



COMMUNITY DEVELOPMENT

Notice of Hearing Examiner Decision

September 15, 2026

To: Interested Parties and Parties of Record

RE: Project Name: Royal Valley Phase 2 – Performance Based Development &
Royal Valley Phase 2 – Preliminary Plat

Applicant: Royal Valley Land LLC
6622 Wollochet Drive
Gig Harbor, WA 98335

Application: Performance Based Development (PBD) & Preliminary Plat
(PPLAT)

Permit Number: 23-03870 (PBD) & 23-04238 (PPLAT)

The Kitsap County Hearing Examiner has **APPROVED** the land use application for **23-03870: Royal Valley Phase 2 – Performance Based Development – PBD & 23-04238: Royal Valley Phase 2 – Preliminary Plat - PPLAT**, **subject to the conditions outlined in this Notice and included Decision.**

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

The applicant is encouraged to review the Kitsap County Office of Hearing Examiner Rules of Procedure found at <https://www.kitsap.gov/dcd/HEDocs/HE-Rules-for-Kitsap-County.pdf>.

Please note affected property owners may request a change in valuation for property tax purposes, notwithstanding any program of revaluation. Please contact the Assessor's Office at 360.337.5777 to determine if a change in valuation is applicable due to the issued Decision.

The complete case file is available for review 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:

Owner/Applicant:

Royal Valley Land LLC, 6622 WOLLOCHET DR GIG HARBOR, WA 98335



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Agency Contacts:

Point No Point Treaty Council
Suquamish Tribe
Skokomish Tribe
Port Gamble S'Klallam Tribe
Squaxin Island Tribe
Puyallup Tribe
Dept of Archaeological Historic Preservation
WA Dept of Natural Resources
WA Dept of Fish & Wildlife
WA State Dept of Ecology-SEPA
WA State Dept of Transportation
Health District
Public Works
Parks
Navy
DE & PEP
Kitsap Transit
Central Kitsap Fire District
Central Kitsap School District
Puget Sound Energy
Water Purveyor North Perry Road Water District
Sewer Purveyor Kitsap County
WA Dept of Transportation/Aviation
WA State Dept of Ecology-Wetland Review
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
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Dept of Archaeological Historic Preservation

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Adjacent Property Owners within 800' radius

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

Royal Valley Phase II
Preliminary Plat and Performance Based Development
File Nos. 23-04238, 23-03870

September 11, 2026

1. FINDINGS OF FACT

1.1 Background and Proposal. Division of 65.38-acres to build 328 residential units,¹ supported by roads and stormwater tracts, and accompanied by recreational and open space areas. Streams, wetlands, and their buffers take up 32.36 acres. The site fronts SR 303.

The residential units include 52 single-family lots, sized from 1,184 to 4,976 square feet (accommodating 27 townhouses, 7 cottages, and 18 traditional single-family homes). This is coupled with 276 multi-family units (designed per KCC 17.470). There is also a clubhouse. The project is referred to as Phase 2, as an adjacent preliminary plat and apartment building (Gluds Apartments) preceded it.

Within the Urban Cluster Residential zoning, preliminary plats may be approved using Kitsap County's Performance Based Development Process (KCC 17.450) to modify zoning standards. The Applicant requests reductions in lot width (40 to 16 feet), lot depth (60 to 50 feet) and a building height increase (35 to 40 feet, to allow daylight basements). The minimum lot size is proposed for reduction from 2,400 to 1,000 square feet (the minimum standard for attached housing is 1,200). Single-family lots would be 1,184 to 4,976 feet, and average 2,644 square feet.

The Hearing Examiner originally denied the application, not based on a conclusion that the proposal could not have demonstrated code compliance, but based on record inadequacy. The project is the last phase of a larger development for which considerable infrastructure has been built. It was assumed this work and preceding analysis would demonstrate code consistency, even if not added to the record before the Examiner.² The Applicant requested reconsideration of the denial and the Examiner re-opened the hearing to allow record supplementation on:

- Water Supply Adequacy;
- Sewer Capacity (with respect to "40-unit Expansion Area" clarification);
- Critical Area Impacts and Mitigation;
- Transport to School;
- Transportation Impacts; and,
- Fire Protection Adequacy.³

¹ On Reconsideration, the Applicant and Department confirmed the total unit count is 328. This addressed the confusion on whether there were 40 additional units. Exhibit 102, p. 2 (p. 2173, Record PDF).

² Applicant Testimony, Olson (and counsel's argument), Reconsideration Hearing.

³ Order Granting Applicant's Request for Reconsideration (July 16, 2026).

Applicant/Property Owners. Royal Valley Land LLC/Rush Development Company LLC, 6622 Wollochet Drive, Gig Harbor, WA 98335.

Location. 368 NE Waaga Way (SR 303), Poulsbo, WA 98370. Parcel Nos. 142501-3-035-2003 and 142501-3-038-2000.

1.2 Original Hearing. An open record public hearing was held May 28, 2026. Access information was provided to the public to allow citizens to join via either a video link or telephone call-in. Consistent with his earlier written comment (Exhibit 39), a citizen (Mr. Lubischer) requested that the hearing be postponed. The request was based on concerns that the Applicant had submitted inadequate analysis to support the plat and the community has not had adequate time to evaluate the complex project. The request was denied, though it ultimately became apparent the requestor was correct in this assessment, which is what led to the denial and then the reconsideration hearing.

At the original hearing, Kitsap County Department of Community Development (“Department”), through Jeff Smith, summarized the proposal. The Department found the plat consistent with code and included recommended conditions. Public testimony followed, with the Applicant providing additional detail and addressing questions raised in comment. The Applicant requested revisions to several conditions, which the Department largely agreed to, with revisions which were not objected to.⁴ At the hearing, citizens identified concerns, including on:

- Inadequate and conflicting critical areas analysis;
- A history of stop work orders and Department of Ecology stormwater construction violations on Phase I raised concerns these issues would be repeated with Phase II;
- A failure to address buffering/landscaping requirements on Phase I to ensure development compatible with surrounding rural residential areas per code and plat conditions, and a concern these issues would occur with Phase II;
- Water supply adequacy questions;
- Safe access to schools and bus transit adequacy; and,
- Transportation congestion and safety, including pedestrian safety.

Given the volume of unanswered questions, the record was kept open for two weeks, through June 11, and then re-opened on June 22, so the Department could clarify proposed conditions. With submittal of the Department’s clarification on June 25, the record closed, and the Decision denying the plat was issued.

1.3 Reconsideration Hearing. Following the Examiner’s Order granting the Applicant’s reconsideration request, the record was re-opened and a reconsideration hearing was held on August 13, 2026. Testimony was received from the Applicant, Department, and citizens. The Hearing Examiner conducted a site visit that afternoon. Per a hearing discussion with citizens, the Department, and Applicant, the record was kept open for two weeks, through August 26, and transmitted to the Hearing Examiner on August 27.

⁴ Exhibits 77 and 78.

1.4 Original Administrative Record. The Examiner initially admitted Exhibits 1-78, as identified in the Exhibit List. Exhibits included the Staff Report, application materials, the preliminary plat, technical analysis, public notice documents, and public comments. On reconsideration, the record was supplemented with Exhibits 79-162, which included additional technical analysis and comment from the Applicant, further agency comment, citizen comment, and Department supplemental analysis. These exhibits were admitted.

1.5 Notice. Hearing and application notice was provided per code.⁵

1.6 SEPA. DCD issued a Mitigated Determination of Non-Significance.⁶ No appeal was filed.

1.7 Original Hearing – Department Testimony. The Department provided background on the site's development and zoning history through Mr. Smith. Information on critical areas and access were noted. The Department stated that DOT (Washington State Department of Transportation) has reviewed traffic generation and accepted the report findings, including on peak hour trips, site distance, and ingress/egress. Paulson Road will continue to be only used for fire apparatus access, as with Phase I. The Department described the plat (Exhibit 30), which includes single family homes, multi-family development, and a 5,000 square foot clubhouse (with fitness center, pool, pickleball or tennis court, and off-street parking), which will primarily serve the community. 21% of the site will be landscaped (15% is required). Extensive critical areas (wetlands and streams) are present, which are set aside and protected with buffers. Mr. Smith stated that a culvert at the connector road will be placed, with buffer restoration on both sides of roadway. The Department noted there has been a significant amount of public discourse, including on groundwater/aquifer recharge, traffic safety, SR 303 impacts, impacts on surrounding rural character, and critical areas requirements. The Department provided some information on these issues.

The Department emphasized that a lot of construction is going on in the area (for Phase I and Gluds Apartments) so required improvements have not been completed. There is a transit route on SR 303, but with no stop proposed for the plat. The Department felt the School District is concerned about traffic safety, so did not support a stop on SR 303. North Perry Avenue Water District has a water system plan which Ecology and DOH approved. This means they are approved for a certain number of water rights and a certain number of connections and the project is within their retail water service area. Mr. Smith noted that the water district prepares its own hydrogeologic analysis, so a separate analysis would not be required for the plat. He clarified that private roads can be within a plat; there will be both private and public. Mr. Smith stated he is not aware of any compliance issues related to setback requirements on Phase I and Gluds Apartments.

1.8 Original Hearing – Applicant. Norm Olsen, of Olsen & Associates, presented for the Applicant. He noted other team members were present for questions - Steve Yester (Rush Development), Robin Myers (biologist), Bill Lynn (counsel), and Ron Johnson (engineer). Mr. Olsen clarified that Exhibit 30 is the current civil plan set, with only the cover sheet updated in

⁵ Exhibits 35 and 36; KCC 21.04.080, .210.

⁶ Exhibits 22 and 32.

