Pacific County
HEARINGS EXAMINER

May 31st, 2024

Snow Peak Campfield
Attn: Josh Simpson
5411 Sandridge Rd.
Long Beach, WA 98631

RE: Special Use Permit, Application No. P2400358- **APPROVED**
Tax Parcel ID No.: 10112113102, 314 & 188

Dear Property Owner/Applicant:

The Pacific County Hearings Examiner acted at the May 23rd, 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 other permits have been obtained.

The enclosed invoice is a result of the hearing as determined by the Hearing Examiner. 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 360-875-9356 or via email zjohnson@co.pacific.wa.us.

Sincerely,

Zane Johnson
Planner
Enclosure

c: Parties of Record
Parcel File

May 28, 2024

Pacific County Hearing Examiner's Decision

Permit application: P2400358

Subject property: Parcel #s 10112113102, 10112113314, and 1011211188; 5411 Sandridge Road, Long Beach

Applicant: Josh Simpson on behalf of Snow Peak Campfield, owner

Hearing: May 23, 2024; 7013 Sandridge Road, Long Beach, Washington, and over the internet via a Zoom meeting.

Witnesses:

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

Alana Kambury, consultant to applicant.

Documentary Evidence

DCD packet, including report, application and related documents

Summary of Application and Testimony

This is an application by Snow Peak Campfield for a special use permit to allow it to operate a recurring market once a month in a Resort (R-3) zone.

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

Alana Kambury testified that she was consulting with Snow Field Campfield to insure that the first of the markets would be a success and that maybe their business relationship would continue. She said that among her duties was securing an agreement with the nearby Grange hall for potential over-flow parking for the event.

Findings of Fact

The subject property is a set of three parcels comprising 24.95 acres for a newly established campground. The site includes a gate house, camp store, and restroom facilities and is served by Sandridge Road, one of the major arterial streets of the Long Beach peninsula. The applicant states that the area impacted by the special use would be approximately an acre surrounding the 3,000 square-foot camp store.

The proposed market would be on the large parking lot at the front of the property and near the camp store. The area to be used would be outside any wetland or wetland buffer.

The monthly market would be open to campground guests and the general public. The applicant foresees five to twenty vendors potentially selling food, beverages, and artwork, and performing live music. The application requests that the market run from 5:00 p.m. to 9:00 p.m. on the first Thursday of each month. Guests would park in the existing parking lot, however they have arranged with the Long Beach Grange for overflow parking. This additional lot is approximately 650 feet from the event. The event would be served with an additional two portable bathrooms in addition to the campground's facilities.

The neighborhood is a mix of residences, agricultural land, and undeveloped land.

Conclusions of Law

Ordinance 194 §21(S) states that:

> Temporary events including, but not limited to, art, antiques, automobile and animal shows, carnivals, concerts, seafood events, food festivals, kite festivals, etc., are allowed in all land use districts provided the specific event does not last longer than seven (7) consecutive days and the event promoters comply with all other applicable regulations and permits as required by Pacific County or any other applicable jurisdiction, and the event has been an active and on-going event during the calendar year preceding the adoption of this Ordinance. New temporary events, not in existence in the calendar year prior to the adoption date of this Ordinance, are required to be reviewed and permitted as a Special Use Permit through the Type II process enumerated in Pacific County Ordinance 177.

Ordinance 194 §27(G) sets the criteria for special use permit, saying that it shall be denied "unless the applicant demonstrates with clear and convincing evidence that the proposed special use conforms to all criteria set forth below:

> 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 character and appearance of the existing development in the vicinity of the subject property is a mix of residential and agricultural uses along with undeveloped property. The subject property itself is a campground with supporting development of store, bathroom, and parking. A monthly market – with vendors, attendees and their vehicles – would not be incompatible with the development surrounding the

subject property. There was no evidence of proposed development in the vicinity of the subject property.

> 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 structures of the proposed market would be temporary tents, tables, and display racks. None of this would hinder or discourage permitted development or use of properties in the immediate vicinity of the proposed special use.

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

The subject property has a large parking lot adjacent to its campground, camp store, and bathroom facilities. The proposed market would be located on the parking lot and pavement and surround the store. The application states that the market will have a range of from five to twenty vendors. The acre of space available for the market would be adequate. The special use is designed in a manner that is compatible with the physical characteristics of the subject property.

> 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 proposed market would occur on the other side of a parking lot from Sandridge Road, a major arterial for the area. The applicant has secured an agreement with the Long Beach Grange for overflow parking and has suggested using a shuttle bus to transport customers from this offsite parking to the event. There are no sidewalks in the area adjacent to Sandridge Road. Pedestrian traffic would potentially be hazardous along Sandridge Road, particularly after dark without supplemental lighting or reflective clothing. The applicant will have to assess its own potential liability to invitees.

> 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 is no forecast as to the potential number of guests that will be attracted to these events and no ratio of guest to toilet. The applicant states that they will provide two additional portable toilets. The manager of this event will have to make the cost/benefit decision as to when and if more toilet and hand washing facilities are needed. The campground will be responsible for trash hauling out of its own facility.

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

The applicant stated that they would end the event at 9:00 p.m. and prohibit public music performances after that time. There was no evidence as to whether the public music performance would be amplified. If the music were amplified, it should not be perceivable beyond the subject property. Any food served would have to be subject to Pacific County health ordinances.

This market has the potential to grow beyond the physical limitations of the subject property. While an acre and six bathrooms can support 20 or even 30 vendors and their clientele, it probably could not support 100. There is no analysis presented of the scalability of this event, but some upward limit should be made to prevent growth beyond safe limits. Thus, the permit will be allowed for no more than 30 vendors (50 percent above the application). Should the market exceed current expectations, the owner can reapply for a greater limit.

Also, the application is needlessly specific in naming the first Thursday of the month. Perhaps a different time each month would work out better. The application is needlessly specific about the start time of the market. However, the end time of 9:00 p.m. helps assure public safety and the public interest in avoiding nuisance noise at night.

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 applicant has 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 194.

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 applicant has proven by clear and convincing evidence that it has complied with all of the required criteria and so the application for a special use permit allowing a monthly market is approved subject to the following conditions:

The use shall conform in all other respects with Pacific County Ordinance 194 and all applicable state and local health and safety codes, including Public Nuisance Ordinance #9.

Fire lanes shall be left open on the existing access road to allow for emergency vehicle access.

The applicant may elect to have this market on any one single day of the calendar month and need not have it on the first Thursday. The market may begin as early as 10:00 a.m. but shall not continue after 9:00 p.m. All sales and performance must end by 9:00 p.m. If there is amplification of music, it shall not be perceivable at residences in the vicinity. The market shall have no more than 30 vendors at any single event. A vendor shall be defined as a single booth, table, or entity offering goods, services or information, so that more than one person but no more than five can vend from a single entity simultaneously.

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 28th day of May, 2024.

Eric Weston, Hearings Examiner