



Rafe Wysham
Director

KITSAP COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

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

Notice of Hearing Examiner Decision Upon Reconsideration

7/10/2025

To: Interested Parties and Parties of Record

RE: Project Name: Colbie Court - Preliminary Plat & COLBIE COURT - Critical Area Variance
 Applicant: AGILE SB PO1 LLC
 17012 150TH AVE E
 ORTING, WA 98360
 Application: PPLAT & CVAR
 Permit Number: 23-00730 (PPLAT) & 23-01780 (CVAR)

The Kitsap County Hearing Examiner has issued a **Decision Upon Reconsideration** for the land use application for **Permit 23-00730: Colbie Court - Preliminary Plat (PPLAT) and Permit 23-01780 COLBIE COURT - Critical Area Variance (CVAR)**, 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:

Applicant: AGILE SB PO1 LLC, 17012 150TH AVE E ORTING, WA 98360;
AHBL, sgreene@ahbl.com

Owner: AGILE SB PO1 LLC, 17012 150TH AVE E ORTING, WA 98360
Authorized Agent: Dylan Huber, dylan@spp-mfg.com; Sheri Greene, sgreene@ahbl.com; Jessica Bruce, jbruce@ahbl.com; Jorge Duque, jorge@spp-mfg.com
Biologist: Mark Heckert, mheckert@Q.com
Engineer: Matthew Weber, mweber@ahbl.com
Other: Don Huber, Don@SPP-MFG.com
Interested Parties: Rebecca Stone, bollman.rebecca@gmail.com; Russell Borman, PO BOX 54 PORT ORCHARD, WA 98366; Nicholas Bond – City of Port Orchard, nbond@portorchardwa.gov; Andy Larson – WSDOT, andrew.larson@wsdot.wa.gov; Neil Molstad – Department of Ecology, nemo461@ECY.WA.GOV; Sarah Albright-Garland – USACE, Sarah.L.Albright@usace.army.mil; Jennifer Eberly – WDFW, jennifer.eberly@dfw.gov; Rod Malcom – Suquamish Tribe, rmalcom@suquamish.nsn.us

Health District
Public Works
Parks
Navy
DSE
Kitsap Transit
South Kitsap Fire District
South Kitsap School District
Puget Sound Energy
City of Port Orchard Planning Director
Water Purveyor - PUBLIC UTILITY DIST NO 1
Sewer Purveyor - PUBLIC UTILITY DIST NO 1
Point No Point Treaty Council
Suquamish Tribe
Skokomish Tribe
Port Gamble S'Klallam Tribe
Squaxin Island Tribe
Puyallup Tribe
WA Dept of Fish & Wildlife
WA Dept of Transportation/Aviation
WA State Dept of Ecology-SEPA
WA State Dept of Ecology-Wetland Review
WA State Dept of Transportation
Department of Archaeological Historic Preservation
WA Department of Natural Resources
Prosecutor's Office
Assessor's Office
DCD
Kitsap Sun

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3 **BEFORE THE HEARING EXAMINER FOR KITSAP COUNTY**

4 Phil Olbrechts, Hearing Examiner

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RE: Colbie Court Preliminary Plat and Critical Areas Variance File No. 23-00730 (P-PLAT) and 23-01780 (CVAR)	DECISION UPON RECONSIDERATION
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11 Whereas, the Final Decision of the above-captioned project was issued on June 13,
12 2025; and

13 Whereas, on June 23, 2025 the Applicant filed a request for reconsideration, and

14 Whereas, the reconsideration request was limited to requesting modification of
15 Condition 49 to clarify that the landscape width requirement for the northern property
16 line was not subject to the 25-50 foot buffer width imposed by KCC 17.500.027B2;
and

17 Whereas, the Applicant contends that the lots subject to the KCC 17.500.027B2
width requirement would be rendered unbuildable; and

18 Whereas, the reference to KCC 17.500.027B2 in Condition 49 was intended to refer
19 to the type of landscaping required and not necessarily the width; and

20 Whereas, as identified in the Final Decision, KCC 17.500.027 grants the
21 Community Development Director the authority to impose her or his own buffer
22 standards for adjoining parcels with zoning that is not expressly addressed in KCC
17.500.027; and

23 Whereas, the area subject to the Condition 49 KCC 17.500.027B2 reference is one
24 of the areas in which the Director has wide discretion to impose site specific buffer
25 requirements; and

Whereas, the Community Development Director can appropriately specify a buffer width designed to provide adequate screening while at the same time leaving a reasonably sized building envelope, NOW, THEREFORE,

DECISION UPON RECONSIDERATION

Condition 49 of the Final Decision is revised as follows:

KCC 17.500.027A1 roadside and setback area screening applies to the east property line. KCC 17.500.027A2 screening applies to the south property line. KCC 17.500.027B2 solid screening applies to the northern property line along the adjoining commercial/industrially developed lot at a width to be specified by Community Development Director or designee that leaves a reasonably sized building envelope. No screening is required for the western property line or on the north property line where it adjoins an undeveloped lot. No screening is required within critical areas or buffer.

All other portions of the Final Decision remain unchanged but shall be superseded to the extent inconsistent with the revisions adopted by this Decision Upon Reconsideration.

Dated this 9th day of July, 2025.



Phil Olbrechts,
Kitsap County Hearing Examiner

Appeal Right and Valuation Notices

Pursuant to KCC 21.4.100 and KCC 21.04.110, this preliminary plat decision is a final land use decision of Kitsap County and may be appealed to superior court within 21 days as governed by the Washington State Land Use Petition Act, Chapter 36.70C RCW.

Affected property owners may request a change in valuation for property tax purposes notwithstanding any program of revaluation.