



Rafe Wysham
Director

KITSAP COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

To enable the development of quality, affordable, structurally safe and environmentally sound communities.

Notice of Administrative Decision

Date: 08/19/2025

To:

The Mountaineers, 7700 Sand Point Way NE Seattle, WA 98115-3996

Gala Lindvall, galalindvall@gmail.com

Joanne Bartlett, joanne@eco-land.com

RE:

Permit Number: 24-05084

Project Name: THE MOUNTAINEERS - Construction of Public Restroom and Widening Trail

Type of Application: SSDP

The Kitsap County Department of Community Development has **APPROVED** the land use application for **24-05084 The Mountaineers SSDP** subject to the conditions outlined in this Notice and included Staff Report.

THE DECISION OF THE DEPARTMENT IS FINAL, UNLESS TIMELY APPEALED TO THE KITSAP COUNTY HEARING EXAMINER ON OR BEFORE 14 DAYS FROM THE DATE OF DECISION PER KITSAP COUNTY CODE 21.04.290.

The written appeal shall be made on, or attached to, an appeal form titled: 'Appeal/Objection of an Administrative Decision' found on DCD's website, through the Online Permit Application Portal: <https://app.oncamino.com/kitsapcounty/login>.

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 by contacting the Department of Community Development; if you wish to view the case file or have other questions, please contact help@kitsap1.com or (360) 337-5777.

CC:

Kitsap County Health District, MS-30

Kitsap County Public Works Dept., MS-26

Dept of Archaeological Historic Preservation

Point No Point Treaty Council

Port Gamble S'Klallam Tribe

Puyallup Tribe

Skokomish Tribe

24-05084 The Mountaineers

08/19/2025

Squaxin Island Tribe
Suquamish Tribe
WA Dept of Fish & Wildlife
WA Dept of Natural Resources
WA State Dept of Ecology - SEPA
WA State Dept of Transportation
Parks
Navy
DE & PEP
Central Kitsap Fire District
Central Kitsap School District
Puget Sound Energy
Water Purveyor KPUD No.1
Sewer Purveyor PUBLIC UTILITY DIST NO 1
WA Dept of Transportation/Aviation
WA State Dept of Ecology-Shoreline Review
Puget Sound Clean Air Agency
Central Kitsap CAC
DCD
Cascade Natural Gas
Assessor's Office
Kitsap Sun
Prosecutor's Office
WA Department of Health
Hearing Examiner
DCD Staff Planner: Jeff Smith
Interested Parties: Maddie Levesque, maddie.levesque@dahp.wa.gov
Surveyor: Contour Engineering LLC, admin@contourengineeringllc.com



KITSAP COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

To enable the development of quality, affordable, structurally safe and environmentally sound communities.

Administrative Staff Report

Report Date: August 13, 2025

Application Submittal Date: November 17, 2024

Application Complete Date: March 24, 2025

Project Name: THE MOUNTAINEERS - Construction of Public Restroom and Widening Trail

Type of Application: Type-II Shoreline Substantial Development Permit (SSDP)

Permit Number: 24-05084

Project Location

3105 Seabeck HWY NW
Bremerton, WA 98312
Commissioner District #3

Assessor's Account

072401-2-22-2000

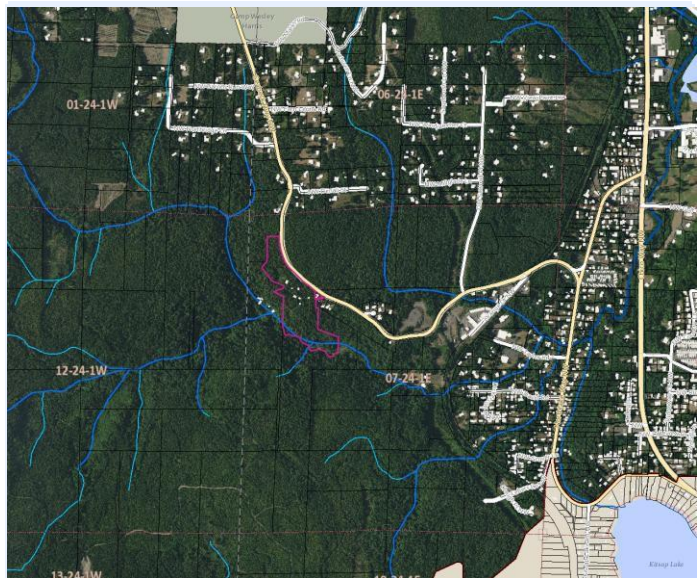
Applicant/Owner of Record

The Mountaineers
7700 Sand Point Way NE
Seattle, WA 98111-3996

Decision Summary

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

VICINITY MAP



1. Background

Mountaineers LLC is requesting approval to construct a replacement state-of-the-art restroom with a footprint of 1,344 sf (28' x 48'). This project will replace the existing pit toilets which have been in place since the 1950's to serve theatergoers. The upper floor will house men and women's restrooms with winter year-round storage and the lower floor three handicap restroom stalls, storage of production items and a golf cart. The pit toilet may be retained as an emergency backup restroom. Other associated improvements include installing a drainfield on the hill above the road to serve the restroom, trail widening from the lower parking area to facilitate handicap access and a transformer will be installed in the parking area to improve electrical service with the power source from the east from the Mathwig property.

The Mountaineers property is mostly undeveloped and contains the Kitsap Forest Theater, Kitsap Cabin and open space, which has been historically used for approximately 120 years. The Mountaineer originally bought the 72-acre property in 1913. The forest theater was established in 1923 with construction of buildings and roads. The property contains a stream segment of Chico Creek, that is located south of the theater. The current property is on the Washington State Historic Register of Historic Places, documenting the Mountaineers property is State-wide historically significant. The project proposal includes the following components:

- *Public Restroom*

The restroom is proposed near the junction of three trails just east of the sound and dressing rooms. The closest corner of the restroom is roughly 120 feet from Chico Creek. This location was selected because of its proximity to the theater and the lack of significant trees with the exact position selected to avoid impacts to the large Western Red Cedar tree nearby. The proposed restroom location is composed of mostly young deciduous forest dominated by Red Alder (*Alnus rubra*) and Bigleaf Maple (*Acer* trees with a dense understory of sword ferns, which have revegetated this area since it was logged about 70 years ago.

- *Transformer*

Electrical power is currently provided to the theater area from the upper northern area of the Mountaineers property with an old powerline in a trench that ends at the dressing and sound rooms, tool and prop storage area. The project proposes to upgrade the failing electrical powerline with another powerline that will provide more direct power to the theater area, provide lighting in the parking, and trail areas during performances. The transformer location was selected because it lies within the west end of the parking area and at the base of the trail.

- *Trail Widening*

The trail from the lower parking area is narrow so does not facilitate easy access for handicapped people in wheelchairs or others needing assistance. The trail is occasionally used by small vehicles for delivery of items that cannot be easily carried to the theater area. The trail will be widened enough to allow for small vehicle use (1/4-to-1/2-ton pickup trucks) so that heavy or large items can be more easily delivered. The widened trail will also facilitate easier access for handicapped people from the lower parking area.

- *Septic System*

The drainfield location is proposed downslope of the restroom and north of the existing parking area/road. The drainfield area does not contain significant vegetation but is bordered on all sides by young Red Alder and Maple trees, which may require removal of a few Alder trees to construct the drainfield.

2. Project Request

The Mountaineers Forest Theater is requesting approval of an administrative Shoreline Substantial Development Permit (SSDP) to construct a replacement restroom facility within the Shoreline jurisdiction.

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 concurrently with the Notice of Application dated May 7, 2025, with a 30-day comment period. A Determination of Nonsignificance (DNS) was issued on July 2, 2025. SEPA noted the following information/SEPA mitigation conditions have been imposed and are listed under conditions XX at the end of this report:

COMMENTS:

The SEPA comment period previously occurred concurrently with the Notice of Application dated May 07, 2025. The comment period was 30 days. The proposal to replace an existing restroom with a 1,348 square foot ADA compliant restroom within the shoreline designation will only create moderate impacts.

CONDITIONS:

In addition to KCC Titel 17 Zoning for land use impacts the project will be conditioned for the following requirements:

1. Per the SMP, the development proposal will be required to follow mitigation sequencing, established by the ELS biologist 's No Net Loss Report, dated March 25, 2025.
2. The project is required to protect the existing stream buffer for Chico Creek , consistent with KCC 19.300 Fish and Wildlife Habitat Conservation Areas.
3. The project shall be consistent with the goals and policies in the SMP KCC 22.300 Critical Areas and Ecological Protection.
4. The existing shoreline buffer shall be protected as required by KCC 22.400.120 Vegetation conservation buffers within the SMP.
5. The project will be conditioned for stormwater controls, pursuant to KCC Title 12 Storm Water Manual.

The SEPA appeal period expired July 16, 2025. No appeals were filed; therefore, the SEPA determination is final.

4. Physical Characteristics

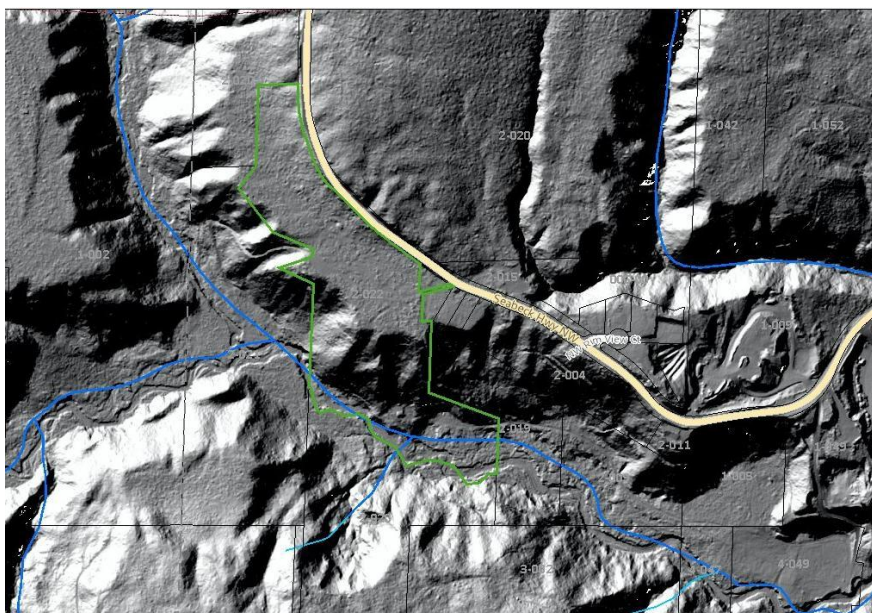
The subject property is 20.14 acres in size, irregular shaped. The northern half of the property along Seabeck Highway is mostly level and the southern half slopes down to the south 100 feet in elevation down to Chico Creek.

