



COMMUNITY DEVELOPMENT

Notice of Hearing Examiner Decision

7/6/2026

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/Rush Development Company LLC 6622 Wollochet Drive Gig Harbor, WA 98335
Application:	PBD & PPLAT
Permit Number:	23-03870 (PBD) & 23-04238 (PPLAT)

The Kitsap County Hearing Examiner has **DENIED** the land use application for **PERMIT 23-03870: Royal Valley Phase 2 – Performance Based Development (PBD) & PERMIT 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.



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DCD
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Point No Point Treaty Council
Suquamish Tribe
Skokomish Tribe
Port Gamble S'Klallam Tribe
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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
USACE
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 Water District
Sewer Purveyor: KPUD1
WA Dept of Transportation/Aviation
WA State Dept of Ecology-Wetland Review
WA State Dept of Ecology-Shoreline Review
Puget Sound Clean Air Agency
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**KITSAP COUNTY HEARING EXAMINER
FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECISION**

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

July 2, 2026

1. FINDINGS OF FACT

1.1 Proposal. Division of 65.38-acres to build 328-368 residential units, 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), with up to 40 more clustered units in the future. There is also a clubhouse. The project is referred to as Phase 2, as an adjacent preliminary plat preceded it. An apartment building (Gluds Apartments) is also adjacent.

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). The single-family lots would range in size from 1,184 to 4,976 ft, with an average 2,644 square foot lot size.

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 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 is now apparent the requestor was correct in his assessment of the record, and keeping the record open was not sufficient to cure its deficiencies.

Kitsap County Department of Community Development (“Department”), through Jeff Smith, summarized the proposal. The Department found the plat consistent with requirements 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 was largely amenable to.¹ At the hearing, citizens identified extensive concerns with the plat, 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.

1.3 Administrative Record. The Examiner 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.

1.4 Notice. Hearing and application notice was provided per code.² Concerns on notice adequacy were not raised.

1.5 SEPA. DCD issued a Mitigated Determination of Non-Significance.³ No appeal was filed.

1.6 Public 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

¹ Exhibits 77 and 78.

² Exhibits 35 and 36; KCC 21.04.080, .210.

³ Exhibits 22 and 32.

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.

1.7 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 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 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.

1.8 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 a professional cartographer. 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.

1.9 Written Public Comment. Extensive public comment was received (Exhibits 33, 39, 48-58, 61-76). The comments provided further detail on concerns identified at the hearing,

including density, stormwater, traffic, critical areas, compatibility with surrounding rural and residential areas, Comprehensive Plan inconsistency, getting to school, water and sewer. A principal theme was compliance issues with Phase I, including on stormwater construction violations. Concerns on land use compatibility were also identified given the nature of the proposed use, that the entire 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 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 impossible for citizens to identify what is occurring with this plat in particular. This is coupled with confusing and conflicting information. No supplemental critical areas report which details what is occurring for this plat was provided. This is coupled with concerns over regulatory consistency, such as a lack of explanation on how temporary buffer impacts are being addressed and wetland hydrology.

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.

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.

1.10 Agency/Tribe Comment. Limited agency comments were included in the record.⁴ The Fire Department is referenced as identifying concerns, but their comment is not in the record.⁵ The Suquamish Tribe commented, primarily on critical areas, and the Applicant provided responses from its biologist.⁶ Excerpts are provided, but the original comment is not in the record.

1.11 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

⁴ Exhibit 13 (Ecology comment).

⁵ See Finding 1.26.

⁶ Exhibit 18.

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

1.12 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.⁷

1.13 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.⁸ At 388, 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 feet (Single Family) 45 feet (Multi-family)
Setbacks (general summary) • Front, 10 feet for single-family and for multi-family when abutting single-family, duplex, or townhome on same side of street, otherwise N/A • Side, 5-10 feet • Rear, 5-20 feet	Reviewed with Building Permit

⁷ KCC 17.210.010.

⁸ 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. Staff Report, pp. 7-8. Regardless, compliance is not an issue.

