Pacific County
HEARINGS EXAMINER

February 20th, 2024

Bonnie Jeffs & Marie Xavier
1477 S Nighthawk Cir.
Ridgefield, WA 98642

RE: Special Use Permit, Application No. P2400032 - APPROVED
Tax Parcel ID No.: 11113322126

Dear Property Owner/Applicant:

The Pacific County Hearings Examiner acted on February 14th, 2024 hearing to approve the above referenced application. Enclosed you will find a copy of the decision that includes the Findings of Fact and Conclusions of Law. The complete case file is available for review Monday through Thursday, 7:30 a.m. - 12:00 p.m. / 1:00 p.m. – 3:00 p.m., at our Long Beach office. Please contact me to set up an appointment to ensure that we are able to assist you.

The Hearings Examiner decision is final and conclusive unless an appeal is filed in accordance with RCW 36.70C. If no appeal is filed within the 21-day appeal period, the project is allowed to proceed once all conditions are met and other permits have been obtained.

Included with this letter is an invoice for the cost of the hearing. If you have permits pending as a result of this hearing, they cannot be issued until the balance is paid. Any outstanding balance will be forwarded to collections if not paid within 30 days from the date listed above.

If you have any questions, please do not hesitate to contact me at 360-642-9382 or via email zjohnson@co.pacific.wa.us

Sincerely,

Zane Johnson
Sr. Planner
Enclosure

c: Parties of Record
Parcel File

February 15, 2024

Pacific County Hearing Examiner's Decision

Permit application: P2400032

Subject property: Parcel # 11113322126, 13925 N Street, Long Beach

Applicants: Marie Xavier and Bonnie Jeffs, owners

Hearing: February 14, 2024; 7013 Sandridge Road, Long Beach, Washington, and over the internet via a Zoom meeting.

Witness:
Zane Johnson, Senior Planner, Pacific County Department of Community Development (Henceforth, "County" and "DCD")

Documentary Evidence
DCD packet, including report, application and related documents
Email from Bob and Jennifer Larson, February 8, 2024

Summary of Application and Testimony

This is an application by Marie Xavier and Bonnie Jeffs for a special use permit to allow a short-term vacation rental use in a Rural Residential (R-R) zoning district.

Bob and Jennifer Larson wrote in wondering how this short-term vacation rental application could proceed when they were denied a similar request. Their request was denied because there was already a short-term vacation rental within 300 feet of their property. Zane Johnson testified that the short-term vacation rental that prevented the Larsons from applying had let their license lapse and so it was no longer an impediment. He said that Ms. Xavier and Ms. Jeffs were the next to apply and that DCD was 'first come, first served.'

Zane Johnson testified, repeating the request and conclusions from his report, and he offered the report, application and supplementary materials into evidence.

Marie Xavier and Bonnie Jeffs were present at the hearing but had no testimony.

Findings of Fact

The subject property is a 1,876-square-foot, three-bedroom single-family manufactured residence built and placed in 1979 on a .5-acre parcel at 13925 N Street in Long Beach. There is space on this property to park at least six vehicles. The property is behind another single-family residence to the east with an access road past that property to N Street. There are single family residences to the north, east and south and undeveloped dunes and the ocean to the west.

There are no other short-term vacation rentals within 300 feet of the subject property.

With three bedrooms the property would be limited to eight adult overnight guests.

The property has an on-site private septic system that passed an operation and maintenance inspection December 19, 2023. The house has a private approved well. The applicants stated that they would self-haul the garbage. They reported that they will manage the property themselves. They have listed Craig Cancilla as their local point of contact and he appears to live within the necessary hour's travel time distance.

Conclusions of Law

The subject property, being in a Rural Lands zoning district, requires a special use permit by Ordinance 184 §10(D)(4) for a short-term vacation rental.

Ordinance 184 §27(G) sets the criteria for granting or denying the special use permit:

> 1. [The] special use is designed in a manner which is compatible with the character and appearance of an existing, or proposed development in the vicinity of the subject property;

The owners will not change the design of the existing property for the special use. The existing property and its neighbors are single-family residential dwellings. The special use of being a short-term vacation rental is compatible with the character and appearance of its neighborhood. There was no evidence of any proposed development.

