



## Hearing Examiner Staff Report and Recommendation

**Report Date:** 07/15/2021  
**Hearing Date:** 07/22/2021

**Application Submittal Date:** 02/07/2020  
**Application Complete Date:** 02/13/2020

**Project Name:** Wildcat Lake WDFW Boat Launch Project  
**Type of Application:** Shoreline Substantial Development Permit  
**Permit Number:** 20-00567

### Project Location

The project is located at the northwest end of Lakeview Court NW, just north of 4285 Lakeview Court NW, Bremerton, WA Kitsap County, Washington, Commissioner District 3.  
Site Address: NA

### Assessor's Account #

4501-000-004-0002 and 4501-000-003-0003

### Applicant/Owner of Record

Alexandra Laughtin  
Capital and Asset Management Program  
Washington Department of Fish and Wildlife  
600 Capitol Way  
Olympia, WA 98501

### VICINITY MAP



### Recommendation Summary

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

#### 1. Background

The Washington Department of Fish and Wildlife through the Capital and Asset Management Program seek to replace, enlarge and enhance an existing public boat launch located on Wildcat Lake, in Central Kitsap County. The existing facility is in need of repair of the launch ramp, which is a concrete cross-structure that has reached the end of its operational use. As such, the proposed expansion will improve boat launch efficiency and safety for the public and also will reduce scour by design modification of the ramp beams. The existing facility has been in use since the 1960's (the property has been in WDFW ownership since the early 1950's). was originally constructed in the 1960's. The ramp system is currently 10 foot wide by approximately 40 foot long and is elevated above the

substrate. The proposed replacement extends further into the water, is 12 feet wide and will incorporate a 2-foot wide cobble surround for better 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 replanting of native vegetation is also proposed.

## **2. Project Request**

The proposed project is to reconstruct and expand the Washington Department of Fish and Wildlife freshwater boat launch ramp located at Wildcat Lake. The existing ramp is in need of repair and entails the removal of 30 planks of an existing footprint of 443 square feet (14-inch x 10-feet each), with a replacement of 12 new planks, measuring 4-feet x 12-feet. Rock shoulders will be installed, comprised of 2 ft wide spall material (2 ½ inch rock), added to the ramp sides and end to minimize undercutting and erosion of the ramp. The new ramp and shoulders will extent to a new footprint of 768 square feet. Net fill is 1 cubic yard (CY) below OHWM and 1 CY above OHWM. Excavation includes 23 cubic yards of old ramp and fill, and 25 cubic yards of fill for the new ramp and gravel shoulders. The new launch ramp pieces will be constructed off site (prefabricated) and the ramp is designed to minimize sediment disturbance from propeller wash impacts. A sediment curtain will be installed during construction.

## **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.

### **COMMENTS:**

As the applicant is an agency with SEPA authority, the Washington Department of Fish and Wildlife is the lead for SEPA purposes and has issued a Determination of Non-significance for the project (dated November 26, 2018). A 14-day appeal period was provided, extending a comment period to December 10, 2018. There were no appeals or comments related to the DNS noted, so the decision is considered final (see exhibit 4, SEPA DNS).

## **4. Physical Characteristics**

The topography of the project area is on stable shoreline beach sediments and substrate.

The parcel is an access area and is primarily a gravel parking lot with vegetation lining the fence lines on the north and south sides. There are established coniferous trees on either side with low-growing vegetation beneath, including Salal. Douglas fir and western red cedar are present. Low shoreline grasses are found at the shoreline in patchy areas among gravel. The site is bordered to the north and south by single-family residential properties and Wildcat lake to the west.