February of 2026, hence the different dates for the remainder of the sheets. Mr. Olsen noted that Paulsen Road is only for emergency vehicles. He stated there are three locations for ingress/egress. Two are off SR 303. One is already constructed. The 2nd access point remains under DOT review, but was proposed by DOT, so he is confident of ultimate approval. Mr. Olsen summarized the Applicant's proposed revisions to the Department's conditions. He also addressed several questions which arose in public comment, as summarized below.

- **Construction/Phase I – Stormwater Control.** With 7-10 consecutive days of heavy rainfall in the winter, there were some challenges resulting in Ecology violations. On Phase I, the phasing plan was revised to allow certain areas to not be disturbed as much while wet. Unfortunately, rainfall exceeded stormwater design during certain periods of construction. The Applicant stated it addressed the overflows and there are no outstanding compliance issues.
- **Mitigation Revision/Clarification.** Mr. Olsen noted that at the preliminary plat stage, mitigation is identified but not finalized.
- **2nd Entry Point.** DOT has “almost” approved this entry point and there will not be unit occupancy until the intersection is built. The intersection will be designed for larger trucks, including semis. Construction is still ongoing; the Applicant conceded that access is currently challenging, but noted that this is a temporary condition.
- **Hydrogeology/Hydrology.** The Applicant clarified that hydrogeology refers to how much water is infiltrating; hydrology relates to stormwater runoff. Infiltration is hard on this site due to soils, so stormwater will be detained on site and discharged at pre-development rates. With this approach, a hydrogeology report is not required. The Applicant prepared a storm drainage report.
- **Water Purveyor - North Perry Avenue Water District.** The Applicant stated the water purveyor has confirmed water availability but there may be issues for future projects.
- **Sewer.** The Applicant stated it has paid for a new pump station and is rebuilding 24 inch sewer mains to ensure sewer infrastructure is adequate to serve the plat.
- **Public Transit.** The Applicant noted that a bus stop not being put on SR 303 as that is not a good location. Future improvements could occur in future.
- **Fencing Completion.** The Applicant addressed fencing and landscaping questions related to Gluds Apartments. He stated a fence is proposed around a pond, but not as buffering. (Required landscaping for this area was unclear).
- **Internal Roads.** The project provides both private and public internal roadways.
- **Purple Pipe.** Purple pipe is not being used. The Applicant stated that had Silverdale Water served the project, purple pipe would probably have been used, as it has installed that infrastructure. North Perry Avenue Water District has not.
- **Pool.** On a question on the outdoor pool, the Applicant agreed this is not Arizona, but the amenity will be nice for the kids.
- **Critical Areas.** To provide additional information on critical areas, Robbin Myers, the Applicant's wetland scientist, summarized her credentials and experience. She referenced her updated report (Exhibit 42) and noted the entire area (not just the plat) was assessed for impacts and mitigation, resulting in a comprehensive approach. She noted that with the site, everything is degraded so there is an opportunity to enhance and restore critical area buffering.

1.9 Original Hearing Testimony.

Mandy Oens. Ms. Oens lives next to Gluds Apartments. She raised concerns tied to Phase I, including problems with security fencing completion, traffic safety, and ingress/egress onto SR 303, which she stated has been designed without public input. She said problematic ingress/egress has affected her home-based business which requires big truck deliveries. She raised concerns that the trucks may not be able to safely and efficiently reach her. She stated that the first Hearing Examiner decision laid out conditions for road construction which were not tracked, followed, or enforced. She stated that she wants these conditions followed. She stated Gluds Road was closed due to fatal accidents and may need to be resurfaced. She addressed wildlife (e.g. salmon, deer, baby geese from the estuary) and lack of privacy, as she faces the three-story apartment building with no trees for privacy.

Cindy Allpress's family has farmed in the area for three generations. She abuts the project's west boundary closer to the Phase I area. She stated that the entire area used to be a farm but was clear cut; citizens did not understand what was happening at the time. Given Phase I issues, she has no confidence in enforcement. There were multiple stormwater violations (she referenced enforcement action in 2025) and a lack of compliance with landscaping requirements, which have not been enforced. She does not believe the plat is compatible with surrounding zones. She stated that the rezone to Urban Cluster in a rural residential area has been devastating to property owners. The "once quiet rural area" has been changed into "a small city" without infrastructure upgrades to handle the increase in traffic. She stated there is no public transportation. She raised concerns about density and on technical work (no EIS (environmental impact statement), no hydrological study, no current geotechnical report), and that buffer requirements were ignored. She identified concerns on water supply adequacy, wastewater treatment capacity, and traffic impacts. She pressed for a pause in construction. She said this project is coupled with a significant level of development going in, creating cumulative issues for the community. This includes loss of buffering and trees. She noted that trees now being planted are small compared to what was removed. She submitted a petition last July with over 1,100 signatures requesting that there be a pause until infrastructure adequacy is addressed and is still waiting for a response.

Joseph Lubischer focused his concerns on code compliance, including stormwater conditions and discharges to salmon streams. Given Phase I's history, including stop work orders, he asked that a licensed professional engineer with stormwater expertise do inspections twice weekly or more during the wet season to ensure BMPs are in place. He raised concerns about new information from the Applicant on mitigation plan changes and a lack of references in civil engineering plans. He stated there was limited time to review the staff report. He raised concerns about the "temporary impact theory" (presumption in the critical areas analysis that temporary impacts require no mitigation) being rejected by the Hearing Examiner a little over a year ago and not addressed in Staff Report. He opposed buffer averaging as he does not believe equivalent protection is provided with the proposed enhancement. He favored restoration as more appropriate. He was concerned that hydrology was not addressed as required by code (KCC 19.715), so believes there will be a net hydrological loss to Wetland J.

Kathy Lustig lives in east Bremerton, down SR 303. She is concerned with inadequate enforcement and tracking of compliance with Phase I. She emphasized the importance of the conditions from past Examiner decisions on Phase I. She was concerned about DOT's "almost" approval of SR 303 access. She noted the lack of bus stops and safety issues. She also thought that private roads are not allowed. She was concerned with water supply adequacy and sewer infrastructure. She believes the plat contradicts the original vision from when the site was pulled into the UGA.

Rick Kuhns lives to the west of Central Valley Road, right off NW Paulsen Road. He did not understand why a hydrology report was not required. He wanted to know the threshold for requiring this analysis. He referenced the Island Lake moratorium on wells due to water supplies. He emphasized the importance of recharge and is concerned with aquifer resilience and risk of wells going dry.

Charmion Walker lives directly across the street from Phase I, near the Peninsula Bible Church. She asked if there were new reports to clarify the Water District's position on water supply adequacy and service. She asked if there are new transportation reports on SR 303 stoplight additions, which would affect residents on SR 303's south side, facing the new development. She stated driveway exit is a problem now and that will be exacerbated.

Verle Battaglini has been a Kitsap resident for 76 years. She had questions on water reclamation (purple pipes) and about the need for an EIS. She noted concerns on ground water contamination, why the Club pool will be outdoors, if the sports courts are outdoors, and on buffer adequacy.

1.10 Reconsideration Hearing, Testimony.

Mandy Oens emphasized concerns on access, including for delivery trucks, which need to reach her property for business purposes. This issue is a challenge with the two-lane state highway and access remains problematic. She had questions on whether the TIA is current, on public transportation, and on transportation safety. She provided a map illustrating these issues.

Kathy Lustig worked for a local transit company. She stated Kitsap Transit will not go into subdivisions due to safety concerns and time points and school bus routing is also a question, particularly given the plat is on Highway 303, a high-capacity corridor.

Cindy Allpress raised concerns on traffic, including concerns over insufficient transportation coordination, traffic circulation/traffic circle operation, and re-opening of Gluds Pond Road. She also was not clear on the number of sewer connections approved for the project.

Joe Lubischer raised concerns on inadequate enforcement of conditions on earlier Hearing Examiner decisions for the project's earlier phases. He was concerned about having to sort the numerous crucial areas mitigation plans and documents to determine what precisely is occurring on the site. He was concerned that given the confusing analysis, the public has never had an adequate opportunity to review the approach to critical areas mitigation.

Wayne Gulla raised a question on fire agency ability to respond to emergencies and funding adequacy. He stated citizens should not have to become fire protection experts to verify local and state standards are met.

Barbara Green has been a Central Valley resident for 45 plus years and owns a business on Paulson Road. She expressed concern on lack of identification of school bus stops and lack of any analysis in the record on same. She was also concerned about ADA access. As there is no safe walking route on SR 303, where would a school bus stop be safely located and how would the bus turn around?

Verle Battaglini raised concerns on critical areas and questioned the computation on minimum/maximum densities based on net acreage, given removal of critical areas.

Becky Regusci questions whether entry/exit is wide enough and was concerned with the lack of a bus turn around.

Susan Lovelace had concerns on water supply, sewage capacity, bus routing, traffic safety, school infrastructure adequacy, and requested project denial.

Doug Hayman spoke in favor of strict enforcement of critical areas requirements.

In addition, as Finding 1.3 summarizes, there were procedural questions on how long the record would be kept open following the reconsideration hearing, including specific questions on same from Bryan Telegin/Telegin Law, and Joe Lubischer.

1.11 Written Public Comment, Original Hearing and on Reconsideration. Extensive public comment was received at the original hearing and on reconsideration. These comments provided further detail on concerns identified at hearing, including on density,⁷ stormwater, traffic, critical areas, compatibility with surrounding rural and residential areas, Comprehensive Plan inconsistency, getting to school, water and sewer. A principal theme at the original hearing and also on reconsideration, was Phase I compliance issues, including on stormwater construction violations. Concerns on land use compatibility were also identified given the nature of the proposed use, that the forested area was clear cut and graded adjacent to rural pastures and farming operations, and that landscaping remains uninstalled on Phase I. An overarching concern was that Phase I did not address land use compatibility, conditions, and code requirements. Citizens were concerned that conditions are not being tracked for compliance.