The theater's main access is by a driveway to the upper parking areas, from Seabeck Highway, which provides access to the historic Kitsap Cabin, theater camp buildings located at the north end of the property and parking for theatergoers. This portion of the property is relatively level beginning at the base of the road slope. The property slopes steeply down to the west into the upper watershed of Chico Creek. A long winding trail follows the contours down the slope to Kitsap Forest Theater. The theater is composed of a stage below the amphitheater seating. An existing gravel road from Seabeck Highway to the back of the theater enters near the south end of the property has been in existence since 1930. The road allows for access for vehicles for delivering theater items, theater maintenance access, and parking for handicapped audience members. to carry supplies for set-building and residences that are no longer there.

The property contains a segment of Chico Creek, that is located south of the historic theater. The vegetation includes large stands of second-growth Douglas fir trees and Western Red Cedar with an understory of shrubs and Rhododendrons.

Kitsap County resource maps identify steep slopes that include moderate erosion and landslide hazards areas and high erosion hazard areas along the south side of the property above Chico Creek.

With the theater and the cabin, the property includes several existing outbuildings that have been historically used as part of the theater operation. The project area is located within the southwest corner with the closest corner of the restroom roughly 120 feet



from Chico Creek. The restroom location was selected because of the location to the theater and the lack of significant trees with the exact position selected to avoid impacts to the large Western Red Cedar tree nearby.

Table 1 - Comprehensive Plan Designation and Zoning

Comprehensive Plan: Zone: Rural Wooded	Standard	Proposed
Minimum Density	NA	No change
Maximum Density	1-Dwelling per 20 acres	
Minimum Lot Size	20 acres	No change
Maximum Lot Size	NA	NA
Minimum Lot Width	140'	NA
Minimum Lot Depth	NA	NA
Maximum Height	35 feet	3 stories, <35 feet
Maximum Impervious Surface Coverage	NA	NA
Maximum Lot Coverage	NA	NA

Applicable footnotes: KCC 17.420.060 Footnote #22 Maximum height shall be thirty feet when located within the two-hundred-foot shoreline area.

KCC 17.420.060 Footnote #48 Properties are subject to Title 22 and may have additional buffers and setbacks requirements not listed in the density and dimension tables. Properties constrained by critical areas are subject to Title 19 and may have additional buffers and setbacks requirements not listed in the density and dimension tables. Cornices, canopies, eaves, belt courses, sills, bay windows, fireplaces, or other similar cantilevered features may extend up to twenty-four inches into any required yard area. In no case shall a habitable area be considered for encroachment into a required yard through any land use process. Additionally, fire escapes, open/uncovered porches, balconies, landing places or outside stairways may extend up to twenty-four inches into any required side or rear yards. Open/uncovered porches, balconies, landing places, or outside stairways shall not extend more than six feet into any required front yard and shall be a minimum of five feet from the front property line.

Staff Comment: *The replacement restroom is not anticipated to exceed the maximum height of 35 feet per shoreline master program with a proposed two-story building construction with daylight floor.*

Table 2 - Setback for Zoning District

	Standard	Proposed
Front (North)	50'	58"
Side (East)	20'	302'
Side (West)	20'	270'
Rear (South)	20 '	235'

Table 3 - Surrounding Land Use and Zoning

Surrounding Property	Land Use	Zoning
North	Undeveloped.	Rural Residential (RR) Rural Wooded (RW)
South	Undeveloped.	RW
East	Undeveloped and single-family residences	RW
West	Undeveloped and single-family residences	RW

Table 4 - Public Utilities and Services

	Provider
Water	Kitsap PUD #1
Power	Puget Sound Energy
Sewer	Kitsap County
Police	Kitsap County Sheriff
Fire	Central Kitsap Fire & Rescue
School	Central Kitsap School District #403

5. Access

The primary access is provided by a driveway off Seabeck Highway that provides access to parking for the theater, ancillary camp buildings adjacent to Seabeck Highway at the north end of the property. The WSDOT functional classification for the Seabeck Highway is Rural Minor Arterial Road. The lower parking area is accessed by a dirt road with a road-approach south on Seabeck Highway runs parallel to Chico Creek by a historical easement used for deliveries of supplies and handicap access.

6. Site Design

The new replacement state-of-the-art restroom is permitted use but is required to be reviewed and approved conditionally pursuant to KCC 22.500.100(B) a Type-II Administrative SSDP. This includes a No-net loss Report and Habitat Management Plan, pursuant to the Kitsap County Code Title 22 Shoreline Master Program, updated June 21 ,2021 and the project is proposed within the SMP shoreline jurisdiction of Chico Creek. The creek has a 200-foot Natural Shoreline designation starting from the OHWM of Chico Creek shoreline per KCC 22.400.120.B. Per the intent of the Rural Wooded zone

KCC 17.150.010, the structure will be design consistent with the residential rural character like existing structures on the property.

The Kitsap County resource maps identify Chico Creek within this stream segment as a Type-S stream, water of the State with fish because the stream flows within the stream course that exceeds 20 cubic feet per second, per KCC 22.200.100.A.2. The existing theater land on the subject property is considered a lawful established land use activity per KCC 22.400.100 and KCC 17.570. The restroom facility and associated improvement are subject to KCC 22.400.120 Vegetation conservation buffers. The no net loss report notes a distinct break in connectivity to the shoreline buffer above the OHWM, KCC 200.145.9 Map Boundaries and Errors. The existing road and parking area to the east exist as the buffer break. The submitted site plans show the shoreline, upland improvements, roadway, parking area, trail widening and replacement restroom.

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, and amended Dec. 2, 2025

Shoreline Maste Program Goals and Policies

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

Chapter 1 Land Use

Land Use Goal 7 Historic archaeology and cultural resources

Land Use Policy. 7.2. Engage with affected tribes and the Department of Archaeology and Historic Preservation on development proposals that may have impacts to cultural and historic resources.

Land Use Goal 17 Rural Character

Land Use Policies 17.4. Accommodate appropriate rural uses not characterized by urban growth.

Land Use Goal 20 Maintain Forest resource lands

Land Use Policy 20.2. Coordinate with the Department of Natural Resources (DNR), Tribal governments, community groups and private forest landowners to promote long-term forest lands.

Chapter 3 Environment

Environment Goal 1. Ecosystems and habitat

Environment Policy 1.4. Preserve and restore the functions of natural habitat to support ESA-listed species, state listed animal and plant species, and species of local importance.

Environment Goal 2. Critical areas

Environment Policy 2.6. Prioritize protection of open space and habitat corridors where connection between critical areas may be included.

Environment Goal 6. Use Best Practices

Environment Policy 6.2. Employ Best Management Practices to protect the long-term integrity of the natural environment, adjacent land uses, and the productivity of resource lands. Environment

Environment Policy 6.3. Maintain and enhance long term quality and quantity of water resources.

Policy SH-16. Accommodate and promote, in priority order, water-dependent, water-related and water-enjoyment economic development. Such development should occur in those areas already partially developed with similar uses consistent with this program, areas already zoned for such uses consistent with the Kitsap County Comprehensive Plan, or areas appropriate for water-oriented recreation.

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.

Policy SH-39. Encourage and facilitate restoration and enhancement projects for priority habitats and species (Washington Department of Fish and Wildlife, PHS Program).

Policy SH-40. Shoreline ecosystem protection and restoration projects shall be prioritized, located, and designed utilizing the most current, accurate and complete scientific and technical information available to promote resiliency of habitats and species.

Policy SH-41. locate and design proposed transportation, parking facilities, and utility facilities where routes will avoid a net loss of shoreline ecological functions or will not adversely impact existing or planned water-dependent uses.

Policy SH-42 Parking facilities in shorelines are not a preferred use. Such facilities shall only be allowed as necessary to support an authorized use and only when environmental and visual impacts are minimized.

Policy SH-47. Recognize and protect the statewide interest over local interest.

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 17	Zoning
Chapter 18.04	State Environmental Policy Act (SEPA)
Chapter 19	Critical Areas Ordinance
Chapter 20.04	Transportation Facilities Concurrency Ordinance
Chapter 21.04	Land Use and Development Procedures
Title 22	Shoreline Master Program

8. Documents Consulted in the Analysis

<u>Applicant Submittals</u>	<u>Dated or date stamped</u>
Submission (SSDP Application)	November 14, 2024
Authorization Form	August 14, 2017
Environmental (SEPA) Checklist	March 24, 2025
Habitat Management Plan & Supplement	March 24, 2025
Geological Report	March 24, 2025
Storm Drainage Worksheet	November 21, 2025
JARPA	March 24, 2025
Revised Site Plan	March 24, 2025
Project Narrative	November 21, 2024
Site Assessment Planning Packet	November 21, 2025

<u>Staff Communication</u>	<u>Dated</u>
Dev. Services & Engineering Memo	April 15, 2025

9. Public Outreach and Comments

The SSDP is a Type-II Permit that requires public notice. The Department of Community Development gave proper public notice 800 feet around the subject property for the land use action. Because the request falls within the Shoreline jurisdiction, the comment period is 30 days. No public comments were received. As a result of the public notice the Department of Ecology made a site visit and submitted questions on the request.

10. Analysis

a. Planning/Zoning

The proposal for restroom facilities is proposed within the Rural Wooded (RW) Residential zone (1-dwelling unit per 20 acres). This zone is intended to encourage the preservation of forest uses and agricultural activities, retain an area's rural character and conserve the natural resources while providing for some rural residential uses. This zone is further intended to discourage activities and facilities that can be considered

detrimental to the maintenance of timber production. The RW residential tracts shall recognize that they can be subject to normal and accepted farming and forestry practices on adjacent parcels. Except for the theater and several outbuildings, the Mountaineers property, is mostly undeveloped, and is a vested land use which predates the Kitsap County Zoning Code Title 17. Zoning and Title 22 SMP.

b. Lighting

The project will need to comply with County lighting standards in rural areas, pursuant to KCC 17.105.110. *Any artificial outdoor lighting should be arranged so that the lighting is fully recessed or fully shielded from side view and directed downward away from properties and the stream buffer to Chico Creek.* No more than one-foot-candle of illumination shall leave the property boundary. Lighting shall be the minimum necessary for safety purposes and compatibility with the rural character of the area and protect adjacent habitat. Due to the location of the restroom facilities, staff do not anticipate that this will be an issue related to potential light impacts.

c. Off-Street Parking

Not applicable to this proposal. The restroom replacement is ancillary to the primary historical use of the forest theater land use and does not require off-street parking.