1.14 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. There are outstanding questions as to bus stops. *See Findings 1.16 and 1.26.*
- KCC 17.470.060 - Grading and Tree/Vegetation Retention. For landscaping, see Finding 1.19. There are outstanding questions on tree retention.
- 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. There are outstanding questions on timing of installation and buffering between the plat and surrounding residential uses. However, the conceptual landscape plan (Exhibit 16) has limited detail.
- 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, though there are questions on the approach to Lot 56 on the southeast and the adequacy of screening generally. Limited information was provided.
- KCC 17.470.110 – Signage. Signage will be minimized per Ch. 17.510 KCC.

1.15 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 at least four streams (Royal Valley Creek, Crouch Creek, Insanity Creek/Lake, and an unnamed Type-N stream). Given the considerable critical area presence within the area and no supplemental report for only this plat (Phase II), it is not possible to identify the exact impacts and mitigation for Phase II. This issue is complicated by reports which are not internally consistent.

While a comprehensive chart showing impacts/mitigation for the entire area (Phase I, Phase II, and Gluds Apartments) was helpful for providing larger context, internal inconsistencies remained with the supplemental analysis, as this chart illustrates:

	Final Plat Mitigation Plan (Exhibit 47)	Final Clarification (Exhibit 42)
Stream, Temporary Impacts	• 232 SF	None
Stream, Permanent Impacts	• 927 SF • 1,846 SF	• 7,608 SF • 15,678 SF • 1,159 SF
Wetland, Temporary Impacts	• 3,149 SF	None
Wetland, Permanent Impacts	• 982 SF • 29 SF • 900 SF	• 1,911 SF
Stream, Mitigation	None	• 7,608 SF • 46,545 SF (enhance) • 3,149 SF (restore)

The Staff Report and earlier analysis do not help with figuring out exactly what is occurring. For example, it describes 4.40 acres of wetland buffer enhancement in Area 2 for 1.71 acres of buffer impacts⁹ but this is not what is shown on either of the above exhibits (from the final plat map and final clarification provided after the hearing). While there are several reports in the record, no internally consistent analysis for this plat is provided. As a result, neither the public nor the Examiner have been able to understand what is being proposed. This does not mean that, with a supplemental report and necessary corrections, compliance cannot be demonstrated, including for temporary impacts and stormwater inputs, which need to be further addressed. However, on this record, what exactly the impacts are and what is proposed as mitigation is not discernible.

Aquifer Recharge Area. The code does not treat residential uses as aquifer water quality hazards. Water supply adequacy is addressed at Findings 1.23 and 1.24.

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 submitted (Exhibit 5) to address this issue is dated July 16, 2020, and does not specifically address the plat area, so questions remain on how these areas will be addressed.

1.16 Access and Transportation. Access is from SR 303 (NE Waaga Way) 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 access from SR 303 constructed for Phase 1. Connector road design was coordinated through a Memorandum of Understanding for Traffic Mitigation Coordination (MOU), dated October 2022 between the above property owners, WSDOT, and Kitsap County. It appears that MOU and current concerns from DOT remain an unresolved issue, as the Applicant flagged this at application.

⁹ Exhibit 1, p. 26.

Contrary to the terms of the executed Traffic Mitigation MOU which would allow the left turn from SR 303 to Gluds Street to remain open, WSDOT has since requested that existing intersection be further restricted to right-in/right-out only once a connecting road through Royal Valley provides alternative access to Gluds from the west (Silverdale). A technical memo requested by the County and provided by the traffic engineer analyzed 95% queuing at the Royal Valley access should Gluds Road be further restricted to right-in / right-out concluding adequate queuing capacity at the Royal Valley access even with the addition of Gluds traffic (SCH Alliance, May 2024). However, the applicant contends the additional restriction is unwarranted by any specific standard or identified deficiency but rather a general WSDOT policy of restricting intersections. In addition to contradicting the MOU, this stance appears to ignore that 3 other access rights reserved in right-of-way deeds corresponding to this property's $\frac{3}{4}$ mile of highway frontage are instead being relinquished thus already providing significant benefit toward the Department's interest in reducing accesses.¹⁰

The Applicant has since 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."¹¹ It is not clear if the MOU has been revisited and revised.