Another significant issue at the original hearing was confusion over how critical areas are being addressed. While there are reports in the record, these cover a larger area, including Phase I and Gluds Apartments, not just this plat, so it was hard for citizens to identify what is occurring with this plat in particular. Concerns about water supplies were also voiced, with citizens emphasizing that water supplies are an issue for the district ostensibly serving the site. Comment pointed to a letter from North Perry Avenue Water District which is not binding, is from three years ago, and has no information on how many connections it is for.

⁷ Density was not at issue on reconsideration, so comment on this was more limited.

Traffic congestion and safety, including for pedestrians, was also a significant concern, along with inadequate bus service. Concerns were raised about how traffic operations will work, given the speeds on SR 303 and on how children will get to school. Concerns were raised asserting that the traffic analysis is dated and does not specifically address the plat.

1.12 Applicant Project Narrative on Reconsideration. The Applicant provided considerable detail on the reconsideration issues, as addressed in other findings. It also summarized the status of the overall project, emphasizing that Phase II is the final step and substantial supporting infrastructure has already been constructed in whole or part.⁸

- **Sewer status summary.** The Sanitary Sewer Lift Station serving Phase I, Phase II, and the Gluds Pond Apartments is ... at the low point of the property adjacent to the existing 24-inch trunk main through the property. The Lift Station was designed to pump in sequence with other lift stations on this trunk main to the Wastewater Treatment Plant. Kitsap County Sewer has inspected the facility, and the connection to the main has been made in preparation for active connections. Sewer mains extended for service to Phase I are stubbed at designated locations for Phase II connections without disruption to completed roadways. A dry section of 48-inch main was required to be constructed in parallel to the existing trunk main toward the sewer department's planned capital facility improvement project to upsize the trunk main. ...
- **Water status summary.** Two taps of the 12-inch water main within the historic Royal Valley Road alignment and one tap on the main in Gluds Pond Road serve active hydrants and service connections associated with Phase I improvements and Gluds Pond Apartments on looped mains and provide connection points supporting utility extensions to future development under the pending applications. The location of the connection points, primary mains, and the water district's pump and valve station between the two pressure zones serving this area are labeled in the exhibit. ...
- **Stormwater infrastructure.** Stormwater facilities for Royal Valley consist of an integrated system of detention ponds, storm conveyance facilities, catch basins, treatment facilities, outfalls, and related infrastructure developed through multiple phases of review and permitting. The original Royal Valley approval contemplated a site-wide stormwater framework consisting of multiple detention ponds, catch basin networks, storm conveyance systems, bioretention treatment facilities, outlet structures, and controlled discharge locations serving both the Hoot Creek and Crouch Creek drainage systems and wetlands around the site to serve both current and future development areas. Subsequent drainage analyses prepared by N.L. Olson & Associates refined and expanded the system.... [T]he project includes previously constructed detention ponds together with stormwater treatment facilities, and Development Engineering concluded that the stormwater concept was acceptable in its approach to civil site development. The ponds, control structures, and outfalls are all substantially completed. ...

⁸ Exhibit 126, p. 2 (p. 2562, Record PDF).

- **Transportation Infrastructure status.** Transportation infrastructure ... has been constructed to the extent required to serve Phase I, including the SR-303 widening at the Royal Valley access and entry road to Phase I. The Gluds Pond Road right-of-way/connector-road surface improvements are under active implementation and are being completed this fall. The Gluds Pond/SR-303 turning restriction design is pending final WSDOT design approval and is expected to be completed as a standing condition of occupancy at the Gluds Pond Apartments. Exhibit 106 summarizes the scope of active approvals and implementation status with plan-set thumbnails depicting the locations. The full plan sets and associated approval documentation for the primary SDAPs referenced are available as public information from the Kitsap County Permit Portal ... Exhibit 97 explains the connector-road phasing relationship among Royal Valley Phase I, Gluds Pond Apartments, and Royal Valley Phase II. Exhibits 98 and 110 document the environmental and traffic mitigation framework for the connector-road system. That framework was designed to integrate Phase II into the previously reviewed Royal Valley/Gluds Pond circulation system, with remaining design details, WSDOT requirements, SDAP review, and occupancy-related conditions addressed through later-stage permits and approval conditions. ...
- **[CAO].** The environmental mitigation record includes as-built and implementation documentation for Stream Y and the completed culvert replacement under the Connector Road HPA, Wetland J and Insanity Creek. These exhibits show that important portions of the mitigation framework are not conceptual only, but have moved into installation, as-built verification, maintenance recommendations, and monitoring, including some mitigation within the boundaries of the pending applications completed in conjunction with the infrastructure construction. ...⁹

1.13 Agency/Tribe Comment. Limited agency comments were included in the original record.¹⁰ The Fire Department is referenced as identifying concerns, but their comment was not originally provided.¹¹ The Suquamish Tribe commented, primarily on critical areas, and the Applicant provided responses from its biologist.¹² Excerpts are provided, but the comment was not in the original record. During reconsideration, the Tribe commented, but as the more recent reports are part of the record before the Examiner and are not necessarily filed for permitting purposes, and due to limited time, it could not complete a substantive review. Condition 76 should be added to address this issue, affording the Tribe and other parties raising similar concerns, an opportunity for a complete review of updated materials for this project phase. Also on reconsideration, and as the findings further address, the Department and Applicant documented consultation with the fire, water, and sewer agencies serving the project, and provided added detail on the transportation planning.

⁹ Exhibit 126, p. 2-3 (pp. 2562-63, Record PDF).

¹⁰ Exhibit 13 (Ecology comment).

¹¹ Finding 1.29.

¹² Exhibit 18.

1.14 Surrounding Land Uses.

	Land Use	Zoning
North	Right of Way (NE Paulson Road) and Single-Family Residence	Rural Residential; Urban Cluster Residential; Urban Restricted
South	Right of Way (NE Waaga Way), Single-family residence, Undeveloped Land, Church (Peninsula Bible Fellowship)	Urban Restricted
East	Apartments, Single-family residences, Public Utility (North Perry Water)	Urban Cluster Residential
West	Agriculture, Single-family residences, Convenience Store, Public (Kitsap Conservation District)	Rural Residential

1.15 Zoning Code Sizing/Density Requirements. The site's Comprehensive Plan designation is Urban Low Density Residential, which is implemented through the Urban Cluster Residential zone. The UCR zone is applied to areas:

[T]hat are characterized by large contiguous ownership parcels capable of development as a single, unified project. Clustering of appropriate residential densities in areas most suitable for such development, while simultaneously providing a high level of protection for wetlands, streams, critical aquifer recharge areas and wildlife habitat areas, is encouraged. Flexibility related to site planning and affordable housing through innovative design is also encouraged, as the exact locations of uses should be based on the location of critical areas, transportation corridors, community needs and market conditions. At the same time, the UCR zone should foster a development pattern that results in the design and construction of an interconnected system of pedestrian and bicycle trails and facilities linking residential neighborhoods with open spaces, recreational areas, transportation corridors and retail and employment opportunities, both within and outside the zone.¹³

1.16 UCR Density and Sizing Requirements. The site's Urban Low Density Residential Comprehensive Plan designation and Urban Cluster Residential zoning allow 5-9 dwelling units per acre, so no more than 588 units.¹⁴ At 328, the project complies.

Requirement	Proposed
Minimum Lot Size - 2,400 SF (1,200 SF attached DU)	1,000 SF (smallest proposed lot)
Maximum Lot Size - 9,000 SF	9,000 SF (largest proposed lot)
Minimum Lot Width - 40 feet	16 feet
Minimum Lot Depth – 60 feet	50 feet
Maximum Height – 35 feet	35-40 feet (Single Family)

¹³ KCC 17.210.010.

¹⁴ KCC 17.420.020.A; Exhibit 1 (Staff Report), p. 8. There is also a minimum. If net acreage is 27.06, that is 135.3, though the report includes figures of 124 and 188. Exhibit 1, pp. 7-8. Regardless, compliance is not an issue.

	45 feet (Multi-family)
Setbacks (general summary) • Front, 10 feet for single-family and multi-family abutting single-family, duplex, or townhome on same street side, otherwise N/A • Side, 5-10 feet • Rear, 5-20 feet	Reviewed with Building Permit

1.17 Design Standards. The plat is outside the County’s design districts, but the multi-family units are subject to Ch. 17.470 KCC for multi-family development.

- KCC 17.470.030 - Site Design Orientation. The project will be oriented toward street and common open spaces and is coupled with pedestrian and vehicular connections.
- KCC 17.470.040 – Fences/Walls. Fences and walls that inhibit or discourage pedestrian and vehicular connections are minimized.
- KCC 17.470.050 - Recreation Centers, Mailboxes, Light, Bus Stops. The clubhouse will provide parking and bike racks. Mailboxes and lighting can be addressed with conditions. The Applicant identified feasible school stops and circulation within the plat at the reconsideration hearing; transit service to the plat remains limited. Findings 1.19 and 1.30.
- KCC 17.470.060 - Grading and Tree/Vegetation Retention. For landscaping, see Finding 1.22.
- KCC 17.470.070 - Open Space. The open space areas, trails, and sidewalks connections provide open space access.
- KCC 17.470.080 - Landscape Design. In addition to Ch. 17.500 KCC requirements, landscaping and supporting elements such as trellises, planters and site furniture are planned along with outlined open space areas (Exhibit 16). Citizens had questions on timing of installation and buffering between the plat and surrounding residential uses. For this project, this will be further detailed with the SDAP.
- KCC 17.470.090 - Parking Location/Design. Parking areas are dispersed to avoid large lots and maintain convenience while minimizing curb cuts and sidewalk interruptions.
- KCC 17.470.100 - Site Design and Screening. Multi-family screening/landscaping will be provided.
- KCC 17.470.110 – Signage. Signage will be minimized per Ch. 17.510 KCC.

