Pacific County
HEARINGS EXAMINER

July 8th, 2024

Edward & Carla Shearn
705 State Route 4
Naselle, WA 98638

RE: Conditional Use, Application No. P24-00233 - APPROVED
Tax Parcel ID No.: 10090432012

Dear Property Owner/Applicant:

The Pacific County Hearings Examiner acted at the June 20th,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 South Bend 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 360-642-9382 or via email zjohnson@co.pacific.wa.us.

Sincerely,

Zane Johnson
Planner
Enclosure

c: Parties of Record
Parcel File

July 3, 2024

Pacific County Hearing Examiner's Decision

Permit application: P2400233

Subject property: Parcel # 10090432012; 715 State Route 4, Naselle

Applicants: Edward and Carla Shearn, owners

Hearing: June 20, 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")

Physical Evidence

DCD staff report, including application and related documents.

Summary of Application and Testimony

This is an application by Edward and Carla Shearn for a conditional use permit to allow them to construct a 2,100 square-foot single-family residence in a Community Commercial (C-C) Zoning District of Pacific County.

Zane Johnson's testimony repeated the request and his recommendation. He adopted his written report and supplemental materials and entered them into the record.

Findings of Fact

Edward and Carla Shearn seek to construct a three-bedroom, two-bath single-family residence of approximately 2,100 square feet on parcel 10090432012 with the street address of 715 State Route 4 in Naselle. This proposed construction is within a Community Commercial (C-C) Zoning District of Pacific County. The .9-acre building site is in unincorporated Pacific County. The Naselle Water Company would provide water. The applicants have also applied for a permit for an on-site septic system. State Route 4 borders the property to the south. There are two residences to the west of the site, several other residences across the highway to the south, and three other residences to the east on the other side of two undeveloped parcels.

The site is mostly a flat, maintained lawn. There is a fish-bearing stream and two Category III wetlands adjacent to the property. DCD addressed the Critical Areas and Resource Lands impacts administratively and are not subject to this review. The property has been used for storage and there was formerly a commercial plant nursery there.

Conclusions of Law

This hearing examiner has jurisdiction over the petition. Pacific County Ordinance 177 §3.4 sets applications for Ordinance 162 Zoning conditional use permits as a Type III process. The Department of Community Development properly distributed, published and posted notice of this hearing.

These parcels are within the Community Commercial (CC) Zoning District. Ordinance 194 § 16.E.3 states that among the available conditional uses in the Community Commercial Zone is the potential for "One single-family residential dwelling per lot of record that meets the applicable standards in either Subsection 21.D, Residential housing Standards, or Subsection 21.E, Mobile/Manufactured Housing Standards." Subsection 21.D states, "All proposed residential structures shall contain not less than four hundred ten (410) square feet of living area. Living area excludes garages, carports, decks, porches, etc." The proposed residence is larger than 410 square feet.

Ordinance 184 §27.E states, "A conditional use permit shall be denied by the Hearing Examiner unless the applicant demonstrates with clear and convincing evidence that the proposed conditional use conforms to all of the criteria set forth below:"

> 1. A conditional 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 proposed conditional use will be compatible with the character and appearance of the existing development in the neighborhood. The proposed residence would be similar to the residences in this neighborhood. There was no evidence of any proposed development that would be incompatible.

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

The location, size and height of the proposed residence will not obstruct any of the neighboring uses or discourage development. The proposed size exceeds the minimum requirement of 410 square feet. The proposed house will be shorter than

35 feet from the surrounding grade and this would not hinder or discourage permitted development or use of properties in the immediate vicinity. There was no evidence to suggest that the additional use of public utilities and rights of way would deter others.

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

The subject parcel is similar to its neighbors. The proposed residence would also be similar to its neighbors. The submitted modest design plan (a floor plan and a simple site plan) appears to be compatible with the physical characteristics of the subject property. County ordinances including the building code would limit the residence to being physically compatible with the site.

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 have requested no modifications.

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

State Route 4 is busy with vehicular traffic. Having a residence would not significantly increase or conflict with existing and anticipated traffic in the area. There is no evidence that the residence's associated traffic would be hazardous in any way. There appear to be no sidewalks in the area.

6. The conditional 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;

The building site has public water, electricity, and garbage hauling services available. The infrastructure already supports neighboring single-family residences. There is no evidence that this additional residence would overburden any public service. There will be an on-site septic system designed for a three-bedroom house that will need to be approved by the county for permits to be issued.

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

There is no evidence of any aspect of this conditional use that would conflict with the health and safety of the community or in any way would be detrimental to the

public interest. Despite wide-spread notification of this application in the community, there was no interest displayed.

The subject property is not within the jurisdiction of the Shoreline Master Program. The proposed use is exempt from SEPA. The property's use as a single family residence is congruent with it's Comprehensive Plan Designation of Rural Activity Center.

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, cogent and convincing evidence that they have complied with the criteria established by Ordinance 194. The application for a conditional use permit to allow the construction of a single-family residence and garage is approved subject to the following conditions:

No construction shall begin prior to receiving all necessary permits.

The development shall comply with all applicable local, state, and federal laws.

Any and all future development on the subject property requires permit approval from Pacific County.

Pacific County may revoke this permit if 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 as defined in RCW 90.58.140(6) and WAC 173-24-130, as amended, or until all review proceedings initiated within 21 days from the date of such filings have been terminated, except as provided in RCW 90.58.140(5)(c) and (d).

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 3rd day of July, 2024.

Eric Weston, Hearings Examiner