More generally, the plat's traffic impacts cannot be determined from what has been provided. A traffic impact analysis is in the record which was prepared for a 220 unit apartment complex with full build-out expected in 2024, so is for a different, albeit related project, and is dated January 2024 (Exhibit 19). Traffic volume forecasts were prepared for PM peak hour conditions "for the 2024 opening year," so are not current for the plat now under consideration in 2026.¹²

An "update letter," dated September 3, 2024, identifies 688 units as being planned for (presumably Phase I, Phase II, and Gluds Apartments). The letter references a 2021 traffic impact analysis which covers the larger project area. That analysis is not in the record and there is no current traffic impact analysis focused on this specific plat. Given this record, it is not possible to assess transportation infrastructure adequacy for this plat. This is a significant concern, given the issues citizens raised on safety and congestion.

The 2024 apartment project analysis identified 33 crashes from 2017-2021 at the NE Gluds Road/SR 303 and Brownsville Highway NE/SR 303 intersections. None involved serious injury and most resulted in property damage only. However, this is over five crashes a year, using data from five years ago.¹³ Silverdale Transit Station is identified as being located (in the future) two miles from the site (at hearing, it was referenced as being one mile west at the Ridgetop SR 303 Interchange). There are no non-motorized facilities along SR 303 within the project's vicinity and bus service is poor.

¹⁰ Exhibit 21, p. 5.

¹¹ Exhibit 24, p. 2.

¹² Exhibit 19, p. 15.

¹³ Exhibit 19, p. 12.

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....¹⁴

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. Limited detail is in the record.

1.17 Parking. The Staff Report summarized parking requirements.¹⁵ More specific information on space location and number, EV charging stations, and bicycle parking will be provided with the SDAP, before building permits issue.

	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

1.18 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.

¹⁴ Exhibit 19, p. 12.

¹⁵ 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.

1.19 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 on the plat's south, east, and west sides (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, which exceeds 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. However, for plat purposes, the details in the conceptual landscape plan (Exhibit 16) are limited, and do not include Lot 56.

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.

1.20 Signage. The Applicant may apply for signage near the plat entrance during or after construction,¹⁶ although signage is not now proposed. When the final plat is recorded, all signage must follow code requirements.

1.21 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).

1.22 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. Although the report describes the site as containing Alderwood gravelly loam soils, water will not be infiltrated on site. Runoff is described:

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.

¹⁶ Ch. 17.510 KCC.

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 WWHM2012.¹⁷

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.¹⁸

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.¹⁹

According to Applicant and citizen testimony, Phase I had stormwater construction failures resulting in stop work orders from the County and Ecology enforcement action. Although since remedied, the Applicant is delegating compliance to the general contractor²⁰ and did not detail how it would ensure these issues are avoided with Phase II.

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

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

¹⁷ Exhibit 26, p. 3.

¹⁸ Exhibit 26, p. 3.

¹⁹ Exhibit 26, p. 4.

²⁰ Exhibit 26, p. 4 ("The Contractor will be responsible for implementing the following erosion control and stormwater management control measures. The Contractor may designate these tasks to certain subcontractors as he sees fit, but the ultimate responsibility for implementing these controls and ensuring their proper functioning remains with the general contractor.").

1.24 Sewer and Water Capacity. Basic utility infrastructure for sewer and water appears to be available for the plat. 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 on sewer capacity for the 40-unit expansion area.

To address the water question, the Applicant 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 and does not identify the number of residences to be served or the amount of water available. The letter notes the property is within the District’s service area “and the district intends to serve this location” but also includes disclaimer language:

The purveyor’s ability to supply the property may be constrained by the demands upon the system and the ability to develop new sources of supply and water rights.

This statement is not an offer or acceptance of water connection or promises of water connection, and creates no contractual relationship, and not a guarantee that connection will be available at the time of some future application to connect. Application for and provision of water service to the property would be subject to and conditioned upon the availability of capacity and distribution facilities (or extension thereof at the time of application.²¹

As the letter is from three years ago, does not identify the 368 residential units, to confirm water supply availability, something further is required. Maybe the District’s water plan has been approved for a connection number sufficient to serve this plat, and those connections have not been allocated elsewhere, but confirming details are lacking.