**Table 1 - Comprehensive Plan Designation and Zoning**

| Comprehensive Plan:<br>Rural Development<br>Zone: Rural Residential | Standard   | Proposed |
|---|------------|----------|
| Minimum Density   | 5 DU/acre  | NA       |
| Maximum Density   | 5 DU/acre  |          |
| Minimum Lot Size  | 217,800 SF | NA       |
| Maximum Lot Size  | NA         | NA       |
| Minimum Lot Width   | NA         | NA       |
| Minimum Lot Depth   | NA         | NA       |
| Maximum Height  | 35 feet    | NA       |
| Maximum Impervious<br>Surface Coverage                              | NA         | NA       |
| Maximum Lot Coverage  | NA         | NA       |

Applicable footnotes:

None.

**Table 2 - Setback for Zoning District**

|       | Standard              | Proposed |
|-------|-----------------------|----------|
| Front | 50 feet               | NA       |
| Side  | 20 feet               | 5 feet   |
| Side  | 20 feet               | NA       |
| Rear  | Shoreline residential | NA       |

**Table 3 - Surrounding Land Use and Zoning**

| Surrounding<br>Property | Land Use   | Zoning |
|-------------------------|--|--------|
| North                   | RR, development of<br>surrounding area prior to<br>GMA and Zoning<br>designations. | RR     |
| South                   | RR, development of<br>surrounding area prior to                                    | RR     |

|      |   |    |
|------|---|----|
|      | GMA and Zoning designations.  |    |
| East | RR, development of surrounding area prior to GMA and Zoning designations. | NA |
| West | Shoreline Residential   | NA |

**Table 4 - Public Utilities and Services**

|        | Provider                       |
|--------|--------------------------------|
| Water  | PUD #1                         |
| Power  | Puget Sound Energy             |
| Sewer  | NA                             |
| Police | Kitsap County Sherriff         |
| Fire   | Central Kitsap Fire & Rescue   |
| School | Central Kitsap School District |

**5. Access**

Access to the project is directly off of Lakeview Court NW, via NW Holly Road, to Lakeview Avenue NW, and right onto Lakeview Court NW. The ramp and facility are a left turn to the lakefront.

**6. Site Design**

Not applicable. A revised site plan (Exhibit 7) is provided.

**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, as amended April, 2020.

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

*Shorelines*

*Policy SH-1*

*Encourage and support shoreline diversity through planned and coordinated development, which gives preference to water-dependent uses, traditional and historic use patterns, resource values, and environmental protection.*

*Policy SH-3*

*Uses and activities along shorelines and in the waters of Kitsap County should not have a significant adverse effect on water quality.*

*Policy SH-8*

*Land use activities shall be sited and designed to minimize conflicts with and impacts on the shoreline environment.*

*Utility Goals and Policies*

*Policy UT-2*

*Encourage the designation and development of utility corridors and facilities in a manner consistent with the needs and resources of Kitsap County.*

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

*Kitsap County Code (KCC) Title 17 Zoning*

*KCC Title 18, Chapter 18.04 State Environmental Policy Act (SEPA)*

*KCC Title 19 Critical Areas Ordinance*

*KCC Title 21, Chapter 21.04 Land Use and Development Procedures*

*KCC Title 22, Chapter 22.600.105 and 22.600.185(B).*

**Shoreline Environment Designation:** Shoreline Residential.

**Flood zone Designation:** AE (100-foot elevation under NAVD 88 survey methods (see revised site plan, Exhibit 7)

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 13       | Water and Sewers                      |
| Title 14       | Buildings and Construction            |
| Title 15       | Flood Zone                            |
| Chapter 18.04  | State Environmental Policy Act (SEPA) |
| Chapter 21.04  | Land Use and Development Procedures   |

|          |                          |
|----------|--------------------------|
| Title 22 | Shoreline Master Program |
|----------|--------------------------|

**8. Documents Consulted in the Analysis**

A complete index of exhibits is located in the project file. To date, the index to the record consists of Exhibits 1-14.