Table 5 - Parking Table

Use Identified in 17.490.030	Standard	Required Spaces	Proposed Spaces/Existing Spaces
Clubs/Lodges	Space to meet combined requirements	NA	Restroom Replacement-No changes proposed
Total			NA

d. Signage

Not applicable to this proposal.

e. Landscaping

Not applicable due to zoning (see Environmental Analysis for natural vegetation avoidance).

Table 6 - Landscaping Table

	Required	Proposed
Required Landscaping (Sq. Ft) 15% of Site	NA	NA

Required Buffer(s) 17.500.025		
North		
South		
East		
West		
Street Trees	No	NA

f. Frontage Improvements

The project is located within a Rural Wooded zone off Seabeck Highway that is classified as a Rural Minor Arterial Road and frontage improvements are not applicable to this proposal.

g. Design Districts/Requirements

Project will be required to meet the requirements in KKC 17.420.030.

h. Development Engineering/Stormwater

Development Engineering has reviewed the above land use proposal and finds the drainage concept supportable in its approach to civil site development. These comments are based on a review of the Geotechnical Report and Construction plans submitted on May 28, 2024. Development Engineering accepts the concepts contained in this preliminary submittal. Roof-top storm drainage will be discharged and dispersed through natural vegetation. The project is north of the road and outside of the existing stream buffer.

i. Environmental

In addition to the Shoreline Master Program, the project is required to be reviewed pursuant to the Kitsap County Critical Areas Ordinance, KCC Title 19. Critical Areas regulated under the KCC Title 19 (CAO) include geologically hazardous areas, frequently flooded areas, critical aquifer recharge area, wetlands, fish and wildlife habitat conservation areas. See discussion on critical areas in KCC 22.400.115 below. The project vested on March 24, 2025, prior to April 01, 2025, deadline for the new CAO regulations.

j. Access, Traffic and Roads

The restroom replacement is ancillary to the theater and will not create additional traffic impacts and is not applicable to this proposal.

k. Fire Safety

No concerns; not applicable to this proposal.

l. Solid Waste

Not applicable to this proposal.

m. Water/Sewer

The property is served by a well and onsite septic, no concerns.

n. Kitsap Public Health District

Kitsap Public Health will review the Building Permit and a Building Site Application.

SHORELINE ANALYSIS

Shoreline Substantial Development Permit (SSDP)

The restroom upgrade project site is within the 200-foot shoreline along Chico Creek and falls under the Kitsap County Shoreline Master Program with a designation of Natural. Pursuant to Table KCC 22.600.105 and KCC 22.600.170.A.3 a Shoreline Substantial Development Permit

In accordance with KCC table 22.600.105 and KCC section 22.600.170.A.3 (RCW 173-27-150) a shoreline development permit is required for Recreation and Public Access to Nonmotorized water-oriented use is permitted use according to KCC Table 22.600.105. The standard shoreline buffer is 200 feet with an additional building setback of twenty feet for new development.

KCC 22.150.460 Normal Repair.

The SMP requirement states the following: To restore a development to a state comparable to its original condition, including, but not limited to, its size, shape, configuration, location and external appearance, within a reasonable period after decay or partial destruction, except where repair causes substantial adverse effects to a shoreline resource or environment. Replacement of a structure or development may be authorized as repair where such replacement is the common method of repair for the type of structure or development and the replacement structure or development is comparable to the original structure or development including but not limited to its size, shape, configuration, location and external appearance and the replacement does not cause substantial adverse effects to shoreline resources or environment.

Staff Comment: The request involves the repair, replacement and modernization of the existing 1950 pit toilet facilities. The size and shape of the proposed structure cannot be built in the same location due to the topography and to avoid impacts to existing trees and other natural vegetation. It has been determined that it is more feasible to build at the proposed location.

KCC 22-200 Chapter Shoreline Jurisdiction an Environmental Designation

KCC 22.200.100 Shoreline jurisdiction.

A. The shoreline master program jurisdiction applies to all shorelines of the state and their associated shorelands. The following is a list of the shoreline and shoreland categories. A list of all shoreline water bodies is in Appendix F (List of Shoreline Water Bodies):

1. All marine waters;
2. Rivers and streams with more than twenty cubic feet per second (cfs) mean annual flow;
3. Lakes and reservoirs twenty acres or greater in area;
4. Associated wetlands;

5. Shorelands adjacent to these water bodies, typically within two hundred feet of the ordinary high-water mark (OHWM);

Staff Comment: The Chico Creek shoreline designation falls under the category of rivers and streams with more than 20 cubic feet per second as shoreline water bodies of the State.

KCC 22.200.130 Natural Shoreline Jurisdiction and Environmental Designation

The purpose is to protect those shoreline areas that are relatively free of human influence or that include intact or minimally degraded shoreline functions intolerant of human use. To maintain ecological processes and functions, restrictions on the intensities and types of land-uses permitted in such areas are required. Restoration of degraded shorelines should be planned within this environment.

B. Designation Criteria.

Shorelines having a unique asset or feature considered valuable for its natural or original condition that is relatively intolerant of intensive human use. This includes shorelines both in and out of the UGA or LAMIRD when any of the following characteristics apply:

1. The shoreline is ecologically intact and currently performing an important, irreplaceable function or ecosystem-wide process that would be damaged by human activity; or
2. The shoreline is considered to represent ecosystems and geologic types that are of scientific and educational interest; or
3. The shoreline is unable to support new development or use without adverse impacts to ecological functions or risk to human safety; or
4. The shoreline includes largely undisturbed portions of shoreline areas such as wetlands, estuaries, unstable bluffs, coastal dunes, spits, and ecologically intact shoreline habitats.

C. Management Policies.

1. Any use that would substantially degrade or result in a net loss of ecological functions or natural character of the shoreline area should not be allowed. The following new uses should not be allowed: commercial, industrial and non-water-oriented recreation.
2. Any alteration should be designed with low impact development methods, or be capable of restoration to the natural condition, where feasible. New development or significant vegetation removal that would reduce the capability of vegetation to perform normal ecological functions should not be allowed.
3. Single-family residences, roads, parking areas and utility corridors may be allowed as a conditional use only if they cannot be located outside the natural designation or shoreline jurisdiction; provided that the density and intensity of such use is limited to protect ecological functions and is consistent with the purpose of the designation.
4. Low-intensity, water-oriented recreational access, scientific, historical, cultural, educational research uses may be allowed; provided that no significant ecological impact on the area will result.

Staff Comment: The theater has been operating at the current location along Chico Creek since the 1920's. The shoreline designation for the property shoreline changed from Shoreline Conservancy to Natural designation in January 17, 2015. With the existing amount of development associated with the existing theater, stage, prop storage buildings existing

road and pit toilet, the historical use does not neatly fall within the adopted Natural designation. The request for the replacement of the pit toilet and associated infrastructure is viewed as a normal repair (KCC 22.150.460) for the purpose to improve sanitation to be for more consistency with public health requirements. The replacement restroom is proposed to be located on the outside edge, and straddling the 200-foot Natural shoreline designation.

KCC 22.200.145 Map Boundaries and errors (Buffer Break)

KCC 22.200.145.9. Where a parcel within the shoreline jurisdiction is separated from the water by an existing developed road or an additional parcel that serves to create a distinct break in connectivity to the shoreline, the parcel on the landward side may not be required to meet certain development regulations for that designation (such as public access, water-oriented use, or vegetation conservation standards), provided all other applicable provisions of this program are met, including no net loss of shoreline ecological functions.

Applicant: The project as proposed is within an area upslope of existing site features that represent an interruption in the buffer function, and therefore, are not subject to the full 200-foot buffer because the functional buffer ends at the south edge of the existing parking lot (KCC 22.200.145). The Mountaineers Kitsap Forest Theater was established in 1923, and the roads, parking areas, trails, and buildings were created over the time the theater has been operating. Because of the continual use of these features, they represent a break in the buffer functions. The restroom is proposed between two trails and upslope of the existing dressing room/sound room building both of which represent breaks or interrupts the function of the buffer so the construction will not negatively impact the function of the buffer. The septic system drainfield is proposed adjacent to the lower parking area, which interrupts the buffer function. The transformer will be situated at the west end of the parking area where vegetation removal is not needed.

Historical documents show that the road has been used for over 100 years via a prescriptive easement. There were (and are) several private owners next to The Mountaineers property that also shared this road - and it serves the theater year-round, but more heavily during our production season (March through September). It carries cars, our 16-passenger shuttle bus (for patrons that can't walk our 0.2-mile steep forest trail), fire trucks, trucks to deliver and service Honey Buckets, and all the supplies for the theater including set building materials, cement, pavers, tools, food for cast/crew and audience, etc.

Staff Comment: *The applicant states that the existing road from Seabeck Highway to the back of the theater has been in existence since before 1930 to carry supplies and people to the theater and residences that are no longer in existence. The road was used as a prescriptive easement up until recently and now is included within a formal recorded easement with KETA Legacy Foundation. The shoreline designation Rural Conservancy along Chico Creek, which more accurately reflects the current land-use was in place up until 2015. However, only the road from the east to the parking lot, and the theater stage create a distinct break in the connectivity of the shoreline buffer.*

KC 22.300. General Goals and Policies .

KCC 22.300.100 Critical Area and Ecological Protection

Goal: Protect and conserve shoreline natural resources, including protection of critical areas, while accommodating reasonable and appropriate uses which will assure, at a minimum, no net loss to shoreline ecological functions and processes.

Staff Comment: The proposed project will comply with all applicable critical areas and ecological protection regulations as outlined in SMP KCC 22.300.100 to protect and conserve shoreline natural resources: Replacement Restroom, Transformer, Trail widening Septic System drainfield.

- A. 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.

Staff comment: The existing shoreline buffer is over 100 feet between the shoreline and the road, which will remain ecologically intact with the improvements. Except for some groundcover, with the replacement restroom the existing vegetation will mostly be undisturbed.

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

Staff Comment: The shoreline at the Forest Theater provides valuable ecological functions, and measures will be taken to avoid and minimize impacts to the shoreline within this project and commitment to preserving the ecological functions of the shoreline.

- C. Policy SH-3. Utilize transfer of development rights as allowed by Chapter 17.580 as an option to protect ecological functions.

Staff Comment: Not Applicable.