1.18 Critical Areas.

Wetlands/Streams. The site contains 32.36 acres of wetlands, streams, and their buffers, leaving a net developable area of 33.02 acres. The larger development area, which includes Phase I and Gluds Apartments, has ten wetlands (Wetlands A, B, C, D, E, F, G, H, I, and J) and four streams (Royal Valley Creek, Crouch Creek, Insanity Creek/Lake, and an unnamed Type-N stream). Considerable analysis and mitigation has been designed and to a large degree implemented, but questions remained at the original hearing on the exact impacts of the project’s portion of the overall development.

During reconsideration, the Department identified the critical areas clarifying memos (Exhibit 42, 46, and 47), noting it had further reviewed the mitigation approach and found that “[b]ased 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.”¹⁵ The Department noted that per proposed Condition 18, an SDAP must be completed before final plat recordation, and recommended an additional condition be added.

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).¹⁶

This recommendation should be incorporated as a condition and provided to interested parties at SDAP submittal, so the exact approach to critical areas for Phase 2 is understood. The Applicant is avoiding the vast majority of streams, wetlands, and their buffers, and has demonstrated impacts are commensurate with mitigation. This demonstrates critical areas code compliance is feasible. However, details for just this plat (Phase II), must be submitted with the SDAP to confirm final design and code compliance.

Aquifer Recharge Area. The code does not treat residential uses as aquifer water quality hazards. Water supply adequacy is addressed at Findings 1.26 and 1.27.

Geologically Hazardous Areas, Ch. 19.400 KCC. The site contains geologically hazardous areas, due to high erosion, land slide hazard (mostly in creek ravines), and seismic hazard areas, which are prone to liquefaction. The report originally submitted (Exhibit 5) to address this issue is dated July 16, 2020, raising questions on currency. On reconsideration, the Applicant provided detail on the geotechnical analysis completed since 2020. GeoResources, the engineering firm providing “supplemental engineering, design and geotechnical construction monitoring,” prepared a series of reports, including for grading, frontage improvements, water lines, sewer mains, and daily field reports (including on site striping, structural fill placement, utility trench backfill, retaining wall, pavement and subgrade sidewalks).¹⁷ With the reconsideration submittals, the Applicant documented geotechnical involvement and monitoring at each project stage and explained that much of the basic infrastructure has been constructed. The Department’s proposed conditions require continued geotechnical oversight and monitoring throughout Phase II’s development. The Applicant demonstrated it can comply with the County’s geohazard requirements and conditions are incorporated to ensure this occurs.

1.19 Access/Transportation. Access is from SR 303 and Brownsville Highway. The Royal Valley connector road connects to SR 303 with the reopening of Glud’s Pond Road as a right-in/right-out access to SR 303, and SR 303 access constructed for Phase 1.

¹⁵ Exhibit 102, p. 3 (p. 2174, Record PDF).

¹⁶ Exhibit 102, p. 3 (p. 2174, Record PDF).

¹⁷ Exhibit 126, p. 18 (p. 2578, Record PDF).

On reconsideration, the Department provided further detail on intersection operational analysis completed for the project and clarified the required mitigation:

SCJ Alliance prepared an “Intersection Control Evaluation” for State Route 303 West Bound Ramps and Central Valley Road NW for the Royal Valley Development. ... [T]he single-family/multi-family mix reduces trip generation by 71 trips. ... 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)¹⁸

[Exhibit 98, the MDNS, states:] Traffic mitigation is required as specified in the February 14, 2025, memorandum from Kitsap County Development Engineering. Consistent with Comprehensive Plan, Transportation Policy 9 and Kitsap County Road Standards, Conditions 6 through 11, as listed below are required pursuant to SEPA Substantive Authority (KCC 18.04.200.D):

1. The improvements to NE Gluds Pond St include new lane striping, resurfacing, and extending the road to Brownsville Hwy NE as a single 12' travel lane with 4' paved shoulders. The intersection of NE Gluds Pond St & Brownsville Hwy NE will be restricted to right turn only, with 50LF of new guardrail on the southwest corner, and 16LF of new guardrail on the northwest corner.

2. The approach to the site at NE Gluds Pond St shall be constructed to KCRS Fig 4-3 for a Major approach.

3. The intersection of SR-303 & NE Gluds Pond St shall be restricted to right-in, right-out turning movements only. A new island meeting WSDOT standards shall be installed to restrict turning movements.

4. Prior to occupancy, Developer will be responsible for implementing turning restrictions at the existing stop-controlled intersection of SR-303 and NE Gluds Pond St allowing right-in / right-out only, as approved by WSDOT.

5. A future SDAP shall permit the construction east-west connector road across the Royal Valley development to NE Gluds Pond Rd. The connector road shall be designed to Kitsap County Road Standards for a two-lane local roadway.

6. Developer shall permit the future road connection from Royal Valley, as conceptually designed with SDAP 22-06204, and provide easements or public dedication as a condition of final SDAP approval. The construction of the Royal Valley Connector Road connection remains a condition of Royal Valley developers before building occupancy permits are issued for more than 159 residences within Royal Valley, in aggregate.¹⁹

¹⁸ Exhibit 102, p. 5 (p. 2176, Record PDF).

¹⁹ Exhibit 98.

As further background, connector road design has been coordinated through a Memorandum of Understanding for Traffic Mitigation Coordination (MOU), dated October 2022 between the property owners, WSDOT, and Kitsap County. There have been revisions to the infrastructure approach and the Applicant has agreed to these changes. “The RI / RO restriction at Gluds Rd / SR 303 subsequently required by WSDOT has also been made a condition of occupancy of the Gluds Apartments.”²⁰ Considerable analysis occurred with this infrastructure design, and the traffic consultant confirmed in February of this year that “it is our opinion that the conclusions and recommendations contained in our report and documents referenced above are still valid and appropriate.”²¹ Also, an earlier “update letter,” dated September 3, 2024, identifies 688 units as being planned for (presumably Phase I, Phase II, and Gluds Apartments). Silverdale Transit Station was identified at the original hearing as being to the west at the Ridgetop SR 303 Interchange, but there is general agreement that bus service could be improved upon.

Bus route 223 with Kitsap Transit currently has a route that runs along SR 303 at the proposed development. This bus route runs between the Silverdale Transit Center to the west, and the Wheaton Way Transit Center to the south. The two nearest bus stops for this route are located approximately two miles away at Esquire Hills Elementary and at Ridgetop Boulevard/Myhre Road. Additionally route 301 travels along SR 303 in the vicinity of the project, providing service from Poulsbo to Bremerton. The route does not travel along the portion of SR 303 adjacent to the site....²²

As for the project’s internal road system, the Applicant will construct what is referred to as Hearthstone Road NE to function as connector road between Plats 1 and 2 and Gluds Apartments. NE Paulson Road borders the site on the north and has restricted emergency vehicle access (the Applicant stated this was conditioned by the Hearing Examiner for Phase I). Access will be secured by an Opticom gate controlled by Central Kitsap Fire District after Phase I construction.

The project will construct frontage improvements. KCC 16.04.080, KCC 17.420.037, KCC Title 11 (Road Standards). Sidewalks will be installed within the plat in addition to trails. Street trees will be installed along SR 303 and internally on individual lots. Street tree installation will be required during construction of the plat or before certificate of occupancy for residential units. Given the extensive infrastructure already constructed and which will be constructed for the larger project and the supplemental information provided on reconsideration, the Applicant has demonstrated transportation infrastructure will be adequate to serve the project.

1.20 Parking. The Staff Report summarized parking requirements.²³ More specific information on space location and number, EV charging stations, and bicycle parking will be provided with the SDAP, before building permits issue.

²⁰ Exhibit 24, p. 2.

²¹ Exhibit 126, p. 19 (p. 2579, Record PDF).

²² Exhibit 19, p. 12.

²³ Ch. 17.490 KCC. Garage spaces may count towards parking requirements if other prerequisites are met. Bicycle and EV charging space requirements must also be met.

	Standard	Required	Proposed
Single-Family, Townhomes, Cottages	2 per unit + .5 per unit on street or set aside	52 DU (82 off street + 50 on street) = 132	52 DU (82 off street + 50 on street) = 132
Multi-family (Condos/Apartments Tract F & G, Clubhouse)	1.5 per unit + .5 per unit on street or set aside	236 du 210 + 70 on-street or set aside = 280	360 + 36 Clubhouse = 238 (15% reduction requested)
Totals		132 + 280 = 354	132 + 396 = 528

1.21 Central Mailboxes. Comparable developments have moved away from traditional rural box styles and instead install a clustered mailbox design for efficiency, security, and aesthetics. If clustered, clear zone requirements must be met.

1.22 Landscaping – Ch. 17.500 KCC, KCC 17.420.037(D), KCC 16.24.040(G). Landscaping is required at entrances and street trees must be planted along streets. The Applicant must submit a final landscape plan with the SDAP application showing landscaping around storm drainage facilities, street trees, landscaping around recreation facilities, and natural vegetation retained. This is coupled with required buffering (KCC 17.500.027). Roadways will be lined with street trees and low groundcover plantings to ensure sight distance is not obstructed. Stormwater pond perimeters are to be planted with a mixture of mostly native trees and shrubs that are predominately evergreen/conifers to ensure year-round screening where visible from the roadway. Existing vegetation within the critical areas and associated buffers along the eastern and western boundaries will be retained to create a natural screen from adjacent properties.