| Exhibit # | Document  | Dated      | Date Received |
|-----------|---|------------|---------------|
| 1         | Permit Questionnaire  |            | 2/13/2020     |
| 2         | Joint Aquatic Resources Permit Application (JARPA)  |            | 2/13/2020     |
| 3         | Site Plan   |            | 2/13/2020     |
| 4         | SEPA Determination of Non-Significance (DNS) – Issued by WA State Dept. of Fish & Wildlife (WDFW) |            | 2/13/2020     |
| 5         | Ramp Plans  |            | 2/13/2020     |
| 6         | Ramp Photos   |            | 2/13/2020     |
| 7         | Revised Site Plans  |            | 4/14/2020     |
| 8         | Information Request Response  |            | 9/25/2020     |
| 9         | Notice of Application   | 10/9/2020  |               |
| 10        | Notice of Public Hearing  | 4/28/2021  |               |
| 11        | Interested Party Comment – Wixson   |            | 5/5/2021      |
| 12        | Notice of Cancellation of Public Hearing  | 5/5/2021   |               |
| 13        | Notice of Public Hearing – Revised  | 7/7/2021   |               |
| 14        | Certification of Public Notice  | 7/7/2021   |               |
| 15        | United States Army Core of Engineers (ACOE) NWS permit NWS-2020-234                               | 11/16/2020 | 6/21/2021     |
| 16        | WDFW No-Effect Memo   | 09/25/2020 | 6/21/2021     |
| 17        | WDFW Hydraulic Project Approval (2020-6-505+01)   | 12/19/2020 | 6/21/2021     |
| 18        | Staff Report  | 7/15/2021  |               |
| 19        | Staff Presentation  | 7/22/2021  |               |

**9. Public Outreach and Comments**

We received one public comment related to the permit submittal on this proposal. A site visit was conducted by Washington State Department of Fish and Wildlife and the Suquamish Tribal Biologist. Mitigation in the form of the removal of invasive reed canary grass is proposed and will be a condition of approval. The applicant representative has consulted with the U. S. Army Corps of Engineers and a Nationwide Permit has been issued (NWS-2020-234, Exhibit 15)

| Issue Ref. No. | Summary of Concern<br>(See corresponding responses in the next table)   | Comment Letter Exhibit Reference No. |
|----------------|---|--------------------------------------|
| Comment        | A question was relayed from a neighbor to the project regarding weed abatement, as follows: The project description includes "invasive vegetation removal and planting of native species". Are you referring to the invasive water lilies as part of that invasive vegetation? They have spread from the launch area to my dock over the last two years, and are heading even further over this year. I (and my neighbors) would be most happy to see them go! Vicky Wixson | Exhibit 11                           |

| Issue Ref. No. | Issue          | Staff Response   |
|----------------|----------------|--|
| NA             | Weed abatement | The project describes that there is reed canary grass on the site which should be removed. The Hydraulic Project Approval from State Fish and Wildlife (Exhibit 17) describes invasive species removal as a requirement, however, removal would be limited to on or near the boat launch site, and would not extend out of the area of control by State lands. We have a verbal communication from Alison O’Sullivan with the Suquamish tribe detailing that the invasive removal is reed canary grass and the water lily is not part of the weed abatement. |

**10. Analysis**

**a. Planning/Zoning**

The proposed boat launch is subject to side yard setback requirements. The proposal requires a 5-foot side yard setback.

*The proposal conforms to the required 5-foot side yard setback.*

**b. Lighting**

Not applicable to this proposal.

**c. Off-Street Parking**

Not applicable to this proposal.

**Table 5 - Parking Table**

| Use Identified in<br>17.490.030 | Standard | Required Spaces | Proposed<br>Spaces/Existing<br>Spaces |
|---------------------------------|----------|-----------------|---------------------------------------|
| NA                              | NA       | NA              | NA                                    |
| Total                           | NA       | NA              | NA                                    |

**d. Signage**

Not applicable to this proposal.

**e. Landscaping**

Not applicable to this proposal.

