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# KitsapCounty

## COMMUNITY DEVELOPMENT

### MEMORANDUM

DATE: August 6, 2026

TO: Hearing Examiner

RE: Supplemental Staff Report for Permit Nos 23-04238 & 23-03870:  
Phase II Preliminary Plat/Performance Based Development  
Application by Royal Valley LLD/Rush Development Co.

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This report will clarify and expand on Kitsap County DCD's review of the Royal Valley Phase II Preliminary Plat and Performance Based Development applications, which are the subject of a hearing on reconsideration of the Hearing Examiner's denial of the above-identified applications.

The Hearing Examiner has ordered that the record be re-opened and a hearing date set to allow for record supplementation by parties of record, regarding the following issues:

- Water Supply Adequacy;
- Sewer Capacity for the 40-unit Expansion Area;
- Critical Areas Impacts and Mitigation;
- Transport to School;
- Transportation Impacts; and,
- Fire Protection Adequacy.

The following are responses from the applicant and Kitsap County Staff to provide record supplementation:

#### A. Water Supply Adequacy

Issue Identified in Decision: Finding 1.24 cites the North Perry Avenue Water District "NONBINDING Statement of Service Availability" for the subject tax parcel dated April 24, 2023, and questions whether that document is sufficient because it does not expressly identify the residential units. The Decision also notes public comments raising generalized concerns regarding North Perry's water capacity.



Applicant Response: The water-availability documentation supplied by the Water District is customarily accepted by the County for preliminary approvals, and a binding water-availability certificate will be expected at the stage of later permit acceptance, even as a component of a complete building permit application.

Staff Response: *The Kitsap Public Health District monitors projects for water and sewer availability, per State and local requirements as explained in the attached email by. The proposed Club House is located within Phase 2 of the project. Further demonstrating water availability, North Perry Avenue issued a Binding Water Availability Letter through the Site Development Activity Permit Process, January 20, 2026 (See Exhibits-59, 92, 93 & 100). See Staff Condition 67.*

#### B. Sewer Capacity for the 40-unit Expansion Area

Issue Identified in Decision: Finding 1.24 concludes that sewer capacity was documented for 328 units but not for an additional 40-unit expansion area.

Applicant Response: This finding appears to reflect a miscount of unit counts. The 40 future clustered units were already included within the 276-unit multifamily tract count. The 368-unit reference appears to have originated in the staff report summary and was carried forward into the Decision. The correct total is 328 units: 52 single-family/townhome/cottage lots plus 276 multifamily units. Accordingly, the sewer availability documentation for 328 units corresponds to the actual project total as proposed. The lift station contemplated in that availability has already been constructed by the Applicant and is scheduled to be turned over to Kitsap County Sewer.

Staff Response: *As required through land use review, the applicant obtained Non-binding Letters of Sewer Availability demonstrating sewer service for the proposed development. See Staff Condition 67 and Exhibit 27. Kitsap County Department of Public Works-Sewer Utility Division issued an updated Sewer Availability Agreement for 269 ERUs, on February 13, 2025. Pursuant to KCC 13.14.140, single-family dwelling units are assigned 1.0 ERU each, while apartments and other multi-family dwelling units are calculated at 600 cubic feet per month per unit, which equates to 0.75 ERU per apartment unit based on Kitsap County's standard residential equivalent of 800 cubic feet per month.*

#### C. Critical Areas Impacts and Mitigation

Issue Identified in Decision: The Decision concludes that the record does not clearly identify and reconciles the critical area impacts and corresponding mitigation attributable to Phase 2. The Examiner found that multiple reports and exhibits



addressing the larger Royal Valley development area contained information that was difficult for both the public and the Examiner to reconcile, resulting in uncertainty regarding the extent of Phase 2 impacts, mitigation obligations, temporary impacts, and associated restoration measures. The Decision therefore concludes that the specific impacts and mitigation applicable to Phase 2 could not be readily determined from the record.