- D. 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.

Staff Comment: Mitigation sequencing has been utilized in previous documents; please refer to the HMP (Ecological Land Services March 2025) for details.

- E. Policy SH-5. Shoreline ecological functions that should be protected include, but are not limited to:

1. Habitat (space or conditions for reproduction, resting, hiding and migration; and food production and delivery);
 2. Water quality maintenance; and
 3. Water quantity maintenance.
- F. Policy SH-6. Shoreline processes, both freshwater and marine, that should be protected to support the above functions include but are not limited to the delivery, loss and movement of:
1. Sediment;
 2. Water;
 3. Nutrients;
 4. Toxins;
 5. Pathogens; and
 6. Large woody material.
- G. Policy SH-7. In assessing the potential for new uses and developments to impact ecological functions and processes, the following should be taken into account:
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.

Staff Comment: There will not be new uses or development proposed below the buffer break along Chico Creek.

- H. 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.

Staff Comment: The protection of critical areas was incorporated into project design and is addressed in the HMP (Ecological Land Services March 2025). For further information see description of critical areas in the Environmental section below.

KCC 22.400.100.B Existing Development-

D. Existing Structures

Staff Comment: The exiting development includes structures and a road that were constructed prior to the adoption of the State Shoreline Master Program in 1971 and prior to the Kitsap County Building Code in 1974. Kitsap County recognized the buildings as vested existing structures and existing uses per KCC 22.150.295 and 22.150.300 respectively. The proposal is consistent to KCC 21150.460 Normal Repair with replacement of the 1950 pit toilets.

1. Lawfully Constructed Structures

- a. Lawfully constructed structures, including those approved through a variance, built before the effective date of this program shall be considered conforming, with the exception of existing over-water residences, which shall be considered nonconforming.
- b. All lawfully constructed structures may continue and may be repaired or maintained in accordance with the Act and this program.
- c. Lawfully constructed conforming structures may be expanded or redeveloped in accordance with the mitigation standards of Chapter 22.800, Appendix B (Mitigation Options to Achieve No Net Loss for New or Re-Development Activities), and all other applicable regulations. Such expanded or redeveloped structures shall be considered conforming.
- d. In the event that a legally existing structure is damaged or destroyed by fire, explosion or other casualty, it may be reconstructed to configurations existing immediately prior to the time the structure was damaged or destroyed, provided a complete application submittal is made for the necessary permits within twelve months of the date the damage or destruction occurred, and the restoration is completed within two years of permit issuance or the conclusion of any appeal on the permit.
- e. Any legally existing structure that is moved any distance must be brought into conformance with the Act and this program.

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.

22.400.110A

The applicant provided the following responses:

Mitigation Sequencing

<i>Avoid the impact altogether by not taking a certain action or parts of an action.</i>		
<u>Project Elements</u>	<u>Applicant Comments</u>	<u>Staff Response</u>
Public Restrooms	Although the restroom is proposed within the 200-foot shoreline buffer, the impact cannot be avoided because there are no other locations that have direct access from the theater via the existing trails. However, there will be no impact on the buffer because of the breaks in function caused by the buildings, parking areas, and trails.	<i>Staff agree with the applicant that limited options for other locations for the public restrooms, and the project is consistent with KCC 22.200.145 Map Boundaries and errors (Buffer Break)</i>
Transformer	The transformer will be located immediately adjacent to the trail and within the parking area that interrupts the buffer function.	<i>The transformer will be subgrade located within the parking area that includes a historical use</i>

		<i>associated with the operation of the Forest Theater.</i>
Trail Widening	The existing trail from the lower parking area will be widened slightly on the uphill side so will be away from Chico Creek. Work within 200 feet of the stream cannot be avoided.	<i>The trail widening is an incremental change comparatively, will create minor impacts if any.</i>
Septic System Drainfield	The drainfield for the new restroom is proposed on level terrain just north of the lower parking area. It is within 200 feet of Chico Creek, but the buffer is interrupted by the parking area, so it avoids direct impacts to the buffer function.	<i>The restroom and drainfield are located within an area above the road that was logged over 70 years ago within the interrupted buffer with road and parking area.</i>
<i>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.</i>		
Restroom	The restroom portion of the project minimizes vegetation impacts by locating the building where it requires removal of only a few red alder trees and the dense sword fern understory. The location also minimizes the potential impact to the large western red cedar tree at the trail intersection.	<i>Above the road there is limited vegetation disturbance, and it is the minimum necessary to provide safe sanitation to replace the 1950's pit toilet.</i>
Transformer	The transformer will take up no more than 20 square feet or so in area and will be sited at the west end of the parking area where vegetation removal is not needed.	<i>No vegetation disturbance is required to install the transformer.</i>
Trail Widening	The proposed widening of the existing trail will be on the uphill side and require removal of only understory vegetation, which minimizes the impact to the trail.	<i>There are significant trees in the vicinity and staff agree there will only be minor disturbance of groundcover.</i>
Septic System Drainfield	The septic system drainfield has been sited in an area that is generally unvegetated but is surrounded by young conifer trees. The location is appropriate for a drainfield because it is on level terrain downslope of the new restroom. It also does not require removal of significant vegetation so minimizes potential impacts to buffer function.	<i>The drainfields area required to operate within native soils to treat effluent. The drainfield installation will create limited soil disturbance but will add treated water.</i>
<i>Rectify the impact by repairing, rehabilitating or restoring the affected environment.</i>		
Restroom	The project features are permanent so there is no opportunity to rectify the affected environment.	<i>The impacts to the environment are minor and cannot be remedied</i>
Transformer		
Trail Widening		
Septic System Drainfield		

Reduce or eliminate the impact over time by preservation and maintenance operations.		
Restroom	There are no features of the project that can reduce or eliminate the impact by preservation and maintenance operations.	The project features are the minimum necessary and impacts cannot be reduced or eliminated with the replacement restroom.
Transformer		
Trail Widening		
Septic System Drainfield		
Compensate for the impact by replacing, enhancing, or providing substitute resources or environments, including utilization of the in-lieu fee process where appropriate.		
Restroom	Each of the proposed features are located within the 200-foot shoreline buffer and have minimized the potential impacts by placing them in areas that require little vegetation removal or where existing features are currently impacting buffer functions. Compensation is not proposed because of the minimization measures employed avoid adverse impacts to the buffer function and will have no negative impacts to Chico Creek.	Staff agree that the applicant has taken steps to minimize potential impacts with the very little removal of vegetation within the 200-foot shoreline buffer. It is not anticipated there will be adverse impacts to the existing highly functioning shoreline buffer along Chico Creek.
Transformer		
Trail Widening		
Septic System Drainfield		

22.400.115 Critical areas.

***Staff Comment:** The following are critical areas present within the project limits, with a summary of each. For a more detailed evaluation of critical areas see geologic report (Costal Solutions, LLC, March 14, 2025) shoreline and habitat (Ecological Land Services, March 19, 2025). For the purposes of this HMP, only the critical areas and/or their buffers where proposed project activities will occur are discussed.*

A. Incorporation of Title 19. The following sections of Title 19, Critical Areas Ordinance, adopted June 28, 2021, are incorporated herein by this reference, and provided in Chapter 22.800, Appendix E, for reference purposes only, except as supplemented or modified under subsections (B) through (F) of this section:

1. Standards for existing development (Section 19.100.130*), as applicable and consistent with Chapter 22.500.
2. General application requirements (Section 19.100.155*).
3. Inventory provisions (Section 19.100.160*).
4. Critical aquifer recharge areas (Chapter 19.600*). NA
5. Fish and wildlife habitat conservation areas (Chapter 19.300*).

Streams are regulated pursuant KCC19.300.315 Fish and Wildlife Habitat Conservation Areas Development Standards and Title 22 Shoreline Master Program. Chico Creek is located within a stream segment as a Type-S stream, water of the State, because the stream flows within the stream course that exceeds 20 cubic feet per second, and requirements in KCC 19.300.315 defer to KCC 22.200.100.A.2. for development standards.

The development standards require development to maintain a 150-foot stream buffer with a 15-foot construction setback for a fish stream.

6. Frequently flooded areas (Chapter 19.500*). (See below)

7. Geologically hazardous areas (Chapter 19.400*).

Geologically Hazard Area:

Kitsap County resource maps identify moderate and high Erosion Hazardous Areas and moderate Landslide Areas on the subject property. Geologically Hazardous Areas are regulated per KCC 19.400.420 Erosion Hazardous Areas, KCC 19.400.425 Landslide Areas and regulated per KCC 19.400.435 Development Standards. The southern slope is both a landslide hazard area and an erosion hazard area. Applicant prepared Existing condition of shoreline areas.

Erosion Hazard

A moderate erosion hazard areas and moderate landslide hazard (15 to 30 percent slope) are designated per Kitsap County Code. There are slopes between 55 to 60% down the creek. Coastal Solutions LLC prepared a Geologic Reconnaissance and Critical Areas Analysis, for existing conditions, dated March 14, 2025. It was noted that the vegetation at the site consists of a diverse tree canopy of fir, cedar, maple, and alder with a dense understory of berry bushes and shrubs. The geologist noted mature second growth and old growth stumps throughout the upland portion. No signs of bank erosion outside of what is to be expected along the creek.

Landslide Areas

The Kitsap Forest Theatre is a natural amphitheater that was likely shaped by prehistoric landslide activity. The slope and seating area represents the headscarp and the stage area represents the debris pile. Advance outwash silt and sand was encountered on the steep slope above Chico Creek and was deposited during the same glaciation approximately 18,000 to 20,000 years ago.

Seismic Hazards Area

The Geologist noted that the site is in the Seattle fault zone, a regional east-west trending structure. Due to the suspected long recurrence interval of earthquakes on the Seattle fault and the overall gently sloping terrain at the site, the potential for surficial ground rupture or seismically induced landslides is considered low for the proposed building site. This is simply a statistical conclusion based on the suspected long recurrence interval of earthquakes on the Seattle Fault.

The Geologist concludes that the proposed storage and bathroom building project is feasible from a geotechnical perspective. Mitigation for slope stability can be achieved through engineering design can be applied to the building project to achieve current building code standards for such a structure.

Staff Comment: Staff supports the findings made by the Geologist and is consistent with KCC 19.400.415 Design Standards.