**Table 6 - Landscaping Table**

|   | Required | Proposed |
|---|----------|----------|
| Required<br>Landscaping<br>(Sq. Ft.)<br>15% of Site | NA       | NA       |
| Required<br>Buffer(s)                               |          |          |
| North   | NA       | NA       |
| South   | NA       | NA       |
| East  | NA       | NA       |
| West  | NA       | NA       |
| Street Trees  | NA       | NA       |

**f. Frontage Improvements**

Not applicable to this proposal.

**g. Design Districts/Requirements**

Not applicable to this proposal.

**h. Development Engineering/Stormwater**

Not applicable to this proposal. The proposal has no stormwater impacts.

**i. Environmental**

Policies: See the previous Policies section for general policy analysis. Regulations:

**KCC 22.300.125 Shoreline use and site planning**

Goal: Preserve and develop shorelines in a manner that allows for an orderly balance of uses by considering the public and private use, along with the development of shorelines and adjacent



land areas with respect to the general distribution, location and extent of such uses and development.

A. Policy SH-20. For shoreline use and development activities, including plats and subdivisions at full build-out, employ innovative development features to achieve no net loss of ecological functions, such as sustainable and low impact development practices where appropriate.

*Staff analysis and comments: the proposed boat ramp is a vested development activity and meets the criteria.*

B. 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\(B\)](#).

*Staff analysis and comments: the proposed boat ramp repair is a water dependent use. The project is a vested development activity and meets the criteria.*

C. Policy SH-22. Designate and maintain appropriate areas for protecting and restoring shoreline ecological functions and processes to control pollution and prevent damage to the shoreline environment and/or public health.

*Staff analysis and comments: the proposed project is a vested development activity. The new ramp will reduce ecological damage, provide for sediment control and will reduce erosive impacts from prop wash with the provided signage, "No Power Loading". Invasive reed canary grass is located near the boat launch and will be removed as a mitigation measure. Native plantings will be installed adjacent to the shoreline per the mitigation memo from the applicant. The facility meets the criteria.*

D. 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.

*Staff analysis and comments: the proposed ramp is a vested Agency development activity. There is no armoring required for the project and it meets the criteria.*

**KCC 22.300.145 Shorelines of Statewide Significance**

The Shoreline Management Act of 1971 designated certain shoreline areas as shorelines of statewide significance. Shorelines, thus designated, are important to the entire state. The project work area is located outside of the designation and therefore requires no further analysis under this classification.

**KCC 22.400 General Regulations**

The summary below provides description of project consistency with the general regulations provided in KCC 22.400. The applicable general regulations include mitigation; vegetation conservation buffers; water quality and quantity; historic, archaeological, cultural, scientific and educational resources; view blockage; bulk and dimension standards; public access, and flood hazard reduction measures.

Discussion of mitigation and vegetation conservation buffers are presented as part of the mitigation memo (Exhibit 8) and No Effect analysis, provided in detail below, dated 09/25/2020 (Exhibit 16).

*Staff has reviewed the summary analysis and find the proposal is consistent with the required provisions in KCC 22.400.125 Water Quality and Quantity; KCC 22.400.130 Historic, Archeological, Cultural, Scientific and Educational Resources; KCC 22.400.135 View Blockage; KCC 400.140 Bulk Dimension Standards; KCC 22.400.145 Public Access; KCC 22.400.150 Flood Hazard Reductions; KCC 22.400.(110,115, and 120) No Effect Analysis, which includes Mitigation Sequencing, Avoidance, Minimization, Restoration, Compensatory Mitigation and Assessment of No Net Loss.*

**22.600.160 Mooring structures and activities**

As detailed in KCC 22.600.160, shoreline boat ramps are permitted uses in the Shoreline Residential zone under mooring structures and activities, section C 6.

