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9/4/2025

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CC:

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

Applicant's Representative: Sophia Amberson, SAmberson@vnf.com; Liberty Quihuis, Lquihuis@vnf.com; Ray Liaw, hrli@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, lnickel@kitsap.gov; Ashlynn Ota, Aota@kitsap.gov

Interested Parties: None

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THE HEARING EXAMINER OF KITSAP COUNTY

IN RE:	
Arborwood SDAP	ORDER GRANTING
Administrative Appeal	RECONSIDERATION REQUEST AND
PLN24-04215	DISMISSING APPEAL

Whereas, Pulte Homes of Washington (Applicant) filed a motion for reconsideration of the Examiner’s July 25, 2025 Order Denying Request for Dismissal; and

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, and

Whereas, Appellants submitted a response on August 22, 2025 and the Applicant did not reply, and

Whereas, the primary basis for the denial of the Applicant’s motion to dismiss was it was not yet ripe for review. The Applicant’s motion was primarily based upon Examiner Rule 2.3.4. That rule requires dismissal if the County’s Department of Community Development withdraws a decision under appeal. At the time the Applicant

1 made its motion, no such decision to withdraw had been made. Consequently, the July
2 25, 2025 Order provided that “[a]bsent issuance of a County decision approving
3 withdrawal of Applicant’s SDAP, the hearing examiner clerk is directed in two weeks to
4 schedule another prehearing conference.”

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

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10 of the permit as “withdrawn”, See Ex D to Dec.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

12 Whereas, the Applicant received notice of the “withdrawn” webpage on July
13 31, 2025, see Par. 5 to Dec. of Quihuis in Support of Recon Motion, and

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

16 Whereas, the Applicant was not made aware of the “withdrawn” webpage
17 until after the July 29 2025 Order Denying Request for Dismissal of this case (the
18 order subject to this reconsideration request), and

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

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

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

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30 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.

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Order

The PLN24-04215 appeal is dismissed.

ORDERED this 3rd day of September 2025.

Phil Olbrechts
Kitsap County Hearing Examiner