8. Wetlands (Chapter 19.200*). No wetlands were found on subject property.

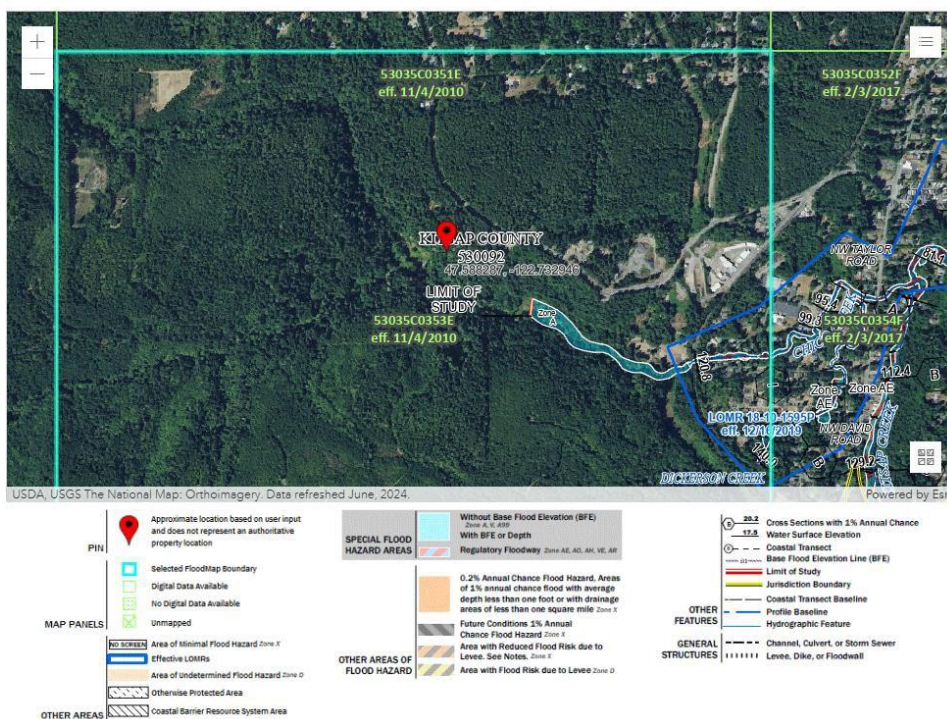
9. Definitions (Chapter 19.150*), except where conflict exists, then the definitions in this program shall govern.

B. Frequently Flooded Areas.

Before new development activities are permitted within the floodplain, compliance with Federal Emergency Management Agency (FEMA) National Flood Insurance Program (NFIP) protection standards for critical habitats for listed species shall be demonstrated through submittal of a habitat management plan prepared by a qualified wildlife biologist. Also see Section 22.400.150 (Flood hazard reduction measures) for additional regulations governing uses and modifications in floodways, floodplains and channel migration zones.

Frequently flooded areas are regulated pursuant to KCC 17.500. and defined means lands in the floodplain subject to a one percent or greater chance of flooding in any given year functions. ,Classifications of frequently flooded areas include, at a minimum, the 100-year floodplain designations.

Staff Comment: There are no identified floodplains on the Mountaineers property and this requirement does not appl. However, the abutting property to the east includes a 100-year floodplain within the associated riparian area with Chico Creek.



C. Critical Freshwater Habitats. Critical freshwater habitats include those portions of streams, rivers, wetlands, lakes and their associated channel migration zones and floodplains that provide habitat for priority species at any stage in their life cycles, and provide critical ecosystem-wide processes, as established in WAC 173-26-221(2)(c)(iv). Specific standards follow.

1. Lakes Twenty Acres or Greater.

- a. Vegetation buffers shall be retained for each shoreline environment designation as specified in Section 22.400.120 (Vegetation conservation buffers).
 - b. Where a lot cannot accommodate required buffers due to size, shape or topography, the alternatives for new development (Section 22.400.120(C)(1)) and alternatives for existing development (Section 22.400.120(C)(2)) shall apply.
 - c. The specific shoreline use and modification development standards of the program shall apply (Chapter 22.600).
2. Streams and Rivers over Twenty cfs Mean Annual Flow.
- a. A two-hundred-foot vegetation buffer and an additional fifteen-foot building setback shall be maintained from the OHWM. Additional critical area setbacks may apply where flood hazard areas, geologically hazardous areas, or wetlands are present.
 - b. Where a lot cannot accommodate required buffers due to size, shape or topography, the alternatives for new development (Section 22.400.120(C)(1)) and alternatives for existing development (Section 22.400.120(C)(2)) shall apply.
 - c. The specific shoreline use and modification development standards of the program shall apply (Chapter 22.600).

Applicant comments: Chico Creek, where it lies adjacent to this property, is mapped as critical habitat for Puget Sound DPS Steelhead and while bull trout is indicated by the USFWS Information for Planning and Conservation (IPaC), Chico Creek does not represent critical habitat for this species. The priority habitat mapping indicates that Steelhead occurs within Chico Creek and this stream system has breeding habitat for Steelhead. The stream adjacent to the Kitsap Forest Theater is in a natural condition and as the field visit was conducted in early September, no fish were observed. The buffer is highly functional because it is composed of a multi-layer coniferous and deciduous forested conditions so that the entire theater is well buffered and has had no adverse impacts on the use of Chico Creek by all fish species. There will be no new impacts to the Chico Creek habitat or the buffer conditions as a result of the proposed project.

Staff Comment: *Chico Creek is identified as Shoreline of the State and is characterized containing one of the largest Chum Saloman runs on the east side of Kitsap County. The creek originates from Wildcat Lake and is called Wildcat Creek. The name of the creek changes Wild Cat Creek to Chico Creek where Lost Creek intersects with the stream channel. Chico Creek is designated Waters of the State based on flow volume of 20 cubic feet per second (cfs) north of the site. Lost Creek flows into Chico Creek off-site to the west on the abutting property, formerly known as the Rhododendron Reserve.*

KCC 22.400.120 Vegetation conservation buffers.

B.1. Buffer Widths

- e. Natural: two hundred feet.
- f. The standard buffer for shoreline jurisdictional freshwater streams and rivers is two hundred feet.

B.2 Reduced Standard Buffer. Utilizing the “mitigation options to achieve no net loss for new or redevelopment activities” table (KCC Chapter 22.800, Appendix B) to achieve no net loss of shoreline ecological functions, the standard buffer may be reduced down to a reduced standard buffer as specified below. Mitigation options shall be reviewed and approved by the county for applicability to the project site commensurate with project impacts. The shoreline restoration plan (Appendix C) shall serve as an initial review source.

An applicant shall have the burden of proving they have complied with Sections [22.400.110](#)(A), Mitigation Sequencing, and 22.500.100(E), Variances and Administrative Variances. This may be documented within a shoreline mitigation plan. Buffer reductions shall provide adequate documentation demonstrating need. The department shall deny a buffer reduction request if the applicant either created or exacerbated the condition that forms the limitation on the use and development of the property.

C.2.b. Expansion of Development Within the Standard Buffer. Structures in existence on the effective date of this program that do not meet the setback or buffer requirements of this program may be remodeled or reconstructed; provided, that the new construction or related activity does not exceed the standard height limit, and does not further intrude into the standard buffer except where mitigation is applied pursuant to the mitigation options to achieve no net loss for new or redevelopment activities table (Chapter [22.800](#), Appendix B). Mitigation may be waived where the expansion occurs directly upland of the existing structure and where such expansion does not require removal of intact native vegetation or expansion of impervious surfaces.

Applicant Comments: This property is within a Natural shoreline designation and a buffer of 200 feet is required. The 200-foot buffer as measured from the OHWM of Chico Creek is composed of coniferous upland forest containing many mature and potentially old growth trees with some areas with dense shrubby understories. The function of the buffer ends at the existing parking area and theater buildings as indicated on Figure 2. The project is proposed outside of the interrupted buffer and adjacent to existing structures and features so it will not affect the function of the uninterrupted portions of the buffer because there will be no change in vegetation cover or existing conditions. Additionally, the project proposes to remove as little vegetation to construct the new features as possible, which will maintain forest functions outside the interrupted buffer. The pit toilet has a very small footprint with no room to build the size of the structure needed. The final location was shifted further from a large western red cedar to try to avoid its removal and to negatively impact construction activities.

Much of the forested buffer is on moderately to steeply sloping terrain with a level bench just above the stream channel. The current function of the buffer is provided by the sloping terrain in concert with canopy of the large trees, which screen the noise and light generated during performances at the theater. There is very little stormwater

generated on the Kitsap Forest Theater area because of the ratio of development to high quality forested buffer so the buffer itself does not have the opportunity to perform water quality functions common to many critical area buffers. The trees overhanging the stream provide shade to keep creek-waters cool within Chico Creek. Most of the buffer within the study area contains existing features as described previously in this report. These features diminish the buffer function by creating barriers to common buffer functions such as protection from noise and light for Chico Creek habitat. There is dense shrubby vegetation along the banks of the stream that somewhat compensates for the lack of function in the developed areas.

The restroom construction avoids removal of significant trees but the understory vegetation. in areas where the construction is proposed (in the restroom location and expansion of the existing trail), which is primarily composed of ferns, will be salvaged prior to construction activities and planted elsewhere in the shoreline buffer and around the theater proper. Some of the plants will also be planted around the restroom following completion of the construction activities. Overall, this project as proposed will have no net loss on the conditions or the function of the forested shoreline buffer because it only proposes removal of young deciduous trees and has avoided removal of significant old growth and mature trees that provide the bulk of the shoreline buffer function.

Staff Comment:

Only the road from the east to the parking lot, and the theater stage create a distinct break in the connectivity of the shoreline buffer. However, KCC still allows the proposed development to proceed.

The legally existing theater and stage, and parking area are located 90 feet and 97 feet from the fish bearing stream. The proposal locates the trail expansion and restroom no closer than 160 feet from the stream. This qualifies as an expansion of an existing use that does not intrude further into the buffer as defined per KCC 22.150.190 Building line.

Furthermore, the development avoids the impacts to significant trees consistent with mitigation sequencing within the 200-foot shoreline buffer.

22.500.100 Permit application review and permit types.

A. Permit Application Review.

1. No authorization to undertake use or development on shorelines of the state shall be granted by Kitsap County unless upon review the use or development is determined to be consistent with the policy and provisions of the Act and this program.

Staff Comment: *The proposed Mountaineers Theater project is consistent with Shoreline and Comprehensive Plan policies. The Mountaineer's Theater is an existing use established prior to the adoption of the Kitsap County Comprehensive Plan and before the adoption of the Shoreline Master Program.*

The proposed replacement is ancillary to the established theater use by serving theater goers.

