Pacific County
HEARINGS EXAMINER

May 31st, 2024

Lori Wirkkala
P.O. Box 205
Chinook, WA 98614

Yanet Altamirano Reyes
P.O. Box 2
Chinook, WA 98614

RE: Special Use Permit, Application No. P2400334- **APPROVED**
Tax Parcel ID No.: 73002007000

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: P2400334

Subject property: Parcel # 73002007000, 707 State Route 101, Chinook

Applicant: Yanet Altamirano-Reyes, owner Lori Wirkkala

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")

Rocio Simmons, advisor to applicant.

Documentary Evidence

DCD packet, including report, application and related documents

Summary of Application and Testimony

This is an application by Yanet Altamirano-Reyes for a special use permit to allow a her to operate a mobile food truck on the property of Lori Wirkkala in a Mixed Use (M-U) zoning district.

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

Rocio Simmons testified that she was an advisor to Ms. Altamirano to help her navigate the process of applying. She said that it had taken Ms. Altamirano a long time to work through the application process but that she was diligent and had done everything required and expected of her.

Ms. Simmons also acted as an informal Spanish/English translator for Ms. Altamirano. This hearing examiner inquired of Ms. Altamirano if she would prefer that we postpone the hearing so that we could obtain a certified interpreter but she said through the interpreter, and gestured, that she wished to proceed. Ms. Altamirano had no testimony of her own other than asking that the permit be granted.

Ms. Wirkkala was present but did not testify.

Findings of Fact

The subject property is a 1.65 acre parcel located at 707 State Route 101 in Chinook, Washington. It is being used as a contractor storage yard and has a large commercial building, a residence, and two mobile/manufactured homes sited on the property. There is a loop driveway from State Route 101 to Macy Lane. The site is flat with little vegetation.

The property is bounded on the northeast by the highway and on the southeast by Macy Lane. Across the highway is an RV park. To the northwest is a mini-storage facility and a few residences. Farther to the northwest is land owned by the Port of Chinook that contains an espresso stand. In the immediate area are another mini-storage facility, residences, and vacant lots.

The proposed site for the mobile food truck is more than 200 feet away from the Columbia River OHWM and so places this outside Shoreline Master Plan jurisdiction.

The proposed mobile food unit is 8' x 25', or 200 square feet. There was no evidence as to whether this would be in a truck or trailer, but this is irrelevant. It will be placed near the residence at the northwest side of the property, on gravel. It has an available hook-up for water with Chinook Water. The applicant proposes to collect waste water in a holding tank that can be dumped at an approved location. The property owner has agreed to allow employees to use a bathroom in the property's residence.

The Pacific County Board of Health will also routinely inspect this mobile food unit for compliance with Health regulations.

Conclusions of Law

The subject property, being in a Mixed Use zoning district, requires a special use permit by Ordinance 194 §15(D)(3) for a service or retail establishment of less than 2,500 square feet.

Ordinance 194 §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 character of the existing development in the vicinity of the property is similar to other Mixed Use zones. There are residences, construction storage, mini-storage units, an RV park and a coffee stand. A mobile food unit off the highway is

compatible with the character and appearance of the 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 structures on the subject property for the special use requested. Adding a mobile food unit to the property would not hinder or discourage permitted development or use of properties in its neighborhood. There was no evidence of any proposed development in this neighborhood. There is sufficient space on the subject property for this mobile unit to meet set-back requirements. There is sufficient space for required on-site parking.

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

The subject property is a large lot with a variety of uses. Adding a food truck or trailer to the lot will not impinge on the space required for the other uses. The residence will retain its required two available parking spaces. There is sufficient parking for an additional two parking spots for use by the food truck. The property is flat and graveled. The use is compatible with the subject property's physical characteristics.

> 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 mobile food unit would be between the highway and the residence. There was no evidence concerning the speed limit along this stretch of highway. Presumably there would be no greater risk to vehicular traffic for this use as opposed to any other permitted use on this property. The subject property has off-street parking for at least two vehicles associated with the food truck. Though there is access to Macy Lane to the southeast, it would be unlikely that any customer of the food truck would use that exit. The vehicular traffic would not be hazardous with existing traffic, but the individual customer drivers may be. There is apparently no sidewalk along the highway or adjacent roadway. It is unlikely to draw a large

amount of pedestrian clientele. There was no evidence presented of anticipated traffic nor any evidence that this property would create hazardous traffic.

> 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 are adequate public services and facilities for this special use. Water is available from Chinook Water. The holding tank can be dumped at an approved location. There will be a bathroom agreement for service personnel for use of the residence's facilities. There was no evidence presented, however, that the existing septic facilities of the residence are up to County standards. The property's proximity to the river makes it unlikely that it has its own septic system. There is trash hauling services available.

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

The special use would not be in conflict with the health and safety of the community. It will be subject to closer review by the Board of Health to insure compliance with all food service regulations. The special use is not detrimental to the public interest. There was no public interest shown in the hearing. The neighborhood may need a commercial food service available.

The application did not include written proof of the bathroom agreement with the property owner nor proof of any other lease agreement (whether month-to-month or a commercial lease beyond) for use of the space. Proof of these agreements should be presented to DCD before granting of the special use permit. Because the property owner Ms. Wirkkala attended the hearing, we can assume that she is knowledgeable at least of the application.

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 she has complied with all of the required criteria and so the application for a special use permit allowing her to operate a mobile food establishment smaller than 2,500 square feet 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 use shall conform in all other respects with Pacific County Ordinance 194 and all applicable state and local health and safety codes.

The applicant shall obtain a Pacific County Food and Beverage License before opening the establishment.

The wastewater disposal site shall be approved by Pacific County prior to issuing a Food and Beverage License.

The required parking positions shall be clearly demarcated and identified before the commencement of business.

The applicant shall provide a copy of the lease agreement between the owner of the property and the applicant demonstrating that the employees have access to bathroom facilities that comply with County standards. The applicant may redact personal and financial information from that copy of the lease agreement.

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