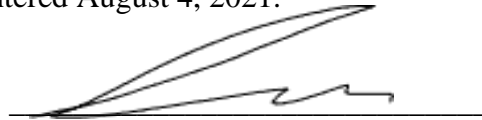
### **DECISION**

The Hearing Examiner, pursuant to the above Findings of Fact and Conclusions of Law, approves the requested permit subject to these conditions:

1. The proposal must meet the 5-foot side yard zoning setback.
2. Per Stormwater Development review, the associated project is exempt from stormwater requirements. Should over water impervious surfaces be incorporated in the future, a site plan review is required.
3. A Hydraulic Project Approval permit is required from the Washington Department of Fish and Wildlife. (An HPA has been issued). Condition applies to any HPA revision.
4. Project work shall be subject to the conditions of the Washington Department of Fish and Wildlife Hydraulics Project Approval (HPA).
5. Shoreline construction activities shall be conducted in a manner such that private properties adjacent to the project area are not impacted.
6. All recommendations of the September 2020 Biological Evaluation and associated Mitigation plan shall be followed (Exhibit 16 and 8, respectively).
7. To prevent scouring of the substrate, power-assisted pressure washing or cleaning of equipment, machinery, or structures in water less than seven feet deep shall be prohibited. In addition, equipment that contains or is covered with petroleum based products should not be pressure washed in or over the water.
8. All mooring facilities shall be designed and constructed to avoid, or where avoidance is not feasible, to minimize and mitigate impacts to achieve no net loss of ecological functions, including functions associated with critical saltwater habitats and species, such as eelgrass beds, and fish habitats and processes such as currents and littoral drift.
9. Upon final permit issuance, all construction for the project 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.
10. Mitigation shall conform to the requirements of the Hydraulic Project Approval.

Absent a timely appeal, or grant of reconsideration, this Decision is final.<sup>13</sup>

DECISION entered August 4, 2021.



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Kitsap County Hearing Examiner  
Susan Elizabeth Drummond

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<sup>13</sup> RCW 90.58.140(6) and RCW 90.58.180 (21 days to appeal to Shorelines Hearings Board); Ch. 36.70C RCW (for issues outside SHB jurisdiction, appeal to superior court must be made within 21 days); HER 1.9.1.