2. No permit shall be issued for any structure of more than thirty-five feet above average grade level on shorelines of the state that will obstruct the view of a substantial number of residences on areas adjoining such shorelines, except where allowed through a variance, and then only when overriding considerations of the public interest will be served.

Staff Comment: *The proposed restroom facilities will have a limited footprint and significantly less than 35-foot height limit.*

3. Consolidated permit review shall occur pursuant to the procedures in Chapter [21.04](#).
4. State Environmental Policy Act (SEPA) compliance shall be required for non-SEPA exempt projects, pursuant to the procedures in Title [18](#).

Staff Comment: *The Department issues the SEPA Determination of Nonsignificance with an appeal period ending on July 16, 2025, with no appeals filed.*

5. Permit review times and procedures for projects on a state highway shall be processed in accordance with RCW [47.01.485](#) and [90.58.140](#).

B. Substantial Development Permit.

1. The Act provides that no substantial development shall be undertaken on the shorelines of the state without first obtaining a substantial development permit (SDP).
2. An SSDP shall be classified under Chapter [21.04](#).

Staff Comment: *The review and approval of the SSDP is following the process laid out in KCC 21.04 and 18.04 Environmental Review for public notice required per the Growth Management Act and completed a 30-day comment period.*

3. An SDP shall be granted only when the applicant can demonstrate that the proposed development is consistent with the policies and procedures of the Act and this program, as well as criteria in WAC [173-27-150](#).

Staff Comment: *The project was reviewed pursuant to the review criteria for the SSDP.*

4. The Act provides a limited number of exceptions to the definition of substantial development. Those exceptions are contained in RCW [90.58.030](#) and are summarized below in subsection (C)(3) of this section, and do not require an

SDP. Whether or not a development constitutes a substantial development, all development must comply with the requirements contained in the Act and this program and may require other permits or approvals under this master program. Permits may be issued with limitations or conditions to assure consistency with the Act and this program. Not Applicable

5. All applications for SSDP or permit revisions shall be submitted to the Department of Ecology upon a final decision by local government pursuant to WAC [173-27-130](#). “Final decision by local government” shall mean the order of ruling, whether it be an approval or denial, that is established after all local administrative appeals related to the permit have concluded or the opportunity to initiate such appeals has lapsed. Not Applicable.

KCC 22.600.165 Recreation and Public Access

The proposed Project complies with the following applicable Recreation and Public Access regulations as addressed below:

- A. Environment Designations Permit Requirements. Where recreational development is proposed in the following designations, the identified permit requirements shall apply:

1. Natural:
 - a. Prohibited for non-water-oriented recreational development;
 - b. SDP for nonmotorized, water-oriented recreational development; and
 - c. CUP for all other forms of recreation, except when demonstrated to be consistent with approved park plans prior to application, and then with an SDP.

Staff Comments: The Mountaineer’s Theater is an existing recreational land use that was established prior to the adoption of the Kitsap County Comprehensive Plan and before the adoption of the Shoreline Master Program.

2. Rural conservancy, urban conservancy, shoreline residential, high intensity: SDP.
3. Aquatic: The required permit type will be determined by the specific recreational development proposed as set forth in this chapter. For example, see Section 22.600.125, Boating facilities.

- B. Application Requirements. In addition to the general permit requirements, a description of how the proposed use is water-oriented is required if applicable.

- C. Development Standards.

1. Recreational development shall not result in a net loss of shoreline ecological functions or ecosystem-wide processes.
2. All recreational facilities shall be designed, located and operated in a manner consistent with the purpose of the environment designation in which they are located.
3. Water-oriented recreation may be allowed in shoreline buffers. The removal of on-site native vegetation shall be limited to the minimum necessary for the recreational development areas, such as picnic areas, campsites, selected views, or other permitted structures or facilities.

4. Preference shall be given to activities which are consistent with approved state and local park plans for water-oriented recreational development.
5. Non-water-oriented recreational facilities, such as golf courses, playing fields, and facilities with extensive impervious surfaces, shall observe critical area buffers and vegetation conservation standards (Sections 22.400.115 and 22.400.120, respectively).

Staff Comment: The applicant avoids impacts to the environment and retains vegetation.

4. Commercial recreational development shall be consistent with Section 22.600.130 (Commercial development).

Staff Comments: The Theater is owned and operated by the Seattle Mountaineers, which is a nonprofit organization. The Forest Theater benefits by protecting the existing natural throughout the property to maintain the forest experience. The theater has a strong interest in being environmental stewards, protecting the shoreline environment and providing summer children's environmental education.

7. Vehicular traffic is prohibited on beaches, bars, spits and streambeds, except for permitted construction and boat launching, or in areas where it can be demonstrated that a historical use has been established.
8. Public road-ends, tax-title lands and rights-of-way adjacent to shorelines of the state shall be preserved for public access, unless the property is zoned for industrial uses. Pursuant to RCW 36.87.130, as now or hereafter amended, vacation of such shall only occur if the purpose is to:
 - a. Enable any public authority to acquire the vacated property for port purposes, boat moorage or launching sites; or
 - b. Provide for park, viewpoint, recreational, educational or other public purpose.
9. Trail access shall be provided to link upland facilities to the beach area where feasible and where impacts to ecological functions can be mitigated.
10. When applicable, recreational development shall make adequate provisions for:
 - a. Vehicular parking and pedestrian access;
 - b. Proper wastewater and solid waste disposal methods;
 - c. Security and fire protection;
 - d. The prevention of overflow and trespass onto adjacent properties, including, but not limited to, landscaping, fencing, and posting of property;
 - e. Screening of such development from adjacent private property to prevent noise and light impacts.
11. Shoreline trails and pathways shall be located, designed, and constructed to protect bank stability.
12. As required by RCW 90.58.100(4), applications providing for wilderness beaches, ecological study areas, and recreational uses for the public on state-owned shorelines shall be considered a preferred use.
13. Public access sites shall be made barrier-free and accessible for physically disabled uses where feasible, and in accordance with the Americans with Disabilities Act (ADA).

Staff Comment: The camp is conceded to be a recreational use that already exists. The camp has access to trails and footbridge over Chico Creek that have been reviewed by WDFW to help with fish counting. The theater provides access consistent with the ADA by providing access to theatergoers who have limited mobility by providing transportation by bus down to the stage.

22.600.185 Utilities.

- A. Environment Designations Permit Requirements. Where utilities are proposed in the following designations, the identified permit requirements shall apply.
 - 1. Natural: prohibited, except to serve essential utility corridors or in support of permitted uses and activities, and then with a CUP. Utilities associated with single-family residences are exempt.
 - 2. Rural conservancy, urban conservancy, shoreline residential, high intensity: SDP. Utilities associated with single-family residences are exempt.
 - 3. Aquatic: CUP.
- B. Application Requirements. All applications for utility facilities shall include, at a minimum, the following:
 - 1. Reason why the facility must be located in the shoreline jurisdiction;
 - 2. Alternative locations considered and reasons for their rejection;
 - 3. Location of other facilities near the proposed project and if the location is to include other types of facilities;
 - 4. Proposed method of construction and plans to control erosion and turbidity during construction;
 - 5. Plans for restoration of areas disturbed during construction;
 - 6. Possibility of locating proposed facility within existing utility right-of-way; and
 - 7. Geotechnical report when proposed in a geologically hazardous area.
- C. Development Standards.
 - 1. General Regulations.
 - a. On-site utility features serving a primary use, such as a water, sewer or gas line to a residence, are accessory utilities and shall be considered a part of the primary use.
 - b. All utility facilities shall be designed and located to assure no net loss of shoreline ecological functions, preserve the natural landscape, and minimize conflicts with present and planned land and shoreline uses while meeting the needs of future populations in areas planned to accommodate growth per the Kitsap County Comprehensive Plan.
 - c. Non-water-oriented utility production and processing facilities shall not be allowed in shoreline jurisdiction unless it can be demonstrated that no other feasible option is available.

- d. Transmission facilities shall be located outside of the shoreline area where feasible. When located in the shoreline area, they must be constructed, designed and located to assure no net loss of shoreline ecological functions.
- e. Utilities shall be located in existing rights-of-way and corridors whenever possible.
- f. New or expanded utility facilities shall be located in areas that do not require shoreline stabilization, dredging, extensive cut/fill and other forms of shoreline alteration to the greatest extent feasible.
- g. Maintenance of existing utilities shall be carried out in a manner that will not result in a net loss of shoreline ecological functions, and any unavoidable adverse impacts shall be mitigated. This includes minimization of vegetation removal, and mitigation of any adversely affected area.
- h. Where feasible and consistent with shoreline ecological functions, new and replacement utility lines shall be underground.
- i. Development of pipelines and cables on tidelands and development of facilities that may require periodic maintenance that disrupts shoreline ecological functions should be prohibited unless no other feasible alternative exists. When allowed, the location, design and construction of such facilities shall not result in a net loss of shoreline ecological functions or significant impacts to the other shoreline resources and values.

Staff Comment: The existing theater has been operating at the current location along Chico Creek since the 1920's. The request includes repair/replacement of a failing electrical service. The request to repair the existing power is consistent with the requirement SMP KCC 22.150.460 Normal Repair.

Electrical power is currently provided to the theater area from the upper area of the Mountaineers property through with an old powerline in a trench that ends at the dressing and sound rooms, tool and prop storage area. The proposed project replaces a failing electrical line with another powerline. A transformer, installed in the parking area, will improve the electrical service provided by a power source located east of the project site.

11. Review Authority

The Director has review authority for this Administrative Conditional Use Permit application under KCC, Sections 17.540.020 and 21.04.100. The Kitsap County Commissioners have determined that this application requires the review and approval of the Director. The Director may approve, approve with conditions, or deny an Administrative Conditional Use Permit.

12. Findings

1. The proposal is consistent with the Comprehensive Plan.

Staff Comment: The Department determined that the proposal for the SSDP for replacement of public restrooms is consistent with the Rural Residential Zone, the shoreline designation Comprehensive Plan, and Shoreline policies for supporting public facilities.

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.

Staff Comment: The applicant addressed standards within the Shoreline Master Program demonstrating a buffer break in shoreline buffer functions, expanding a legally existing use that doesn't intrude further into a buffer, achieving no-net loss, and avoiding the removal of significant trees.

3. The proposal is not materially detrimental to existing or future uses or property in the immediate vicinity.

Staff Comment: The applicant is proposing minor impacts with the replacement of the outdated public 1950s pit toilet with associated utilities.

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.

Staff Comment: The proposal is conditioned to be consistent with the intent of rural character per the RW zone.