Overall, the project achieves 21% of landscaped areas in addition to the native open space, exceeding KCC 17.500.025's 15% landscape requirement. Combined with open space, over 71% of the gross site area is landscaped or in native vegetation areas. The final landscape plan will be submitted with the SDAP. As for installation and maintenance, the code requires landscaping to be established within two years from date of installation and requires a maintenance bond for up to two years to guarantee survival. An HOA would be responsible for maintaining landscaping within common areas for pruning and irrigation per Kitsap County Code and plat conditions.

1.23 Signage. The Applicant may apply for signage near the plat entrance during or after construction,²⁴ although signage is not now proposed. When the final plat is recorded, all signage must follow code requirements.

1.24 Lighting. The Applicant is responsible for installing lighting at the County's intersection and conveying the lights to the County. If desired, the developer or HOA may install the internal street lighting. *See* Ch. 11.40 KCC (Street Lighting).

²⁴ Ch. 17.510 KCC.

1.25 Stormwater. Stormwater runoff will be captured and conveyed to on-site storm retention ponds. The plat includes four previously constructed ponds. The Applicant outlined stormwater management through a preliminary drainage report. Final engineered drainage plans will be submitted with the SDAP and reviewed for Title 12 consistency.

The proposed stormwater improvements pipes and catch basins to convey runoff to detention ponds. In the preliminary proposal, some of the water quality treatment will be via wet ponds and some will be via Filterra devices (with internal bypasses) that will collect stormwater runoff from roads and driveways. The Filterra devices will be sized per the WSDOE GULD to treat at least 91% of discharge of any sub-basin that contains pollution generating pervious surfaces. Rooftop runoff may be conveyed directly to the conveyance system (depending on sizing constraints), and may not discharge into the Filterra devices. A system of pipes and catch basins will convey runoff from the Filterras, overflows and rooftops to the water quantity ponds to release basin runoff to match the duration standard for each existing basin using WWHM2012.²⁵

Runoff from the western approximately 25% of the site discharges into Hoot Creek and associated wetlands on the west side of the property, which discharge to the south and then west (while still on the site property) for approximately 0.2 miles to the interchange with Central Valley Road and NE Waaga Way. Runoff is conveyed under Central Valley Road via a culvert, thence under Waaga Way via another culvert, and into a stormwater facility (presumably for the interchange) approximately 0.4 miles downstream from the site.²⁶

Runoff from the eastern approximately 85% of the site discharges into Crouch Creek and associated wetlands on the east side of the property. Runoff from the southeast portion of the site joins runoff from the south side of Waaga Way near Royal Valley Road NE, and into a ditch 2 foot wide and 2.5 foot deep ditch. The runoff proceeds north along the ditch for approximately 200 yards, which then bends east prior to passing through an 18" culvert under Royal Valley Road, thence into a deepening ditch that flows into Crouch Creek just over ¼ mile downstream of the site. Crouch Creek flows east and discharges into Burke Bay, Puget Sound.²⁷

Phase I had stormwater construction failures resulting in stop work orders from the County and Ecology enforcement action. Although since remedied, citizen concerns remained for Phase II. Conditions are imposed to ensure stormwater is further addressed with the SDAP and the Applicant is required to provide a matrix identifying its compliance approach (Condition 78). This will help ensure each build-out step is thought through and assist with condition monitoring.

1.26 Utility and Public Services. Utility providers are identified below.

- **Water:** North Perry Avenue Water District

²⁵ Exhibit 26, p. 3.

²⁶ Exhibit 26, p. 3.

²⁷ Exhibit 26, p. 4.

- **Power:** Puget Sound Energy
- **Sewer:** Kitsap County
- **Police:** Kitsap County Sheriff
- **Fire:** Central Kitsap Fire and Rescue
- **Schools:** Central Kitsap School District #402

1.27 Sewer and Water Capacity. The original decision found that utility infrastructure for sewer and water appears to be available. On reconsideration, this was confirmed. As the original decision found, North Perry Water District’s water main and a 24-inch Kitsap County sewer force main exist within utility easements that extend north-south through the site. However, testimony and written comments raised questions on water supply adequacy and sewer capacity.

To address the water question, the Applicant originally provided a letter from North Perry Avenue Water District titled “NON-BINDING Statement of Service Availability” (Exhibit 8) dated April 24, 2023. The letter is for tax parcel #142501-3-038-2000 generally. The letter notes the property is within the District’s service area “and the district intends to serve this location” but also included disclaimer language, which was concerning.²⁸ Also, the letter was from three years ago, did not identify the 368 residential units and did not confirm water supply availability. To further address this question, the Applicant initially provided a “Binding Water Availability Letter” but this was only for the Clubhouse (Exhibit 59). There was initially nothing approaching the Clubhouse’s level of specificity for the residential units. However, on reconsideration, the Applicant documented water supply adequacy and sewer availability, including evidence of Department, Kitsap Public Health District, and Water District consultation.

The Health District and Department noted that a non-binding letter of water availability from the water system purveyor suffices for preliminary plat approval and with final plat approval, the applicant provides confirming documentation. A “binding water availability letter” is “required for the issuance of a building permit” on any subdivision lot.²⁹ More significantly, the North Perry Avenue Water District submitted a memo dated August 5, 2026, which states:

Water availability for Royal Valley phase II at the requested 329 units from Rush has been and is available for them for purchase, at any time. The testimony that stated “confirmed that NPWD is facing supply constraints” is inaccurate and false. **Rush has an active Water Main Extension Agreement (WMEA) with the District, and the District has reserved these 329 units for them while construction is underway on their development.** The District has been operating a self-imposed waitlist for commercial developments, as discussed with the County team that visited the District on 4/14/2026, for storage limitations the District was monitoring and navigating. This waitlist is not currently being operated by the District. Rush, for phase I, II, or Gluds Ponds Apartments, has not been part of the waitlist, nor had they ever been.³⁰

²⁸ Exhibit 8.

²⁹ Exhibit 92, p. 1 (p. 2126, Record PDF); Exhibit 102, p. 2 (p. 2173, Record PDF).

³⁰ Exhibit 100, p. 1 (p. 2166, Record PDF), emphasis added. The District also provided technical analysis. Exhibit 111, pp. 1-20 (pp. 2288-2307, Record PDF); Exhibit 116, pp. 25-26 (pp. 2359-60, Record PDF).

With this explanation from the Water District, the Applicant has substantiated adequate water supply and infrastructure is available to serve this project. On sewer, the sewer availability agreement identifies 328 single-family and multi-family units (Exhibit 27). The Applicant did not sign the document until 2025, while the Kitsap County Sewer Utility Division identifies the document as signed on September 21, 2023. The agreement is valid for three years, but may be renewed and it has since been confirmed there are not an additional 40-units with Phase II, so the sewer availability documentation corresponds to the 328 figure.

The Applicant further explained that “[t]he lift station contemplated in that availability has already been constructed by the Applicant and is scheduled to be turned over to Kitsap County Sewer.”³¹ The Department confirmed that Non-binding Letters of Sewer Availability demonstrate sewer service is available, pointing to proposed Staff Condition 67 and Exhibit 27. The Department explained that the Kitsap County Department of Public Works – Sewer Utility Division issued an updated Sewer Availability Agreement for 269 ERU’s in 2025, which is sufficient for the project (multi-family units require .75 ERUs, rather than the one single-family residences require).³² With this documentation of consultation among the relevant agencies and confirmation on the unit count, the Applicant documented sewer availability.

1.28 Solid Waste. Single-family property owners will be responsible for curbside solid waste collection. The multi-family developments will require Waste Management approval for solid waste disposal service.

1.29 Fire Protection. The plat is within the Central Kitsap Fire and Rescue District. The nearest fire stations are Station #41 on Old Military Road and Station #51 on Silverdale Way. The Applicant retained consultants to prepare analysis on anticipated fire flows for the “Royal Valley Linden Creek Apartments and Clubhouse,” (Exhibit 60). The staff report states that fire flow verification and adequate fire apparatus access for emergency responders are required and will be reviewed through the SDAP. No comment from the Fire District was included in the original record. Fire protection concerns were raised,³³ but documentation confirming this issue was addressed was only provided with reconsideration. On reconsideration, the Applicant and Department documented that the Fire Marshall had reviewed the project and found the layout acceptable. A screen shot from the review process documenting Plat/PBD approvals in May of this year was submitted and the Department summarized the fire protection approach.³⁴

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

³¹ Exhibit 102, p. 2 (p. 2173, Record PDF).

³² Exhibit 102, p. 2 (p. 2173, Record PDF); KCC 13.14.140.

³³ Exhibit 25, p. 1.

³⁴ Exhibit 129, pp. 1-2 (pp. 3031-32, Record PDF).

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 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).³⁵

With this documentation on fire safety consultation and the outline of how the project addresses these issues, the Applicant has confirmed the project adequately addresses this issue.