To further address this question, after the hearing, the Applicant provided a “Binding Water Availability Letter” but this states it is only for the Clubhouse (Exhibit 59). Water availability for the Clubhouse was purchased on January 20, 2026, and the Certificate states the letter is binding for six years. There is nothing approaching this level of specificity for the residential units.

This does not mean a separate report on aquifer adequacy to support the use is required. Water districts are approved by the state for a set number of units and track their water allocations, so this work would have been completed. But further documentation is necessary. Except for the Clubhouse, all that has been provided is the District’s confirmation that the property is in its service area, and if it can, when the time comes, it intends to serve the property.²² The Applicant stated at hearing it has water, but other projects do not, confirming the District is facing supply constraints. Without further documentation, it is unknown if these constraints extend to the project.

²¹ Exhibit 8.

²² This question came up in multiple comments (Exhibit 33).

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 at provider discretion, may be renewed. Also, while sewer capacity for 328 units was documented, this does not include the potential for the 40-unit expansion also being requested. For these additional units to be approved as part of this plat, sewer capacity would need to be documented.

1.25 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.

1.26 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,” so there is some information on fire flow pressure design (Exhibit 60), though these calculations do not address capacity. 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 record, which would assist in considering whether this issue is adequately addressed. Fire protection concerns were raised, as the Applicant acknowledged.

The Fire Marshal comment is noted; however, it is important to note and for all to recall and understand that the Connector Road design has already been “reviewed and approved” by all departments as a part of the SDAP-22-06204 plan review process. Although fully reviewed, the actual issuance of the SDAP Acceptance Letter for the remaining “middle segment” of the overall Connector Road (Road E) was pushed back and separated from the Connector Road segment directly associated Gluds Apartments based on a mutual decision between DCD staff and the applicant. On that basis, the issuance of the SDAP for the Middle Segment of the Connector Road is anticipated well prior to the Area 2 preliminary plat approval and certainly prior to the associated Area 2 SDAP. We are currently coordinating with DCD regarding the issuance of this remaining segment of the Connector Road.²³

While the Applicant views fire protection as a non-issue, this appears to be based on an earlier SDAP review for another project. Without credible analysis, such as provider input on fire system infrastructure adequacy, no findings on this issue can be made.

1.27 Schools/Safe Walking Conditions. The project will be served by Central Kitsap School District. According to the staff report, depending on districting and capacity there is a probability students will be bused to the nearest schools which include Silver Ridge Elementary, Cottonwood Elementary, Ridgetop Middle School, or Central Kitsap High School. As the Applicant conceded at hearing, students must be bussed or driven, as there is no safe

²³ Exhibit 25, p. 1.

walking route due to SR 303's high speeds and inadequate connecting sidewalks. It is unknown where a bus stop will be placed to ensure safe transport to and from school. There is no memo or analysis from the Applicant addressing safe routes to schools.

1.28 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. Open space and recreation requirements are met.

1.29 Urban Standards – KCC 16.24.040.

- Access. *See above*, including § 1.16.
- Public Transit. *See above*, including § 1.16.
- Non-Motorized Facilities. Sidewalks are required consistent with code. *See § 1.16.*
- Street Connectivity. *See § 1.16.*
- Parking. *See § 1.17.*
- Fire Protection. *See § 1.26.*
- Landscaping. *See § 1.19.*
- Utilities - Water and Sewer. *See §§ 1.23 and 1.24.*
- Recreation. *See § 1.27.* Compliance will be confirmed with the SDAP.

1.29 Land Segregations with Critical Areas – KCC 16.24.080. *See § 1.15.*

1.30 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. As the Findings note, there are areas where urban service and infrastructure adequacy cannot be determined.
- Access. There are outstanding questions on access. *See § 1.16.*

- Safe Walking Conditions. *See* § 1.16. and 1.27. 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.