5. The applicant demonstrated that the proposed development is consistent with the policies and procedures of the Act and this program, as well as criteria in WAC 173-27-150.

Staff Comment: This project will replace the existing pit toilets which have been in place since the 1950's to serve theatergoers. The applicant has prepared a HMP and No-net loss Report which demonstrates the project is consistent with the SMP.

13. Decision

Based upon the analysis above and the decision criteria found in KCC 17.540.040.A, the Department of Community Development recommends that the Shoreline Substantial Development Permit request for the replacement of the MOUNTAINEERS -Public Restroom and Widening Trail be **approved**, subject to the following 15 conditions:

a. Planning/Zoning

1. A Kitsap County building permit shall be required before work may begin.

2. The structure shall be designed consistently with the rural residential character per the Rural Wooded zone KCC17.150.010 and defined per KCC 17.110.666 Rural Character definition.
3. Artificial outdoor lighting shall be arranged so that the lighting is fully recessed or fully shielded from side view and directed downward and away from surrounding properties. No more than one foot-candle of illumination shall leave the property boundary. Lighting shall be the minimum necessary for safety purposes and be compatible with the rural character of the area. Light standards (poles) shall not exceed 20 feet in height.
4. This Shoreline Substantial Development Permit approval shall automatically become void if no development permit application is accepted as complete by Staff Report: [Staff Report: 24-05084 Mountaineers Admin SSDP](#), the Department of Community Development within two years of the Notice of Decision date or the resolution of any appeals.
6. 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.
7. 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.
8. Any violation of the conditions of approval shall be grounds to initiate due process and proceed to revocation of this Shoreline Substantial Development Permit.

b. Development Engineering

GENERAL

9. Building permits submitted for this development shall include construction plans and profiles for all roads, driveways, storm drainage facilities and appurtenances. No construction shall be started prior to said plan acceptance.

STORMWATER

10. Stormwater quantity control, quality treatment, and erosion and sedimentation control, as required for the development, shall be designed in accordance with

Kitsap County Code Title 12 effective at the time the Building Permit is deemed fully complete. If development meets the thresholds for engineered drainage design, the submittal documents shall be prepared by a civil engineer licensed in the State of Washington. The fees and submittal requirements shall be in accordance with Kitsap County Ordinances in effect at the time of the Building Permit Application.

11. If the project proposal is modified from that shown on the site plan approved for this permit application, Development Engineering will require additional review and potentially new conditions.

c. Environmental

12. This project shall follow recommendations in the Geotechnical Report by Aspect Engineering, dated May 14, 2024.
13. This replacement restroom and trail widening shall follow required mitigation recommendations by Ecological Land Service/No Net Loss Report, dated March 19, 2025.
14. Significant trees shall be protected from the impacts of construction and any expanded use of the property.

d. Traffic and Roads

NA

e. Fire Safety

NA

f. Solid Waste

NA

g. Kitsap Public Health District

15. Adhere to applicable Kitsap Public Health District requirements.

Report prepared by:



Jeff Smith, Staff Planner / Project Lead

8/13/2025

Date

Report approved by:



Darren Gurnee, Supervisor

8/13/2025
Date

Attachments:

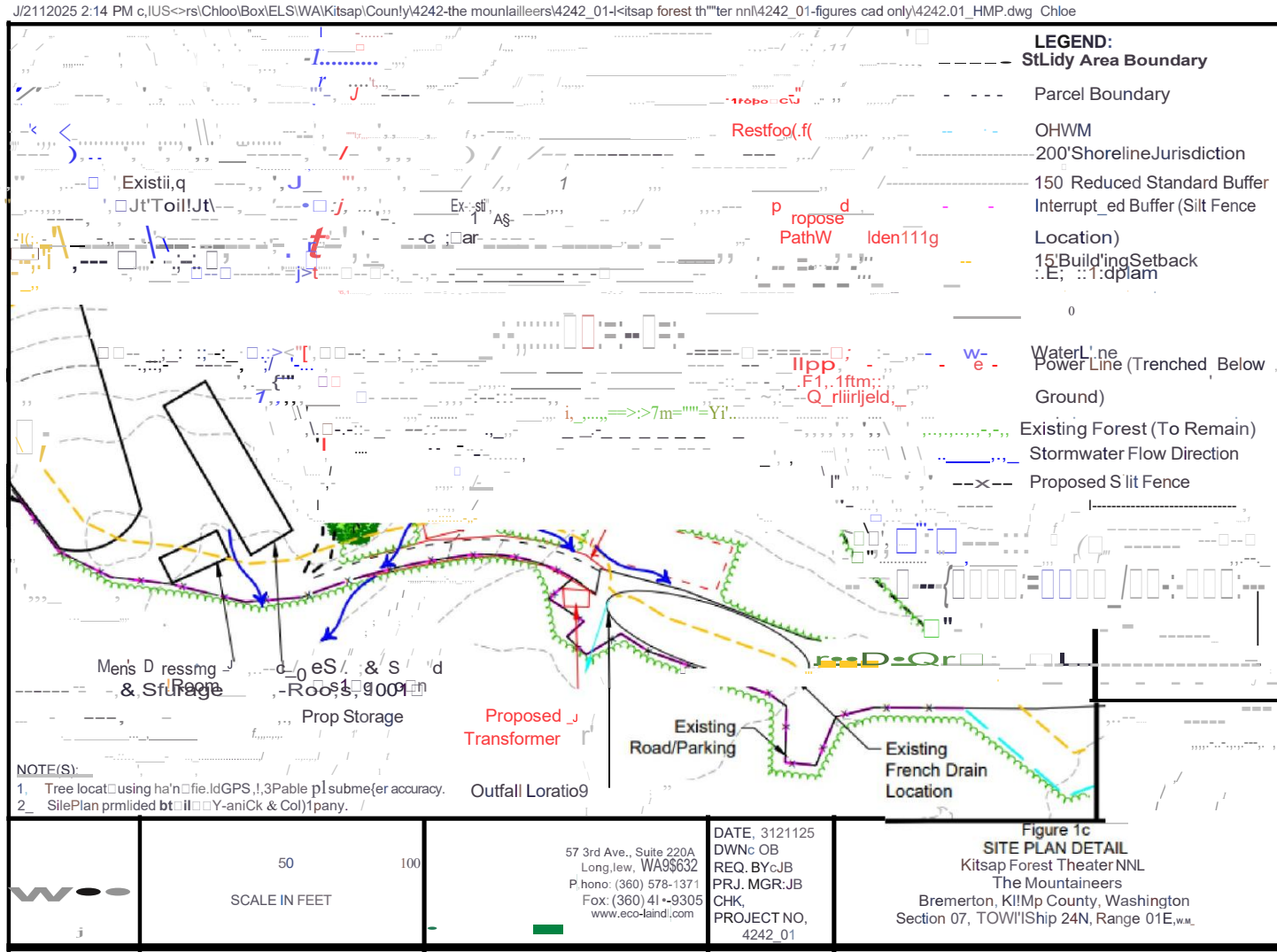
Attachment A -Site Plan
Attachment B -Critical Areas Map
Attachment C- Vicinity Map
Attachment D-Site Photos
Attachment E-Lidar Map
Attachment F-Shoreline Map
Attachment G –Zoning Map

CC:

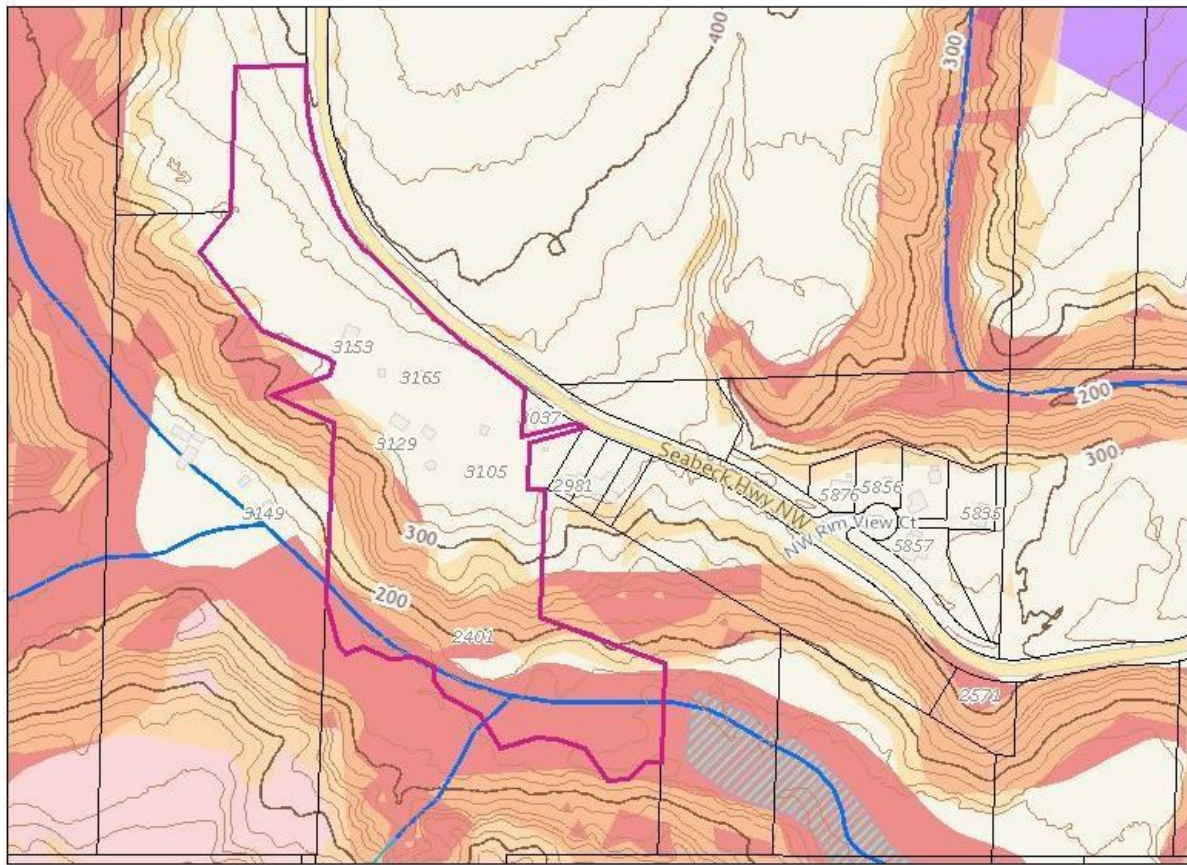
Applicant/Owner: THE MOUNTAINEERS, 7700 SAND POINT WAY NE, SEATTLE, WA 98115-3996
Portal Access Contact: Gala Lindvall, galalindvall@gmail.com
Surveyor: Contour Engineering, LLC, admin@contourengineeringllc.com
Interested Parties: Joanne Bartlett, Ecological Land Services, joanne@eco-land.com, Matthew Evinger (ECY) MEVI461@ECY.WA.GOV, Maddie Levesque maddie.levesque@dahp.wa.gov