1.30 Schools/Safe Walking Conditions. The project will be served by Central Kitsap School District. Students will likely be bussed to the nearest schools. There is no safe walking route due to SR 303's high speeds and inadequate connecting sidewalks. At the reconsideration hearing, the Applicant identified possible school bus stop locations within the plat and expected school bus routing. The Applicant and Department also provided evidence of consultation among DOT, Kitsap Transit, Department, and the School District, including communications documenting the process under which the ultimate road layout was agreed on.³⁶

The School District had originally expressed a preference for bus routing outside the plat. "The best case scenario would be to service general education students from a designated bus stop area located entirely outside the westbound travel lanes ... of 303/Waaga Way, but not within the neighborhood roads."³⁷ However, due to SR 303 safety issues, DOT stated that "[w]e would rather have the school bus travel into the development rather than doing a merge/diverge across traveled lanes and the bike lane/route."³⁸ With the additional documentation on how school transit was determined and the Applicant's detail on the expected bus routing approach at the hearing, the Applicant has adequately detailed the approach to school transit.

1.31 Open Space/Recreation Calculations (Exhibit 30). 15% of the plat must be in open space, or 9.35 acres. With 32.36 acres of the 65.38 acres in critical areas and buffers, this requirement is met. The amenity requirement is calculated as $328 \text{ du} / 20 \text{ du/amenity} = 16$ amenities required. The plat face identifies 16 amenities, which include clubhouse amenities, a playground, urban trail, dog park and community garden, and nature trails. Park space of 390 square feet for each of the 328 units is 127,920 square feet or 2.94 acres. 6.72 acres of park space is provided. This calculation does not include the clubhouse, sports court, or pool. There was never any concern that open space and recreation requirements are met.

³⁵ Exhibit 102, pp. 5-6 (pp. 2177-78, Record PDF).

³⁶ Exhibit 102, p. 4 (p. 2175, Record PDF); Exhibits 91, and 94-97.

³⁷ Exhibit 94, p. 2 (p. 2135, Record PDF).

³⁸ Exhibit 94, p. 1 (p. 2134, Record PDF).

1.32 Urban Standards – KCC 16.24.040.

- Access. *See above*, including § 1.19.
- Public Transit. *See above*, including §§ 1.19 and 1.30.
- Non-Motorized Facilities. Sidewalks are required per code. *See* § 1.19.
- Street Connectivity. *See* §§ 1.19 and 1.30.
- Parking. *See* § 1.20.
- Fire Protection. *See* § 1.29.
- Landscaping. *See* § 1.22.
- Utilities - Water and Sewer. *See* §§ 1.27.
- Recreation. *See* § 1.31. Compliance will be confirmed with the SDAP.

1.33 Land Segregations with Critical Areas – KCC 16.24.080. *See* § 1.18.

1.34 Facilities and Improvements, Adequacy - KCC 16.04.080.

- Code/Plan Consistency. The Comprehensive Plan and County Code provide for attractive urban development adequately supported by urban facilities and services. On reconsideration, infrastructure adequacy was confirmed.
- Access. *See* § 1.19.
- Safe Walking Conditions. *See* § 1.19. and 1.30. Sidewalks will be constructed internally to the plat, so in this respect, this issue is addressed.
- Lot Configuration. Lots are not irregular and run at right angles to the street face. The plat does not include unusually long or oddly shaped blocks.
- Homeowners Association. Conditions would impose provisions to provide for maintenance of privately owned improvements.

1.35 Single-Family Subdivision - KCC 17.420.037.

- Sidewalk Requirements. *See* §§ 1.19 and 1.30. Internal sidewalks are provided.
- Public Streets and Connectivity Requirements. *See* §§ 1.19 and 1.30.
- Utilities Connectivity Requirements. *See* §§ 1.26 and 1.27.
- Landscaping Requirements. *See* § 1.22.
- Off-Street Parking. *See* § 1.20.

1.36 Performance Based Development – Ch. 17.450 KCC. Standard regulations that can be modified through the PBD request include lot size, lot width and depth, structure height (only within designated urban growth areas), and setbacks. The Applicant is requesting a reduction in lot width from 40 to 16 feet, lot depth from 60 ft to 50 ft and maximum building height from 35 to 45 feet. The minimum lot size is proposed to be reduced from 2,400 square feet to 1,000. A key component of a PBD are project benefits, which is met. There are extensive active and passive recreational amenities, pedestrian linkages, open space, and park areas. About half the site will consist of native vegetation and open space, due to critical presence. This is coupled with an amenity complex including a clubhouse, pool, and sports courts, which will be at the junction of multiple trails including the Nadean Creek Park preserve trailhead.

2. CONCLUSIONS OF LAW

2.1 The Hearing Examiner reviews Preliminary Plat applications for consistency with subdivision requirements.³⁹ These requirements include zoning and platting provisions in Titles 16 and 17, including KCC 16.04.080, KCC 16.24.040, KCC 16.24.080, and KCC 17.420.037. These regulations require that plats meet sizing and related requirements (*i.e.*, density, height, setbacks, and landscaping), protect critical areas, and be adequately served with necessary infrastructure and services (*i.e.*, stormwater facilities, sewage, water supply, transportation facilities, recreational facilities, and schools). As the Findings detail, these provisions are detailed and require a record sufficient for the Examiner to make the necessary findings for approval.

For all types of land segregations, appropriate provisions shall be made for the public health, safety and general welfare, including but not limited to: open spaces, drainage ways, streets or roads, alleys, other public ways, nonmotorized access, road and pedestrian connectivity, parking, transit stops, fire protection facilities, potable water supplies, sanitary sewage wastes, solid wastes, landscaping, parks and recreation, playgrounds, sites for schools and school grounds, sidewalks or other planning features that assure safe walking conditions for students who only walk to and from school. The public use and interest will be served by the proposed land segregation. The following general requirements shall be met for all land segregations proposed under this title. In addition, all specific requirements relevant to each individual type of land segregation are found in their respective chapters of this title.⁴⁰

2.2 The zoning code authorizes the residential use at the densities proposed. On reconsideration, the record substantiated adequate infrastructure adequacy, including for water supply, sewer capacity, fire protection, transport to school, transportation infrastructure, and that critical area requirements will be met. On this latter issue, the Department proposed an additional condition, which was not objected to, to ensure final clarification of critical areas code compliance. While the Applicant documented mitigation commensurate with impacts and a feasible pathway for achieving compliance, which is what is required at the preliminary plat stage, final confirmation of compliance must occur with the SDAP (*see* Condition 76). On the infrastructure issues, the Applicant provided the larger context and also specific confirmation that basic infrastructure, including water, sewer, fire, and traffic circulation, can be provided. The plat includes considerable open space and recreational amenities, which was never in doubt, so the basic infrastructure requirements for plat approval have been demonstrated.

2.3 The Performance Based Development allows for modification of certain zoning standards if set criteria are met.⁴¹

- A. The design of the PBD meets the requirements of this section, other sections of the county code and the goals and policies of the Comprehensive Plan and the site is adequate in size and character to accommodate the proposed development;

³⁹ KCC 21.04.100.

⁴⁰ KCC 16.04.080.

⁴¹ KCC 21.04.100; Ch. 17.450 KCC.

- B. The design of the PBD is compatible with neighboring conforming land uses. An assessment of compatibility shall include, but not be limited to, the consideration of association with adjacent land uses and the proposed project's effects on existing views, traffic, blockage of sunlight, and noise production;
- C. If the development is phased, each phase of the proposed development shall meet the requirements of this chapter;
- D. The site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use;
- E. The proposed and/or existing public facilities and utilities are adequate to serve the project; and
- F. The establishment, maintenance, and/or conduct of the use for which the development plan review is sought will not, under the circumstances of the particular case, be detrimental to the health, safety or welfare of persons residing or working in a neighborhood of such use and will not, under the circumstances of the particular case, be detrimental to the public welfare, injurious to property or improvements in said neighborhood, or contrary to orderly development.
- G. Innovations and/or public benefits shall be commensurate with the code modifications proposed.⁴²

The record was supplemented on reconsideration, allowing reassessment of these criteria. Plat density and uses are authorized. The Applicant has also documented infrastructure adequacy. The Applicant provided further context on the total development, but also further supplemented the record on these issues. With this additional information and additional conditions, the Applicant has demonstrated project design meets other code requirements and is in keeping with Plan goals and policies.

With the additional clarification and mitigation, including landscaping and critical areas protection, and transportation improvements, the project (once these features are fully constructed and all conditions complied with) has adequately addressed compatibility with neighboring land uses. To assist with condition tracking, the Applicant is required to submit a matrix on condition compliance and also a traffic circulation plan applicable during construction (Conditions 77 and 78). As conditioned, the project has demonstrated it can meet code requirements, including for transportation infrastructure and internal circulation. Adequate public facilities and utilities can be provided. As long as the conditions and code requirements are complied with, the Applicant has demonstrated the project will not be detrimental to the health, safety, and welfare of the surrounding neighborhood, and will not be contrary to orderly development.

Regulatory compliance is coupled with the extensive public benefits from open space and recreational amenities, which far exceed code requirements and are commensurate with the proposed code modifications. Consequently, the PBD should be approved.

⁴² KCC 17.450.090, formerly 17.450.050.

2.4 The Hearing Examiner concludes the Preliminary Plat and Performance Based Development should be approved. The Examiner's original concerns, particularly on water supply adequacy, sewer capacity (which was originally complicated by confusion on unit number), transport to school, transportation impacts, and fire protection adequacy have been sufficiently addressed. Critical areas impacts and mitigation are commensurate, and a pathway to ensure the project complies with code was provided. This will be confirmed with the SDAP, as the Conditions address. Given the substantial open space and its recreational attributes, and demonstration of consistency with code criteria, the project should be approved.

DECISION

The Hearing Examiner, pursuant to the above Findings of Fact and Conclusions of Law, **APPROVES** the Preliminary Plat and Performance Based Development contingent on compliance with the below conditions.

