



Notice of Hearing Examiner Reconsideration

06/16/2017

To: Interested Parties and Parties of Record

RE: Project Name: SHADOWHAWK - Preliminary Plat
 Applicant: HARADER, SHERI
 53 E SILVER SAGE RD
 TOWNSEND, MT 59644-9687
 Application: P PLAT
 Permit Number: 16 02933

Enclosed is the Reconsideration issued by the Kitsap County Hearing Examiner for the aforementioned project.

The applicant is encouraged to review the Kitsap County Office of Hearing Examiner Rules of Procedure found at:

http://www.kitsapgov.com/dcd/lu_env/he/HE%20Rules%20for%20Kitsap%20County%20-%2006-23-09.pdf

The Decision of the Hearing Examiner is final, unless appealed, as provided under Washington law.

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 at the Department of Community Development, Monday through Thursday, 8:00 AM to 4:00 PM and Friday 9:00 AM to 1:00 PM, except holidays. If you wish to view the case file or have other questions, please contact Help@Kitsap1.com or (360) 337-5777.

CC: Land Resources NW, LLC cbpierce@comcast.net
Owner: Harader, Sheri 53 E Silver Sage Rd, Townsend, MT 59644-9687
Engineer: NL Olson & Associates wjohnson@nlolson.com
Surveyor: Orca Land Surveying ry@orcalsi.com
Interested Parties:

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Interested Parties (Cont.):

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KITSAP COUNTY HEARING EXAMINER

ORDER ON RECONSIDERATION AND PRELIMINARY DECISION

Shadowhawk Preliminary Plat - File No. 16 02933

June 15, 2017

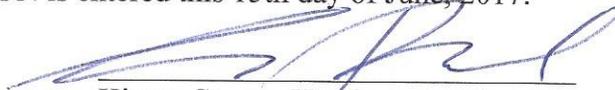
The Hearing Examiner has reviewed the Request for Reconsideration of Hearing Examiner Decision from Mr. Branner and addresses the Request as follows.

1. Condition 59. Condition 59 refers to Madrona Heights as being located to the west of the preliminary plat. As reflected elsewhere in the plat decision, it is located to the north. This clerical error should be corrected. As such, Condition 59 of the final plat decision should be revised to change the word "west" to "north." The Examiner also notes that a "suggestion" from a qualified professional would be viewed as a "recommendation."
2. SEPA Jurisdiction. The MDNS was a final decision issued by Kitsap County Department of Community Development (DCD). Because the MDNS was a final decision, as opposed to a recommendation, the Hearing Examiner lacks authority to revise it in the context of this plat proceeding. (If an appeal had been timely filed, and the Examiner were to find in favor of the appellant, even then the Examiner would not edit the decision, but would instead remand it to DCD to come into compliance with the Examiner's decision.)
3. Direction to DCD to Revise Staff Reports. The Examiner does not direct DCD staff report development or order revisions to those reports. Of course, the Examiner may or may not agree with a staff report, and as such, the Examiner's decision will not necessarily be consistent with the relevant staff report. Also, if the staff report raises issues which the Examiner has questions on, the Examiner may hold the record open so those questions can be answered.
4. Public Review Process. The Examiner has reviewed the reconsideration points on the public process. To assist residents in reviewing the proposal, the hearing record was kept open for two weeks to allow for further public review time and submission of additional comment.
5. Additional Document - Transportation. The Examiner considered exhibits and testimony addressing the area's traffic accident history in considering the transportation infrastructure the plat is required to provide. At this point the record is closed. It was not clear why the new material could not have been submitted during the two week extension period per HE Rule 1.9.1, so the newly submitted document has not been added to the record.

For the above reasons, except as addressed in paragraph one above, the reconsideration request should be denied. However, it is Examiner practice to afford DCD and the Applicant an opportunity to respond to a reconsideration motion if it may be granted, even in part. Thus, should DCD or the Applicant find it necessary to respond to the motion they may do so or request additional time to do so.

If no response or request for additional time to respond is received by the Examiner by **noon on Monday, June 19**, or if confirmation that no further responses will be submitted is received before then, an amended preliminary plat decision which conforms with this Order on Reconsideration and Preliminary Decision will be entered shortly thereafter, and this Preliminary Decision will automatically become final.

THIS DECISION is entered this 15th day of June, 2017.



Kitsap County Hearing Examiner
Susan Elizabeth Drummond