Kitsap County Health District, MS-30
Kitsap County Public Works Dept., MS-26
DCD Staff Planner: Jeff Smith

Site Plan



Critical Areas Map



** This map is not a substitute for field survey ** Map Scale: 1 inch = 400 feet

Legend

Tax Parcels Outlines	No Channel as depicted by DNR	Hydric Soils Potential Wetlands	Seismic Moderate Hazard Area Moderate
Building Footprints	Waterbodies Includes DNR NWI and Surveyed Wetlands DNR NWM Surveyed Wetlands	Seismic High Hazard Area High	
Watercourse - DNR and Wildfish Conservancy (S) Designated Shoreline of the State (F) Fish Habitat (N) Non-fish Habitat (U) Unknown, unmodeled hydrographic feature	FEMA Flood Hazard Areas 100 Year Floodplain Storm Induced Velocity Wave Hazard	Landslide Hazard areas High Moderate	
		Erosion Hazard Area High Moderate	

Comments Parcel No: 072401-2-022-2000 Taxpayer: MOUNTAINEERS THE Site Address: MULTIPLE ADDRESSES ON FILE

Kitsap Co. Parcel Search Application

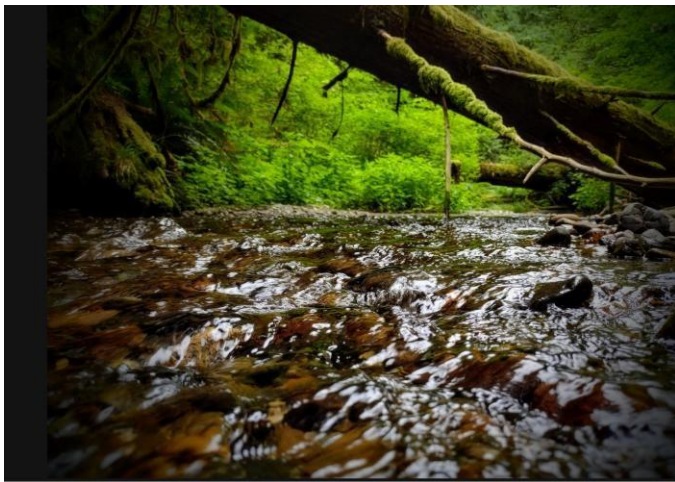


Printed May 5, 2025

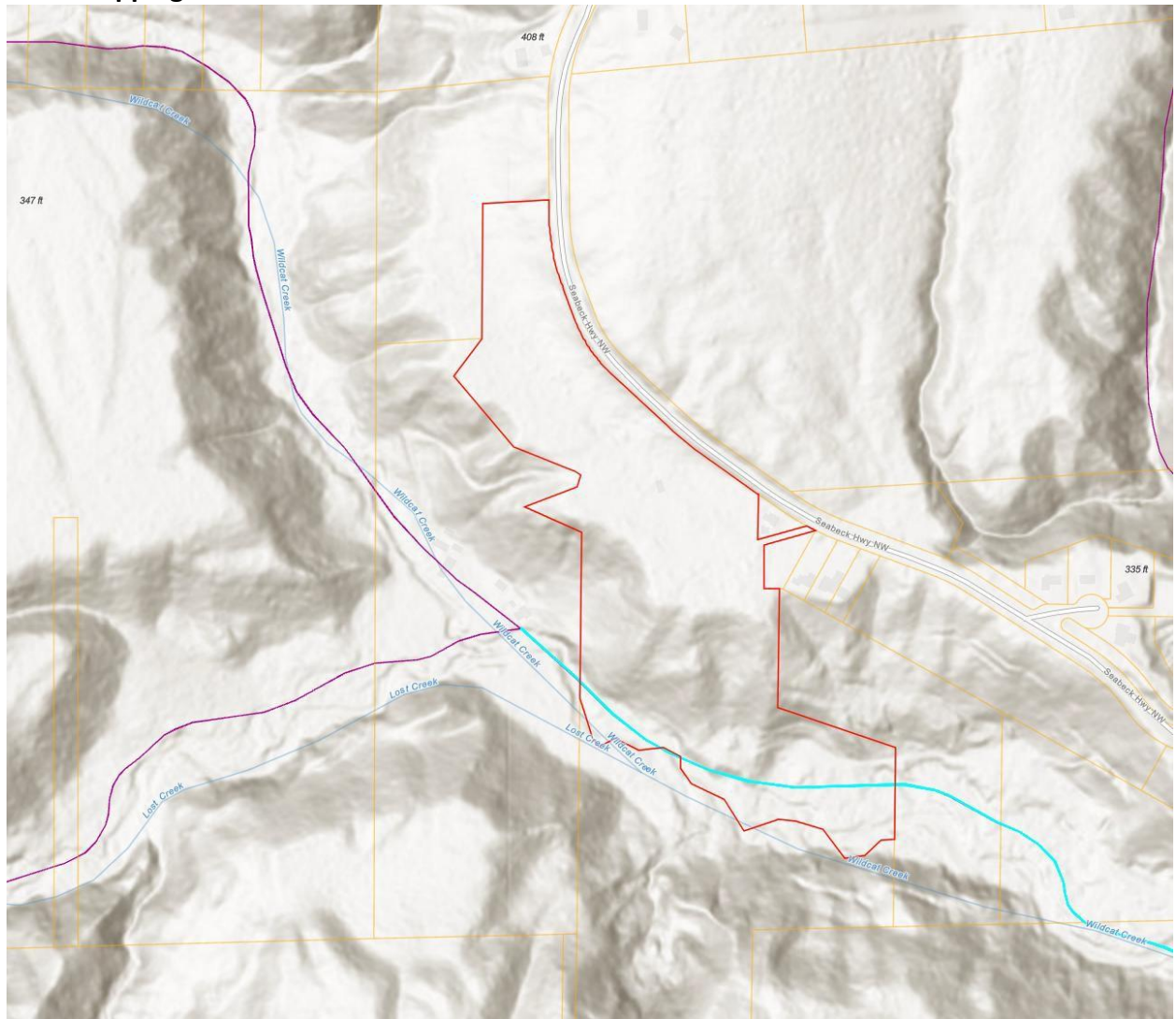
Vicinity Map:



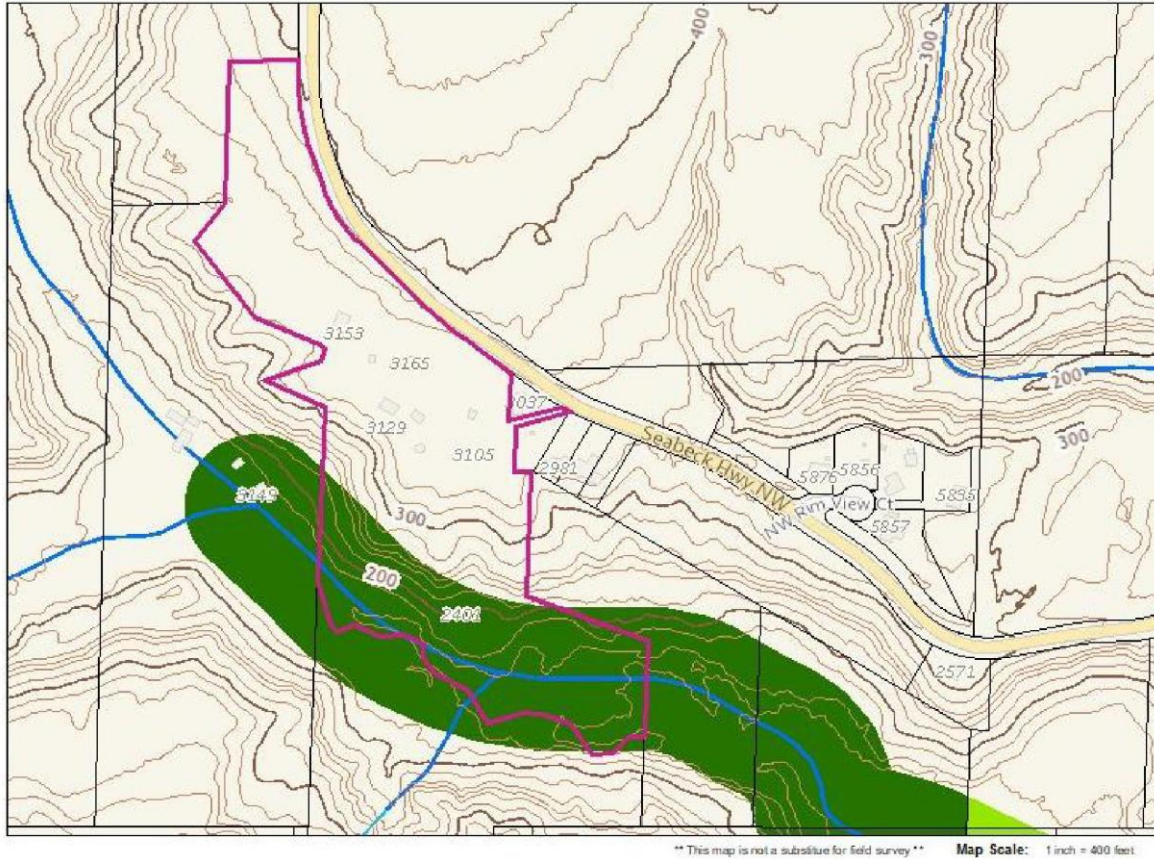
Site Photos



Lidar Mapping



Shoreline Master Program



Legend

D Tax Parcels Outlines	x x No Channel as depicted by DNR
Building Footprints	
Watercourse - DNR and Wildfish Conservancy	Shoreline Master Plan Environmental Designations 2014
(S) Designated Shoreline of the State	Natural
(F) Fish Habitat	Rural Conservancy
(N) Non-fish Habitat	Shoreline Residential
(U) Un(q)own, unmodeled hydrographic feature	Urban Conservancy
	High Intensity
	Aquatic

Mountaineers Zoning Map



Comments

** This map is not a substitute for field survey ** Map Scale: 1 inch = 200 feet

Kitsap Co. Parcel Search Application

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