1. All required permits shall be obtained prior to commencement of land clearing, construction and/or occupancy.
2. All building permits on proposed, newly created lots will be subject to impact fees pursuant to Kitsap County Code.
3. A Final Landscape Plan will be required to be submitted with the Site Development Activity Permit (SDAP), consistent with Kitsap County Code 17.500 Landscaping, during civil site plan review, which depicts natural vegetation, and the planting and irrigation plan. The tree retention plan shall be included with the SDAP.
4. Street trees shall be planted along the access driveway and on individual lots at approximately 25 ft spacing. A final landscape plan will be subject to approval by the Department prior to SDAP approval. Trees on individual lots are required to be installed prior to the Certificate of Occupancy of individual residential units.
5. A note on the face of the plat shall show building setbacks for the proposed lots as conditioned per the plat approval. Conflicts between zoning setbacks in KCC and this plat shall defer to current code, except for those parcels using the PBD to modify the zoning standards.
6. The maximum height of all single-family residences is 35 ft. The maximum height of all multiple family units is 45 ft.
7. All proposed signs, design, and location (including exempt signs) shall comply with Kitsap County Code 17.510 and be reviewed and approved by the Department of Community Development prior to installation. Signage may require a separate permit.
8. Prior to plat transferring to the Homeowner's Association (HOA), the developer will be responsible for irrigation and maintenance of all landscaping to ensure survival for up to two years. The developer or the HOA shall maintain all landscaping consistent with the Tree Care Industry Association standard practices.

9. Pursuant to KCC Section 21.04.110 Timeline and Duration of Approval, Kitsap County's land use approval for the preliminary plat is valid for a period of up to five (5) years from the decision date of the preliminary plat consistent with RCW 58.17.140 and .170.

10. The decision set forth herein is based upon representations made and exhibits contained in the project application (23-04238 and 23-03870). 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.

11. 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.

12. Any violation of the conditions of approval shall be grounds to initiate revocation of this Plat.

13. A recreational open space plan shall be submitted to the department and reviewed and approved with the Site Development Activity Permit (SDAP). Said plan shall show dimensions, finished grade, equipment, landscaping and improvements to demonstrate that the requirements of this subsection are met.

14. Recreation facilities shall be placed in a designated recreational open space tract and shall be dedicated to a homeowners' association or other acceptable organization, to provide continued maintenance of the recreational open space tract. The clubhouse and specific approved recreational or amenity facilities within the multi-family portion of the development may be dedicated to one or more owners of multi-family buildings provided that individual residents have granted enforceable rights, through County-approved recorded instruments, to ensure continued resident access and maintenance enforcement consistent with the PBD and plat approvals.

15. Prior to final plat land segregations of five or more lots, the applicant shall establish a Homeowners' Association per standard requirements, per KCC 16.04.080 and 17.450.070. A homeowners' association and protective covenants, conditions and restrictions shall be established prior to final plat approval to ensure the perpetual maintenance of any private roads, storm drainage facilities, recreational facilities, and common open space. The governing documents shall also provide the Homeowners' Association with enforceable rights sufficient to ensure continued maintenance of, and resident access to, recreational and amenity facilities serving the plat, including facilities not located within HOA-owned tracts. Washington State Legislature adopted updated HOA statutory provisions through the Washington Common Interest Ownership Act March 6, 2018, effective July 1, 2018. The revised rules clarify and impose requirements for operating budgets and maintenance of cash reserves.

16. Construction plans and profiles for all roads, storm drainage facilities and appurtenances prepared by the developer's engineer shall be submitted to Kitsap County for review and acceptance. No construction shall be started prior to said plan acceptance.

17. Approval of the preliminary plat shall not be construed to mean approval of the total number of lots or configuration of the lots and tracts. These parameters may be required to be revised for the final design to meet all requirements of Kitsap County Code Titles 11 and 12.

18. The information provided demonstrates this proposal is a Large Project as defined in Kitsap County Code Title 12, and as such will require a Full Drainage Site Development Activity Permit (SDAP) from Development Engineering.

19. Should the proponent propose phasing the project, a phasing plan shall be submitted to Development Engineering for review and approval. The phasing plan shall, as a minimum, address the following items: Timetables indicating the anticipated time between initial site grubbing/grading activity and the completion of construction, including site stabilization of that specific phase; AND the extent of drainage improvements to be installed during the various phases.

20. Stormwater quantity control, quality treatment, and erosion and sedimentation control shall be designed in accordance with Kitsap County Code Title 12 effective at the time the SDAP (or Building Permit if no SDAP required) application is deemed fully complete. 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 Code in effect at the time of SDAP application or Building Permit if an SDAP is not required.

21. Any project that includes offsite improvements that create additional hard surface such as lane widening, sidewalk or shoulder installation or intersection channelization shall provide stormwater mitigation in accordance with Kitsap County Code Title 12.

22. The site plan indicates that greater than 1 acre will be disturbed during construction. This threshold requires a National Pollutant Discharge Elimination System (NPDES) Stormwater Construction permit from the State Department of Ecology. More information about this permit can be found at: <http://www.ecy.wa.gov/programs/wq/stormwater/construction/>. This permit is required prior to issuance of SDAP.

23. Per WAC 173-175, the construction of pond berms that will impound a volume of ten acre-ft or more of water requires review and approval by the Department of Ecology. This approval must be completed prior to issuance of SDAP.

24. All retention facilities shall be a minimum of 200 ft from any slope steeper than 30%. This distance may be reduced based on a geotechnical engineering report. That analysis shall be prepared by a Civil Engineer licensed in the State of Washington, knowledgeable in the practice of soils engineering and mechanics. The analysis shall address the effects of groundwater infiltration, seepage, potential slip planes, and changes in soil bearing strength. The proposed facilities shall be designed following the recommendations of the geotechnical analysis.

25. The impervious area per lot accounted for in the overall drainage facilities installed shall be indicated on the face of the final plat, along with the following note: Additional impervious surfaces created on an individual lot beyond the amount accounted for in the overall drainage facilities shall be mitigated in accordance with Kitsap County Code Title 12 and may require a Site Development Activity Permit.

26. The following shall be added to the face of the Final Plat, under the heading Notes and Restrictions:

a. Maintenance of roof and yard drains and appurtenances shall be the responsibility of the individual homeowners.

b. All runoff from roof and yard drains must be directed so as not to adversely affect adjacent properties.

c. All lots are obligated to accept road drainage at the natural locations after the grading of streets is complete.

d. This Plat is subject to all elements of the Declaration of Covenant Conditions and Restrictions (CC&R's) recorded under Auditor File Number _____.

e. No owner or occupant may obstruct or re-channel the drainage flows after location and installation of drainage swales, storm sewers or storm drains. It is expressly understood that any alteration of the water flow shall be completed only after approval by Kitsap County Department of Community Development

[Former proposed Conditions 27-31 renumbered as Condition 26a-e]

32. The following condition shall be added to the face of the Final Plat: At the time of submitting a building permit for any lot within this plat, soil amendment is required for all disturbed areas not covered by hard surface.

33. Prior to recording the Final Plat, soil amendment is required over all disturbed areas within Tracts that are not covered by hard surface; provided that in the event completion of a Recreational Tract has been bonded, soil amendment shall be completed prior to expiration of the bond covering that work.

34. The owner shall be responsible for maintenance of the storm drainage facilities for this development following construction. Before requesting final inspection for the SDAP (or for the Building Permit if an SDAP is not required) for this development, the person or persons holding title to the subject property for which the storm drainage facilities were required shall record a Declaration of Covenant that guarantees the County that the system will be properly maintained. Wording must be included in the covenant that will allow the County to inspect the system and perform the necessary maintenance in the event the system is not performing properly. This would be done only after notifying the owner and giving him a reasonable time to do the necessary work. Should County forces be required to do the work, the owner will be billed the maximum amount allowed by law.

35. Prior to recording the Final Plat, all work associated with the required Site Development Activity Permit shall be completed, including approval of all required inspections, and submittal

of all engineer's certifications or other documentation required by the Site Development Activity Permit.

36. 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.

37. The Preliminary Plat is subject to the conditions of the Geotechnical report prepared by GeoResources, LLC, dated July 16, 2020, and later updated on February 16, 2026, associated with this permit and on file at the Department of Community Development.

38. The Preliminary Plat shall comply with the applicable requirements, performance standards, and mitigation measures set forth in the Final Mitigation Plan Connector Road & Gluds Pond Street prepared by BGE, dated January 30, 2024, and the Stream & Wetland Mitigation Plan Royal Valley Development Area 2 - Division 2B & 2C prepared by NLO, dated April 23, 2026, and also the biologist's Master Mitigation Plan and Stream and Wetland Mitigation Plan, dated June 8, 2026, which are associated with this permit and on file at the Department of Community Development. **This Condition is amended by Condition 76.**

39. At the time of SDAP, the applicant shall submit a standard Inadvertent Discovery Plan for all areas covered for the plat.

40. Monitoring and maintenance of the planted area shall be conducted for five years, and extended, if necessary, after DCD staff approves planting. Monitoring includes live and dead vegetation counts and records of all maintenance activities. Maintenance activities can be defined as, but are not limited to, removal practices on invasive or nuisance vegetation and watering schedules. Monitoring information shall be summarized in a letter with photographs depicting conditions of the vegetation and overall site. Monitoring reports are due to Kitsap County Department of Community Development Services and Engineering Division annually. If more than 20 percent of the plantings do not survive within any of the monitoring years, the problem areas shall be replanted and provided with better maintenance practices to ensure higher plant survival. The construction of the permitted project is subject to inspections by the Kitsap County Department of Community Development. Extensions of the monitoring period may be required if original conditions are not met. All maintenance and construction must be done in full compliance with Kitsap County Code, including the Kitsap County Critical Area Ordinance (Title 19 KCC). Any corrections, changes or alterations required by a Kitsap County Development Engineer Inspector shall be made prior to additional inspections. Any assignment of savings, financial surety or other like security for maintenance of the buffer mitigation plan shall only be released if monitoring requirements are satisfied in the final year of the monitoring term.

