

**CITY OF BREMERTON  
ADMINISTRATIVE HEARING EXAMINER**

LP2 Wheaton Way, LLC,	)	Case No. BP23 00161
Appellant,	)	
vs.	)	
	)	
	)	ORDER DISMISSING APPEAL
City of Bremerton, a Washington	)	
Municipal Corporation,	)	
Respondent.	)	

This administrative land use appeal came before the Administrative Hearing Examiner on July 24, 2023. On May 25, 2023, the Appellant in this matter, LP2 Wheaton Way, LLC, filed an administrative appeal of a City of Bremerton commercial site plan review decision dated May 11, 2023. The Appellant was the applicant for the commercial site plan review decision. At the July 24 hearing on the appeal, the Appellant was represented by Dale Sperling, owner and developer of the project at issue in the appeal. The City was represented by Justin Rowland, City Planner.

In its commercial site plan review decision, the City approved the commercial site plan review application, subject to 34 conditions. The Appellant appealed three of those conditions—numbers 1, 22, and 25—to the Administrative Hearing Examiner. During the July 24 hearing, the Hearing Examiner admitted 13 exhibits and heard testimony from two witnesses from the Appellant and three witnesses from the City. At the end of the hearing, the Hearing Examiner asked that the parties submit closing arguments in writing rather than orally. Upon conferring with his colleague, Appellant representative Dale Sperling testified that the Appellant wished to abandon the appeal. The City did not object to an order deeming the appeal abandoned.

The Hearing Examiner has jurisdiction over administrative appeals of certain land use decisions, pursuant to Bremerton Municipal Code (BMC) 2.13.080 and BMC 20.02.140. An administrative appeal must be filed within 14 days of the date of the decision being appealed. BMC 20.02.140(a)(3). An administrative appeal may be withdrawn by an appellant without a decision by the Administrative Hearing Examiner. BMC 20.02.140(g). The Appellant’s testimony at the July 24 constitutes a request by the Appellant for such a withdrawal. Therefore, the Hearing Examiner enters the following order:

**ORDER**

The appeal in this matter is deemed **WITHDRAWN**, and the appeal is hereby **DISMISSED WITH PREJUDICE**. The City’s decision to approve the commercial site plan review on May 11, 2023, constitutes the final land use decision of the City in this matter.

*City of Bremerton  
Administrative Hearing Examiner  
Order Dismissing Appeal  
Case No. BP23 00161*

Entered this 24th day of July, 2023.

A handwritten signature in black ink, appearing to read "Alex Sidles", written over a horizontal line.

ALEX SIDLES  
Administrative Hearing Examiner  
City of Bremerton