

**DOUGLAS COUNTY**  
**DEPARTMENT OF HEARING EXAMINER**

140 19<sup>th</sup> Street NW  
East Wenatchee, WA 98802-4109

**BEFORE THE DOUGLAS COUNTY HEARING EXAMINER**

<b>IN THE MATTER OF</b>	)	<b>DECISION ON APPLICANT'S</b>
	)	<b>REQUEST FOR</b>
PRD-92-01A#2/P-15-05	)	<b>RECONSIDERATION</b>
Rio Vista Phase 1	)	

The Applicant, having submitted a Request for Reconsideration, received June 10<sup>th</sup>, 2016, the Hearing Examiner having reviewed the Hearing Examiner's decision of June 2<sup>nd</sup>, 2016, the Request for Reconsideration, and the file materials, hereby submits the following decision on the Applicant's Request for Reconsideration.


1. The Hearing Examiner issued his decision in the above referenced matter on June 2<sup>nd</sup>, 2016.
2. The Douglas County Code, 2.13.150 allows for a Request for Reconsideration which must be filed within ten (10) days of the date of issuance of the decision.
3. The Applicant's Request for Reconsideration is timely.
4. The Request for Reconsideration may be granted upon demonstration of one or more of the criteria set forth in DCC 2.13.150(A)(1-5).
5. DCC 2.13.150(C) allows the Hearing Examiner to act upon the Request for Reconsideration by:
  - 5.1 Approving the request with revised findings and/or conditions;
  - 5.2 Setting the matter for an additional public hearing;
  - 5.3 Denying the request.
6. The Applicant requested that the Hearing Examiner revise Condition of Approval #23. In Condition of Approval #23, the Hearing Examiner allowed the deferral of improvements required by DCC, but only as authorized by the County Engineer in his sole discretion. This was intended to provide some potential flexibility.
7. The Applicant requests that Condition of Approval #23 be revised to allow the improvements to automatically be deferred for a maximum of two years from final plat approval, upon terms, conditions and security deemed acceptable to the engineer and the Douglas County Prosecuting Attorney.
8. The essence of this Request for Reconsideration is to remove the County Engineer's discretion in allowing this deferral.

9. Douglas County and the Douglas County Engineer, as stated in his memorandum of May 26<sup>th</sup>, 2016, indicated their position that Condition of Approval #23, as originally proposed, should not be changed.
10. Therefore, due to the fact that the Applicant objects to Condition of Approval #23 because it grants the Douglas County Engineer's sole discretion in whether or not to defer the required improvements, the Hearing Examiner will modify Condition of Approval #23 to state, in its entirety:
- “23. Frontage improvements to Crescent Bar Road shall be completed prior to final plat approval of phase 1. Figure 3-6, Rural Minor Collector Roadway is the applicable road standard.”
- As revised, Condition of Approval #23 is consistent with the Douglas County Code.
11. The Applicant has requested a supplement be added to Condition of Approval #23. This request is denied.
12. The Applicant has requested modification of Condition of Approval #35. The subject matter of this condition was discussed in detail not only at the open record public hearing, but also in the supplemental materials submitted by the Applicant and the County Engineer. This request is denied.
13. Except for the revision of Condition of Approval #23, because the Applicant has not set forth sufficient proof or argument that the Requests for Reconsideration are based upon any of the criteria set in DCC 2.13.150(A)(1-5), the remaining requests must be denied.

Based upon the above, the Hearing Examiner decides that the Request for Reconsideration of Conditional of Approval #23 is **Granted** and that condition is modified as set forth above, and the Requests for Reconsideration by adding a supplement to Condition of Approval #23 and a Revision to Condition of Approval #35 are hereby **Denied**.

Dated this 14<sup>th</sup> day of June, 2016.

DOUGLAS COUNTY HEARING EXAMINER

  
Andrew L. Kottkamp