41. Prior to occupancy, the common boundary between the STREAM/WETLAND buffer and the adjacent land shall be permanently identified with critical area buffer signs and split rail fencing. Critical Area Ordinance (CAO) signs shall be placed along the designated boundary spaced approximately 50 ft apart, visual from sign to sign. Signs must be attached to existing trees with diameter breast height greater than 4 inches. Alternative methods include 4x4 posts, metal posts.

Signs are provided at issuance and installation of the signs is required prior to final inspection and Certificate of Occupancy (CO).

42. At building permit application, submit Kitsap County Public Works Form 1601 for issuance of a concurrency certificate, as required by Kitsap County Code 20.04.030, Transportation Concurrency.

43. Prior to recording the Final Plat, vehicular access shall be constructed to provide access to all proposed lots.

44. Public roads shall not exceed 12% grade or less depending on the road classification per Kitsap County Road Standards.

45. The interior roads of the proposed plat shall be designed and constructed in accordance with Fire Marshal standards for emergency vehicular access.

46. The following shall appear on the face of the Final Plat, under the heading Conditions:

a. Except Road A (Lineage Road) and Road E (Hearthstone Road) which are to be dedicated to the public consistent with the approved SDAP plans and other applicable conditions of approval, all interior roads shall remain private. Should the applicant or successors or assigns choose to dedicate other roads to Kitsap County, it shall be subject to further review by Kitsap County Development Engineering. All improvements necessary to bring said road to the then current Kitsap County standards shall be done, at no expense to the County, prior to being accepted into the Kitsap County Road system for maintenance..

b. All lots shall access from interior roads only. Road A (Lineage Road) and Road E (Hearthstone Road) are to be considered interior roads although they are to be dedicated as public roads.

c. The property owners within the plat shall be responsible for maintenance of all landscaping within the existing and proposed right of way including any structures other than roadway, storm drainage facilities and traffic signage. Maintenance shall include, but not be limited to, mowing of law areas.

d. Road approach permits shall be obtained prior to commencement of work on an individual lot.

[Former proposed Conditions 47-50 renumbered as 46a-46d]

51. All traffic control devices on public and private roads shall comply with the Manual on Uniform Traffic Control Devices as amended by the Washington Administrative Code. This is in accordance with 23 Code of Federal Regulations (CFR), Part 655.

52. All rights of access for adjoining properties currently in existence shall be preserved. Any amendment to the existing easement rights of adjoining property owners shall be properly executed and recorded prior to SDAP acceptance or Building Permit approval, if SDAP is not required.

53. Sidewalk ramps shall conform to the current requirements of the Americans with Disabilities Act per WSDOT standard plans at the time of construction.

54. Any required sidewalk shall be constructed prior to roadway paving. This note shall appear on the face of the final construction drawings.

55. The property owners shall be responsible for maintenance of all landscaping within the existing and proposed right-of-way including any structures other than roadway, storm drainage facilities, and traffic signage. Maintenance shall include, but not be limited to, mowing of lawn areas. A note to this effect shall appear on the accepted construction plans. In addition, Development Engineering reserves the right to require that covenants be recorded to address special maintenance requirements depending on final design.

56. All work, equipment and materials for traffic signal and street lighting installations shall meet and be in compliance with all requirements of the Kitsap County Road Standards, Project Contract Provisions of Plans and Specifications accepted for construction by Kitsap County, Manual on Uniform Traffic Control Devices (MUTCD), National Electrical Manufacturer's Association (NEMA), National Electrical Code (NEC), Washington State Department of Transportation (WSDOT) Standard Specifications and Standard Plans, and the Occupational Safety and Health Administration (OSHA).

57. Frontage improvements required under associated Phase 1 SDAP 22-01031 shall be completed, inspected and accepted prior to occupancy of any lots created under this Royal Valley Phase 2 project.

58. Before SDAP acceptance, the applicant shall submit a set of drawings to the Washington State Department of Transportation for review. The applicant shall notify Development Services and Engineering in writing when the plans have been submitted to WSDOT. Development Engineering shall coordinate with WSDOT to determine if WSDOT has any comments to the submittal, but responsibility for obtaining concurrence from WSDOT lies with the property owner.

59. Final plan approval will require documentation of Washington State Department of Transportation (WSDOT) approval for impacts to and any required mitigation on State rights of way. WSDOT Olympic region contact is (360) 357-2600.

60. Before SDAP acceptance, the applicant shall submit a set of drawings to the Washington State Department of Transportation for review. The applicant shall notify Development Engineering in writing when the plans have been submitted to WSDOT. Development Engineering shall coordinate with WSDOT to determine if WSDOT has any comments to the submittal, but responsibility for obtaining concurrence from WSDOT lies with the property owner.

61. Any work within the County right-of-way requires a Public Works permit and possibly a maintenance or performance bond. This application to perform work in the right-of-way shall be submitted as part of the SDAP process, or Building Permit process, if a SDAP is not required. The need for and scope of bonding will be determined at that time.

62. Fire Flow of 2,000 gpm at 20 psi is required to be provided. A Fire flow letter is required from the water district indicating that fire flow can be provided prior to issuance of building permit.

63. If a sprinkler system is installed to reduce fire flow the fire department connections is required to be within 50 ft of the fire department connection.

64. Prior to bringing any combustible materials on site, the fire hydrants shall be inspected and in operation ready with required fire flow.

65. During construction fire apparatus access roads shall be maintained open and not obstructed by any vehicles, delivery trucks, etc. If during inspections access road is found to be blocked the inspection can be disapproved until corrected.

66. Prior to SDAP approval, the applicant shall provide documentation from the solid waste/recycling service provider that their requirements for this project have been met. Waste Management Northwest can be reached at pnwcmsservices@wm.com or 1-800-592-9995; their website is <http://wmnorthwest.com/kitsap/index.html>.

67. The subdivision approval requires binding water availability and sewer availability for SDAP.

68. This project includes the construction of rock walls or other retaining facilities that either exceed four ft in height or sustain a surcharge. A separate building permit with an engineered design is required for such walls. This note shall be placed on the face of the final construction drawings.

69. Rock and retaining walls shall meet all applicable setback requirements of Vol. II, Chapter 9 of the Kitsap County Stormwater Drainage Manual.

70. The mitigation plan must be implemented per the submitted Royal Valley Area 2 Preliminary Plat/PBD to include critical area buffer restoration and replacement as proposed by the applicant.

71. All impact areas to wetland and stream buffers will require monitoring through the Royal Valley Preliminary Plat/PBD per the Final Royal Valley Plat Mitigation Plan.

72. The SDAP L-SUB shall include the culvert replacement, required mitigation area, plant schedule, a monitoring plan KCC 19.700.715 and 720, with estimates for bonding, and a timetable for reporting performance of monitoring activities annually for a 5-year period, unless prescribed longer by US Army Corps per letter, dated November 24, 2024.

73. The SEPA MDNS dated August 26, 2021, and as amended May 29, 2024, included traffic mitigation measures associated with the westbound off-ramp of SR-303 and Central Valley Rd NE. Mitigation specifically required restriping the existing northbound left-turn lane serving Bucklin Court as a two-way left-turn lane.

74. Subsequent coordination with WSDOT and Kitsap County Public Works Traffic Operations has confirmed that due to existing site conditions, the restriping is no longer necessary to mitigate project impacts. WSDOT has indicated it has no objection to eliminating this requirement, and County Traffic Operations has no objection.

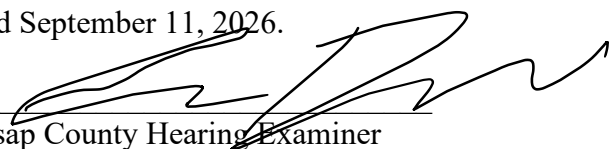
75. The removal of the restriping requirement does not result in new probable significant adverse environmental impacts and remains within the range of impacts previously analyzed in the MDNS. All other SEPA mitigation measures and Hearing Examiner conditions remain in full force and effect unless otherwise modified in writing. The Applicant shall continue to comply with all other required transportation mitigation measures.

76. The Applicant shall submit a revised report with the SDAP application specifically for Phase 2 Preliminary Plat/PBD that consolidates all the critical area 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*). The report shall include an updated critical areas analysis for only this plat/PBD, showing impacted critical areas and mitigation, and explaining how code requirements are met. This report is not simply a summary of what has been submitted, but must explain, with specificity, how this specific Plat/PBD complies with critical areas code requirements. The Applicant shall provide this tailored analysis to the Department before or with SDAP application submittal. **That analysis shall be circulated to any party who submits a written request to the Department requesting a copy.** No SDAP shall issue unless this condition is complied with.

77. At SDAP application, the Applicant shall provide the Department with a plan for minimizing neighborhood traffic circulation impacts to project neighbors during construction. The plan is subject to Department review and approval.

78. To assist the Department in tracking and confirming compliance, and the public in understanding project progression, the Applicant shall provide spread-sheet at SDAP application identifying how all conditions are being complied with. Particular attention shall be paid to stormwater management.

DECISION entered September 11, 2026.


Kitsap County Hearing Examiner
Susan Elizabeth Drummond

Note: This is the County's final decision.⁴³

⁴³ HE Rule 1.9.1; Ch. 36.70C RCW (providing requirements for appeal within 21 days to superior court). It is up to individual parties to verify appeal requirements.