

Before Hearing Examiner
Gary N. McLean

**BEFORE THE HEARING EXAMINER
FOR THE CITY OF RICHLAND**

**RE: "FRIENDS OF COUNTRY RIDGE"
REQUEST FOR RECONSIDERATION OF
DECISION APPROVING PRELIMINARY
PLAT OF HALARA HILLS**

File No. S2022-102

**ORDER DENYING REQUEST FOR
RECONSIDERATION**

PAHLISCH HOMES,

Applicant,

By separate Order dated October 27, 2022, all parties of record to the hearing process for the Halara Hills Preliminary Plat matter, File No. S2022-102, were invited to submit written responses to the "Friends of Country Ridge" Request for Reconsideration of the Examiner's Decision approving the Preliminary Plat of Halara Hills, with a copy of the reconsideration request attached to the email transmitting such Order. The applicant submitted the only timely written response to the reconsideration request, in the form of a letter dated Friday, November 4, 2022, from counsel, Kenneth Katzaroff. The Examiner received and reviewed the applicant's response the following week. Copies of the Request for Reconsideration and the applicant's Response are on file with the City and shall be maintained as part of the record for this matter.

Upon consideration of the Request and applicant's Response, and following additional legal research into issues raised in both documents, the Hearing Examiner finds and concludes that there is insufficient evidence or legal authority to grant the relief requested by Friends of Country Ridge, i.e. denial of the Halara Hills Preliminary Plat application.

**ORDER DENYING REQUEST FOR
RECONSIDERATION OF DECISION APPROVING
PRELIMINARY PLAT OF HALARA HILLS –
FILE NO. S2022-102**

**GARY N. MCLEAN
HEARING EXAMINER FOR THE CITY OF RICHLAND**
CITY HALL – 625 SWIFT BOULEVARD
RICHLAND, WASHINGTON 99352

1 The Examiner directs attention to the following Finding and Condition included in
2 the Decision:

3 ***Finding No. 34.*** The Examiner notes that an access/connection point from the west, towards
4 Dallas Road, instead of via Strawberry Lane to the east, may present itself before the time of
5 final plat approval – which could be up to five years away – and that such a change could be
6 deemed a revision to this preliminary plat approval, triggering a Type I permit approval as a
7 Minor Revision to this preliminary plat (*See RMC 19.20.010(A)(5)*), or a Type III permit
8 approval as a Major Revision to this preliminary plat (*See RMC 19.20.010(C)(1)*).¹ Type I
9 permit approvals are subject to appeal to the Hearing Examiner, and Type III permit
10 approvals require full public notice and a pre-decision hearing before the City's Hearing
11 Examiner. (*See RMC 19.20.030, Project permit application framework*). If such a revision
12 is proposed before Final Plat approval, staff must determine if additional environmental
13 information or reviews are required, in accord with application SEPA regulations.

14 ***Condition of Approval No. 54.*** Evidence that an easement or other legal rights securing a
15 secondary emergency vehicle access (SEVA) route shall be provided to the City prior to or
16 concurrent with the first set of construction drawings submitted for any aspect of this
17 development, including without limitation grading permits. Any proposed SEVA route shall
18 be subject to review and approval by the Richland Fire Marshal. It is expressly understood
19 that no city permits or approvals for land clearing, grading, utility installation or other aspects
20 of subdivision development can be issued until an appropriate SEVA route has been approved
21 in writing by the Fire Marshall. Revisions to this Condition of Approval or the proposed plat
22 that would eliminate the need for a SEVA to serve the new plat shall require either a Type I
23 Permit under RMC 19.20.010(A)(5 or 12); or a Type III Permit under RMC 19.20.010(C), as
24 determined by the Planning Manager under authority granted in RMC 19.20.020.

25 Again, as explained in Finding No. 34, Type I decisions/permits/approvals are subject
26 to appeal to the Hearing Examiner, and Type III permit approvals require full public notice
and a pre-decision hearing before the City's Hearing Examiner. (*See RMC 19.20.030, Project
permit application framework*).

The applicant's Response expressly notes that it does not object to Condition 54. In
reaching this decision to deny reconsideration, the Examiner does not rely upon and does not
share the applicant's point of view to the effect that Fire Code provisions and Fire Marshall
Standards should not be viewed as development regulations when applied to a preliminary

¹ RMC 19.20.020, captioned "Determination of proper type of procedure," reads in relevant part as follows:
"A. Determination by Director. The deputy city manager for community and development services or his/her designee
(hereinafter the "director") shall determine the proper procedure for all development applications. If there is a question as
to the appropriate type of procedure, the director shall resolve it in favor of the higher procedure type number."

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1 plat, especially when they form the basis for a Condition of Approval for the preliminary plat
2 itself.

3 The Record for this matter fully supports the Decision and all Conditions of Approval.
4 The reconsideration request fails to provide any legal or factual basis to reverse or modify
5 such decision. The Request for Reconsideration is respectfully denied. The Decision
6 approving the preliminary plat stands as written.

7 ISSUED this 22nd Day of November, 2022

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10 Gary N. McLean
11 Hearing Examiner
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