1.30 Single-Family Subdivision - KCC 17.420.037.

- Sidewalk Requirements. *See* § 1.16. Internal sidewalks are provided.
- Public Streets and Connectivity Requirements. *See* §§1.16 and 1.27.
- Utilities Connectivity Requirements. *See* §§ 1.23 and 1.24.
- Landscaping Requirements. *See* § 1.19.
- Off-Street Parking. *See* § 1.17.

1.31 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. The UCR zone allows for reduced lot width for attached housing down to 1,200 square feet, per Ch. 17.420 KCC.

One component of a PBD are project benefits. 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. These are considerable attributes, but do not excuse compliance with other code requirements.

2. CONCLUSIONS OF LAW

2.1 The Hearing Examiner reviews Preliminary Plat applications for consistency with subdivision requirements.²⁴ 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

²⁴ KCC 21.04.100.

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.²⁵

2.2 The zoning code authorizes the residential use at the densities proposed. However, as the Findings address, the record is inadequate to substantiate that infrastructure adequacy, including for water supply, sewer capacity for the 40-unit expansion area, fire protection, transport to school, transportation infrastructure, and critical area requirements will be met. On this latter issue, information was internally inconsistent, so the impacts and mitigation could not be assessed. On the infrastructure issues, the documentation was inadequate. While the plat includes considerable open space and recreational amenities, the basic infrastructure requirements for a plat approval must be shown to have been met. While this may be the case, the record is presently insufficient to establish that.

2.3 The Performance Based Development allows for modification of certain zoning standards if set criteria are met.²⁶

- 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;
- 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

²⁵ KCC 16.04.080.

²⁶ KCC 21.04.100; Ch. 17.450 KCC.

- 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.²⁷

The record is insufficient to draw conclusions on these criteria. The plat has addressed several code requirements, including for open space and recreation, as well as density requirements, and the uses proposed are authorized, but questions remain in several key areas, including on water supply adequacy, sewer adequacy for the 40-unit expansion area, critical areas impacts and mitigation, transport to school, transportation impacts, and fire protection adequacy.

More generally, while site size is not an impediment to approval, there are questions on whether compatibility concerns are adequately addressed, particularly regarding traffic concerns, and whether public facilities and utilities are adequate to serve the project. They may be, but there is not adequate documentation in the record to confirm this, including for water supply and fire protection. There are also questions on how children will get to school. The Applicant has, to a large degree, simply relied on Phase I's approval, but Phase II is independently assessed for compliance. These concerns must be adequately addressed to ensure the plat is not detrimental to the health, safety, and welfare of the surrounding neighborhood, and will not be contrary to orderly development.

2.4 Given record inadequacy, the Hearing Examiner concludes the Preliminary Plat and Performance Based Development should not be approved at this time. While several code requirements can be met, the record is inadequate at this juncture to address all code criteria. This is detailed in the Findings, but there are outstanding questions on water supply adequacy, sewer capacity for the 40-unit expansion area, critical areas impacts and mitigation, transport to school, transportation impacts, and fire protection adequacy. It may be the case that these issues can be adequately addressed and the criteria for approval met, but at this point, the documentation is inadequate.

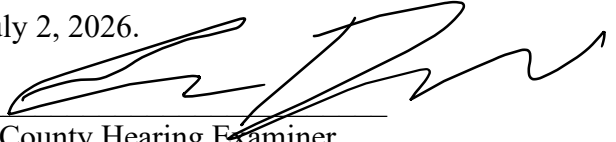
DECISION

The Hearing Examiner, pursuant to the above Findings of Fact and Conclusions of Law, **DENIES** the Preliminary Plat and Performance Based Development. The denial is without prejudice, meaning the Applicant is not precluded from addressing the identified deficiencies for purposes of ultimately securing approval, whether that is through application amendment or seeking reconsideration to allow for re-opening of both the record and hearing. Absent a grant of reconsideration, a request which must be made within five business days, this is the County's final decision.²⁸

²⁷ KCC 17.450.090, formerly 17.450.050.

²⁸ HE Rule 1.9.1; Ch. 36.70C RCW (providing requirements for appeal within 21 days to superior court).

DECISION entered July 2, 2026.



Kitsap County Hearing Examiner
Susan Elizabeth Drummond