Applicant Response: The “Clarification to the Record May 28, 2026, Public Hearing” memorandum from BGE Environmental dated June 8, 2026, and submitted by Norm Olson to the record on June 9, 2026 (“BGE Clarification Memo”) addressed questions raised by public comments and to explain the relationship among the critical area exhibits, anticipated impacts, completed mitigation activities, and the ongoing permitting process applicable to Phase 2. It contained two illustrative exhibits as attachments, a) Royal Valley Plat Mitigation Master Plan as of June 8, 2026 (BGE Environmental) and b) Stream and Wetland Mitigation Plan dated April 23, 2026 (NL Olson). It also referenced the Royal Valley Connector Road & Gluds Pond Street Final Mitigation Plan previously submitted to the record on May 29, 2026, and referenced in testimony and proposed Conditions of Approval 38 and 40, as modified.

Staff Response: The Staff Report was issued on May 21, 2026. During the 10-day comment period, the applicant submitted (a) Phase 2 Clarification Memorandum Plat/PBD (Exhibit-42), (b) the April 23, 2026, NL Olson Associates Stream and Mitigation Plan (Exhibit-47), with (c) illustrative attachment Royal Mitigation Plan May 29, 2026, Connector & Gluds Pond (Exhibit-46) that included wetland information based on the record. Staff didn’t have an opportunity to provide analysis of these reports until recently. Based on the preliminary recommendations on critical areas, the balance between the pre- and post-development for temporary and permanent buffer impacts appears to be mitigated.

*Per Staff Condition 18, the developer is required to make application for a Site Development Activity Permit (SDAP) for the Phase 2 Plat/PBD. . Staff Condition 35 specifies that all SDAP work shall be completed prior to recording final plat. To help improve public understanding, Staff recommends the applicant submit a revised report with the SDAP application specifically for Phase 2 Preliminary Plat/PBD that consolidates all the above reports with a matrix. The revised report shall identify permanent and temporary impacts and contain the required Habitat Mitigation Plan per KCC 19.700 Critical Areas-Special Reports (See Exhibits 86-89).*

D. Transport to School;

Issue Identified in Decision: Finding 1.27 states that students must be bussed or driven because there is no safe walking route along SR 303, and that the record does not identify where a bus stop will be placed.



Applicant Response: The Decision correctly recognizes that students should not be expected to walk along SR 303. This safety concern was addressed in the review and decision for the Phase 1 Preliminary Plat, which included a connector-road system in its design. The public connector road was planned and approved to connect the roadways of multiple neighborhoods internally, creating a safer and more flexible environment for school transportation than a bus-stop directly on SR 303.

Staff Response: *Students should not be expected to walk along the State Route (SR-303). Consistent with KCC 16.04.080 General Requirements for bus stops, staff contacted Central Kitsap School District, Kitsap Transit and the Washington Department of Transportation (WSDOT) during initial review of the plat/PBD. The School District proposed a student bus stop outside the west travel lanes and Kitsap Transit recommended a compliant bus stop along the northbound SR-303 (See Emails 10/25/2023 and 04/25/2024 respectively). The Olympic Regional Office, WSDOT -Traffic Division, preferred that school buses travel into the development rather doing a merge/diverge across lanes and the bike lane/route (See Exhibit 94). The WSDOT recommendation is consistent with the applicant's proposal within the Request for Consideration for bus access per the internal connector road vs. the project highway frontage (See Exhibits 94).*

#### E. Transportation Impacts;

Issue Identified in Decision: Finding 1.16 states that the connector road design was coordinated through October 2022 MOU, but then suggests that the MOU and current WSDOT concerns remain unresolved. More generally, the Decision states that “the plat's traffic impacts cannot be determined from what has been provided.”