A. Environment Designations Permit Requirements. When mooring structures are proposed in the aquatic designation and are adjacent to the following upland designations, the identified permit requirements shall apply:

1. Natural: a. Prohibited for single use. *Comment: NA*  
b. Prohibited for joint or public use, unless the adjoining upland is a public park, then up to two mooring buoys may be permitted with a Substantial Development Permit (SDP).  
*Comment: NA*
2. Rural conservancy, urban conservancy, shoreline residential, and high intensity: SDP.  
*Comment: the application meets the criteria; the zone is shoreline residential.*

- B. Application Requirements. In addition to the general permit requirements, proposals for mooring structures shall include the following:
1. A staff consultation meeting with the department, state and federal agencies (where applicable), and tribes affected by proposals within their usual and accustomed grounds and stations shall be required prior to application for new piers and docks, pursuant to Chapter [22.500](#) (Permit Provisions, Review and Enforcement); *Comment: a staff consult was performed. The proposal is not for a dock or pier.*
  2. Description of the proposed structure, including size, location, design, and any other modification required by the project; *Comment: these items are included in the analysis*
  3. Ownership of tidelands, shorelands, and/or bedlands; *Comment: provided in the JARPA*
  4. Proposed location of mooring structures relative to property lines and OHWM; *Comment: NA, the proposal is not a mooring structure.*
  5. Location, width, height, and length of mooring structures on adjacent properties; *Comment: NA, the proposal is not a mooring structure.*
  6. If for residential moorage, demonstration that existing facilities, including public moorage within ten driving miles of the applicant's parcel, are not adequate or feasible to accommodate the proposed moorage; *Comment: NA, the proposal is not a mooring structure.*
  7. Demonstration that alternative types of moorage, including buoys, are not adequate or feasible; *Comment: NA, the proposal is not a mooring structure.*
  8. For residential docks, written confirmation from each adjoining landowner indicating whether or not a joint-use mooring structure agreement will be entered into; *Comment: the proposal is not a residential dock.*
  9. Habitat surveys as described in Section [22.700.145](#) shall be required for mooring structures, with the exception of buoys, and shall be conducted according to WDFW, Washington Department of Natural Resources, and the U.S. Army Corps of Engineers parameters, where applicable. *Comment: a Biological Effects report was performed; the proposal is not for a mooring structure.*
- C. Development Standards.
1. General Development Standards

- a. New mooring structures shall be allowed only for water-dependent uses or public access. As used here, a dock associated with a single-family residence is a water-dependent use and may be permitted; provided, that it is designed and intended as a facility for access to watercraft and otherwise complies with the provisions of the Act and this program. *Comment: the proposal is a water-dependent use.*
- b. Water-related and water-enjoyment uses may be allowed as part of mixed-use development on over-water structures where they are clearly auxiliary to and in support of water-dependent uses, provided the minimum size requirement needed to meet the water-dependent use is not violated. *Comment: NA*
- c. Mooring structures shall follow all applicable state and federal requirements for building standards, materials, installation timing, and surveys. *Comment: NA*
- d. Mooring structures shall only be allowed in critical saltwater and freshwater habitats when the standards provided in this section for such habitats are met. *Comment: NA*
- e. Over-water structures shall be constructed to the minimum size necessary to meet the needs of the proposed water-dependent use, including single-family residences, provided the additional development standards of this chapter are met. *Comment: NA*
- f. Buoys shall be preferred over piers, docks or floats. Applicants shall demonstrate that a buoy is not a feasible option prior to proposing a less preferred option. *Comment: NA. The proposal is for a freshwater boat ramp replacement.*
- g. Single-use mooring structures, with the exception of buoys, shall be prohibited except where it can be demonstrated that a joint use facility is not feasible. *Comment: NA*
- h. Proposed moorage structures for new residential development of two or more dwellings shall be limited to a single, joint-use community facility except where demonstrated to be infeasible, with no more than one moorage space per dwelling unit or lot. If shared moorage is provided, the applicant/proponent shall file a legally enforceable joint use agreement or other legal instrument at the time of plat recordation. *Comment: NA*
- i. Except when accessory to single-family residences, any new pier or dock construction may only be permitted if the applicant has demonstrated that a specific need exists to support the intended water-dependent use. This may include justification through port or county comprehensive plans. *Comment: NA*
- j. Mooring structures shall be readily discernible under normal daylight conditions to the unaided eye at a minimum distance of one hundred yards and must be marked for night-time visibility. *Comment: NA, the proposal will be submerged near navigable waters.*