> 2. The location, size and height of buildings, structures, walls and fences, and screening vegetation for the special use shall not hinder or discourage the permitted development or use of properties in the immediate vicinity of the special use;

The applicant does not seek to change the existing structure for the special use requested. The existing structure does not hinder or discourage permitted development or use of properties in its neighborhood. There was no evidence of any proposed development in this neighborhood. This permit would preclude others within a 300 feet radius from obtaining a special use permit to operate a short-term vacation rental but this density was purposive.

> 3. The special use is designed in a manner that is compatible with the physical characteristics of the subject property;

The subject property, like its neighbors, was designed to be a single-family residence. The short-term vacation rental use is extremely similar to a long-term residential use whether by an owner/occupier or by a lessee. The use is compatible with the subject property's design and that of its neighbors.

> 4. Requested modifications to standards are limited to those which will mitigate impacts in a manner equal to or greater than the standards of this title;

The petitioners request no modifications to the standards.

> 5. The special use is such that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the adjacent area;

The subject property has off-street parking for six vehicles. The special use of a short-term vacation rental is similar to the property's use as a long-term residence. There are no sidewalks in this area. There is a public path to the beach nearby and the applicants wrote in their application that they will not impede free access to that path. There was no evidence presented of anticipated traffic nor any evidence that this property would create hazardous traffic. The subject property is behind another property and accessed either by deeded right-of-way or an easement alongside the southerly boundary of that property. There was no evidence presented concerning traffic on that driveway.

> 6. The special use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding area or conditions can be established to mitigate adverse impacts on such facilities;

There was no evidence presented that this proposed special use would require any more public facility or service than its current use or that its neighbors have. The site has a private well and septic system and it is adequately served by local utilities. The special use will have no greater burden on public facilities and services than if it remained solely a private residence.

7. The special use is not in conflict with the health and safety of the community nor detrimental to the public interest.

The proposed special use conforms with all relevant public health and safety laws and regulations.

The special use permit request is congruent with the County's Comprehensive Plan. Because there are no modifications to the improvements on the property there are no new Critical Area or Resource Land limitations.

The applicants' emergency plan is the best that has been presented to this hearings examiner in my three years of similar hearings. It should be used as a model for every other applicant. It includes practical emergency information far beyond the usual, "Call 911."

Ordinance 184 §21(N) regulates Short Term Vacation Rentals. The applicants have demonstrated with clear and convincing evidence that they have met all the required criteria and so the application is granted subject to the conditions listed below.

The County complied with the public notice requirements of Ordinances 177 and 184.

All findings of fact that are also conclusions of law shall be treated as such. All conclusions of law that are findings of fact shall be treated as such.

Conclusion

The applicants have proven by clear and convincing evidence that they have complied with all of the required criteria and so the application for a short-term vacation rental is approved subject to the following conditions:

The special use is permitted subject to the applicant complying with the plans submitted for this application. The insurance on this property shall not lapse during the period of occupancy. The applicant shall secure the required annual license.

The use shall conform in all other respects with Pacific County Ordinance 184B and all applicable state and local health, safety, and building codes. Any and all future development on this subject property requires permit approval from Pacific County.

The applicants may self-haul trash or contract with a provider but they shall not make it the responsibility of their short-term rental tenants.

The permit shall be issued to Marie Xavier and Bonnie Jeffs. It is non-transferable and does not guarantee future approval to others.

Pacific County may revoke this permit if the permittee fails to comply with the conditions listed.

The permit shall not begin and is not authorized until at least 21 days from the date of filing of this decision.

Please note that any appeal of this decision shall comply with the requirements of RCW 36.70C. The deadline for filing any appeal is both swift and definite. If you have any questions concerning this strict deadline or the appeals process, please consult an attorney.

Signed this 15th day of February, 2024.

Eric Weston, Hearings Examiner