Applicant Response: That conclusion should be reconsidered. WSDOT's request for a more restrictive Gluds Road/SR 303 configuration does not mean transportation mitigation remains unresolved. The Applicant accepted WSDOT's requested restriction. The current WSDOT review concerns only final design drawings and implementation details.

Staff Response: *It was noted in Finding Fact 1.16 Access and Transportation by the Hearing Examiner that the MOU and current concerns from (WS)DOT remain an unresolved issue. The project includes frontage on SR-303, under the jurisdiction of Washington State Department of Transportation. Like Kitsap County, WSDOT relies on the SEPA environmental review process to help condition land use projects. Prior to issuance of the Mitigated Determination of Non-significance (MDNS) dated March 16, 2026, staff coordinated with WSDOT to confirm that all concerns were addressed.*



*It should be also noted for the record SCJ Alliance prepared an “Intersection Control Evaluation” for State Route 303 West Bound Ramps and Central Valley Road NW for the Royal Valley Development (see attached). Steve Yester explains in email dated March 18, 2025, the trip generation memorandum that the single-family/multi-family mix reduces trip generation by 71 trips. Staff also recommend that the WSDOT email response by Andy Larson, dated April 2, 2025 (See Exhibit-96), the Olympic Region Traffic Division accept the above SCJ Alliance Consulting Services calculations, in Memorandum dated September 3, 2024 (See Exhibit-20).*

*There were some questions by the Examiner on public safety with ingress and egress associated with the connector road, Hearthstone Road NE. NL Olson & Associates submitted an email (See Exhibit 97) with supporting documentation on the phasing plan of the connector road associated with Gluds Pond Apartments, and with Technical Memorandum from SCJ Alliance with analysis of intersection improvements. Traffic conditions to mitigate potential traffic impacts with forecasted trips were identified in SEPA MDNS for Royal Valley Connector & 1000/Gluds Pond Apartments SDAP, dated March 25, 2025. (See Exhibit 98)*

F. Fire Protection Adequacy.

Issue Identified in Decision: Within Section 1.26 of the Decision, the Hearing Examiner states: *“While the Applicant views fire protection as a non-issue, this appears to be based on an earlier SDAP review for another project. Without credible analysis, such as provider input on fire system infrastructure adequacy, no findings can be made.”*

Applicant Response: The fire-protection issue should be reconsidered because the cited coordination does not establish unresolved fire-protection adequacy for preliminary plat purposes. The quoted communication appears to relate to coordination between the Applicant and the Fire Marshal during SDAP review of a segment of the connector road. Based on the Fire Marshal’s review and approval of the preliminary fire-protection design, Fire Safety Conditions 62 through 65 are included in the staff report as recommended conditions of approval.

Staff Response: *The Kitsap County Fire Marshal’s Office is responsible for fire safety review. The Royal Valley development will be served by Central Kitsap Station 41 Old Military Road or Station 51 on Silverdale Way, Silverdale based on a 5-minute response time. The project site plan shows water lines and hydrant locations throughout the plat/PBD. Residential fire hydrants require 500 gpm for half-hour. The apartment building will be sprinklered and will require commercial rated fire flow. The SDAP for the Phase 2 Plat/PBD will be reviewed for fire apparatus access, turn-rounds, and roadways designed to support the weight of fire apparatus vehicles. As documented above, the North Perry Avenue Water District issued a Binding Water Letter for the Clubhouse on the same parcel as the Preliminary*



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*Plat/PBD (Assessor's Tax Account 142501-3-038-2000). With the SDAP review of the Clubhouse, North Perry Avenue Water District submitted Fire Flow Analysis Information dated January 29, 2024, documenting 1,450 gpm. An updated letter was submitted by BHC Consultants for North Perry stating Rush is proposing 1,875gpm for 2 hours and 1,000gpm for 60 minutes for the proposed 2n Phase/Area of the Linden Creek Apartments (See Exhibits 60 & 99).*



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Jeff Senior Planner

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August 6, 2026

Date