- k. No creosote, chromate copper arsenate, or pentachlorophenol treated wood, or other comparably toxic compounds, shall be used as part of the decking, pilings, or other components of any in-water structures such as docks, piers, and floats. No treated woods are required: *NA*
- l. During maintenance, existing deteriorated treated wood shall be replaced with alternative materials such as untreated wood, steel, concrete, or recycled plastic, or encased in a manner that prevents metals, hydrocarbons and other toxins from leaching out. If maintenance activities exceed fifty percent repair or replacement of the existing structure, then the application requirements in subsection (B) of this section shall apply. *Comment: NA*
- m. Tires are prohibited as part of above- and below-water structures or where tires could potentially come in contact with the water. *Comment: NA*
- n. During maintenance or repair of a pier, dock or ramp, existing tires used for flotation shall be replaced with inert or encapsulated materials such as plastic or encased foam. Likewise, any unencapsulated foam material must be removed or replaced. *Comment: NA*
- o. 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. *Comment: NA.*
- p. New covered moorage, over-water boat houses, side walls or barrier curtains associated with single-family residential moorage are prohibited. When covered moorage and covered watercraft lifts are replaced, the replacement structures should use transparent roofing materials that are rated by the manufacturer as having ninety percent or better light transmittance. *Comment: NA*
- q. New structures shall be designed and located so no new bulkheading or armoring of the shoreline is necessary. *Comment: NA.*
- r. Functional grating resulting in a total open area of a minimum of twenty-four percent must be installed on piers which are new or replacement greater than fifty percent. This can be achieved by installing grating with sixty percent open area on at least forty percent of the pier or by grating a larger percentage of the pier with grating with openings of less than sixty percent. Exceptions to these standards may be permitted where need is demonstrated and when approved by the U.S. Army Corps of Engineers. *Comment: NA*
- s. Grating must not be covered, on the surface or underneath, with any stored items and must be kept clean of algae, mud or other debris that may impede light transmission. *Comment: NA*

t. 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. *Comment: this will be made a condition of approval.*

u. Proposed moorage facilities should be evaluated to ensure that the project does not conflict with existing water dependent uses. *Comment: the project meets the criteria.*

## 2. Critical Saltwater Habitats Standards.

a. Except for private, noncommercial mooring facilities for individual or community use, all mooring structures may only be permitted if the applicant can clearly demonstrate the public's need for the structure, the structure is consistent with the public trust protections in RCW [90.58.020](#), and the structure is consistent with the state's interest in resource protection and species recovery. *Comment: The proposal is located within a freshwater shoreline. The structure is a replacement and expansion of an existing public facility.*

## 3. Pilings.

a. New or replacement pilings may be made of steel, concrete, plastic, untreated wood or treated wood where approved for the marine or freshwater environment, except creosote and similar products. *Comment: the NA.*

b. New pilings must be spaced twenty feet apart lengthwise. If the structure is less than twenty feet in length, pilings may be allowed at the ends of the structure only. In areas with forage fish spawning or rearing and submerged aquatic vegetation, when allowed, pilings must be spaced forty feet apart lengthwise. *Comment: NA*

c. A maximum of two moorage pilings beyond or parallel to a mooring structure may be allowed to accommodate moorage of boats exceeding the length of the mooring structure or to provide supplementary tie-down locations for boats that require additional stabilization. *Comment: NA*

d. New or replacement pilings shall be driven only during construction windows approved by WDFW. These include protection for spawning periods and periods of presence of juvenile salmonids, forage fish and groundfish. *Comment: the HPA will guide the project. The project has an approved HPA.*

## 4. Piers.

*Comment: Analysis for piers in sections a through f are not applicable to the proposal.*

5. Floats.

*Comment: Analysis for floats in sections a through h are not applicable to the proposal.*

6. Boat Launching Ramps, Railways and Lifts.

a. Private boat launches shall not extend below ordinary high water, unless they:

- i. Are elevated; and
- ii. Will result in no net loss of shoreline ecological functions; and
- iii. Minimize aesthetic impacts.

