

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 Dismissal

9/4/2025

To: Interested Parties and Parties of Record

RE: Project Name: Arborwood Pulte - Appeal of SDAP

Grading 3 Permit 22-03235

Applicant: Pulte Homes of Washington Inc

3535 Factoria Blvd SE, Ste 600

Bellevue, WA 98006

Appeal Type: Administrative Appeal (ADMIN APPEAL)

Appellants: Joe Lubischer

Emil Tietje Thomas Doty John Kranz

Permit Number: 24-04215

The Kitsap County Hearing Examiner has **DISMISSED** the appeal of **Permit 22-03235**: **Arborwood Pulte Phase 2 early clear and grade Site Development Activity Permit – SDAP-GRADING 3**, **subject to the conditions outlined in this Notice and included Dismissal**.

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/Owner: Pulte Homes of Washington Inc, 3535 Factoria Blvd SE, Ste 600, Bellevue, WA 98006

Applicant's Representative: Sophia Amberson, <u>SAmberson@vnf.com</u>; Liberty Quihuis, Lquihuis@vnf.com; Ray Liaw, hrl@vnf.com

Appellants: Joe Lubischer, jslubischer@gmail.com; Emil Tietje,

tietjed@alum.mit.edu; Thomas Doty, thomas-doty@comcast.net; John

Kranz, colorkranz@gmail.com

County Representative: Lisa Nickel, Inickel@kitsap.gov; Ashlynn Ota,

AOta@kitsap.gov Interested Parties: None

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8	THE HEARING EXAMINER OF KITSAP COUNTY	
9	IN RE:	Ī
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11	Arborwood SDAP	ORDER GRANTING RECONSIDERATION REQUEST AND
12	Administrative Appeal	DISMISSING APPEAL
13	PLN24-04215	
14	1 LN24-04213	
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20	Whereas, Pulte Homes of Washington (Applicant) filed a motion for reconsideration of the Examiner's July 25, 2025 Order Denying Request f	
21	Dismissal; and	ty 20, 2020 Gravi Benying Request 10.
22	Whereas the County and Annellant	were given until August 22, 2025 to file a
23	Whereas, the County and Appellant were given until August 22, 2025 to file a response to the reconsideration motion and the Applicant until August 26, 2025 to reply	
24	and	
25	Whereas, Appellants submitted a resp	oonse on August 22, 2025 and the Applicant
26	did not reply, and	
27	Whereas, the primary basis for the d	lenial of the Applicant's motion to dismiss
28	was it was not yet ripe for review. The Applicant's motion was primarily based upor	
29 30	Examiner Rule 2.3.4. That rule requires Community Development withdraws a decision	• •
50	Dismissal Order	
	PAGE 1	

made its motion, no such decision to withdraw had been made. Consequently, the July 25, 2025 Order provided that "[a]bsent issuance of a County decision approving withdrawal of Applicant's SDAP, the hearing examiner clerk is directed in two weeks to schedule another prehearing conference."

Whereas, the two weeks referenced above was designed to give the Applicant and County a chance to secure a final County decision withdrawing the SDAP application, if that was where the County was headed; and

Whereas, the Applicant's motion for reconsideration includes a County website status page for the project under appeal, SDAP No. 22-03235, which identifies the status of the permit as "withdrawn", See Ex D to Dec. of Quihuis in Support of Recon Motion, and

Whereas, the Applicant received notice of the "withdrawn" webpage on July 31, 2025, see Par. 5 to Dec. of Quihuis in Support of Recon Motion, and

Whereas, Examiner Rule 2.12.1 authorizes reconsideration requests based upon "the discovery of new evidence which was not available at the time of the hearing," and

Whereas, the Applicant was not made aware of the "withdrawn" webpage until after the July 29 2025 Order Denying Request for Dismissal of this case (the order subject tto this reconsideration request), and

Whereas, the "withdrawn" page is found to qualify as a final County decision to withdraw SDAP No. 22-03235, and

Whereas, under Examiner Rule 2.3.4, the subject appeal must be dismissed due to the County's final decision to withdraw SDAP No. 22-03235, and

Whereas, the Appellants have requested reimbursement of appeal fees and legal expenses due to dismissal but the Examiner does not appear to have the authority to impose those kind of remedies for dismissal of an appeal¹,

NOW, THEREFORE,

¹ The Appellants may be able to acquire reimbursement from the County for its appeal fees or have the fee waived for appeal of the Applicant's replacement project.

1	Order	
2	The PLN24-04215 appeal is dismissed.	
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4	ORDERED this 3rd day of September 2025.	
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6	Phil Olbrechta Kitsap County Hearing Examiner	
7	Kitsap County Hearing Examiner	
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Dismissal Order PAGE 3