*Comment: the proposed freshwater boat ramp meets the criteria.*

b. Commercial or community boat launching ramps shall provide a wash-down drainage crypt which incorporates oil-water separators for the treatment and disposal of wastewater associated with the boat launching ramp. *Comment: NA*

c. Private marine rail systems are preferred over private boat launch ramps. Applicants shall demonstrate that the preferred option is infeasible before selecting the less preferred option. *Comment: the facility is a pre-existing boat ramp and is being replaced and upgraded.*

d. Marine rail systems shall be maintained in operating condition or must be removed. *Comment: NA*

e. Marine rail systems shall be designed, to the greatest extent feasible, so they are not barriers to littoral drift. *Comment: NA*

f. Floating watercraft lifts shall be located greater than nine feet waterward from the OHWM. *Comment: NA*

g. The area of floating boat lifts to be installed on the over-water structure must be included in the float grating calculations. *Comment: NA*

7. Buoys and Anchors.

*Comment: Analysis for buoys and anchors in sections a through g are not applicable to the proposal.*

8. Lakes, Rivers and Streams.

- a. Mooring structures shall be prohibited on rivers and streams.
- b. No mooring structures shall be constructed within one hundred feet of the mouth of a river, stream or creek.

*Comment: Analysis for lakes was completed for the project. There are no streams within the boat launch proximity.*

**j. Access, Traffic and Roads**

Not applicable to this proposal.

**k. Fire Safety**

Not applicable to this proposal.

**l. Solid Waste**

Not applicable to this proposal.

**m. Water/Sewer**

Not applicable to this proposal.

**n. Kitsap Public Health District**

Not applicable to this proposal.

**11. Review Authority**

The Hearing Examiner has review authority for this Shoreline Substantial Development Permit application under KCC Sections 17.550.020 and 21.04.100. The Hearing Examiner may approve, approve with conditions, remand, or deny a Shoreline Substantial Development Permit. The Hearing Examiner may also continue the hearing to allow for additional information necessary to make a proper decision. The powers of the Hearing Examiner are at KCC Chapter 2.10. Once the Hearing Examiner Decision is made, the proposal is forwarded to the Washington Department of Ecology pursuant to WAC 173-27-020.

**12. Findings**

- 1. The proposal is consistent with the Comprehensive Plan.
- 2. The proposal complies or will comply with requirements of KCC Title 22 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.

### **13. Recommendation**

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 Shoreline Substantial Development Permit request for the WDFW Wildcat Lake Boat Ramp Replacement Project be **approved**, subject to the following 10 conditions:

#### **a. Planning/Zoning**

1. The proposal must meet the 5-foot side yard zoning setback.

#### **b. Development Engineering**

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.

#### **c. Environmental**

1. 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.
2. Project work shall be subject to the conditions of the Washington Department of Fish and Wildlife Hydraulics Project Approval (HPA).
3. Shoreline construction activities shall be conducted in a manner such that private properties adjacent to the project area are not impacted.
4. All recommendations of the September 2020 Biological Evaluation and associated Mitigation plan shall be followed (Exhibit 16 and 8, respectively).
5. 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.
6. 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.

7. 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.
8. Mitigation shall conform to the requirements of the Hydraulic Project Approval.

**d. Traffic and Roads**

None

**e. Fire Safety**

None.

**f. Solid Waste**

None.

**g. Kitsap Public Health District**

None.

**Report prepared by:**



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Steve Heacock, Staff Planner / Project Lead

07/15/2021

Date

**Report approved by:**



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Angie Silva, Assistant Director

7/15/2021

Date

**Attachments:**

None

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