Pacific County
HEARINGS EXAMINER

August 12th, 2024

Laura Garifalakis
16825 S Bradley Rd.
Oregon City, OR 97045

RE: Special Use Permit, Application No. P2400454 - APPROVED
Tax Parcel ID No.: 74078002001

Dear Property Owner/Applicant:

The Pacific County Hearings Examiner acted at the July 29th, 2024 hearing to approve the above referenced application with conditions. 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

RECEIVED
AUG 8 2026
DEPT. OF COMMUNITY DEVELOPMENT
PACIFIC COUNTY, SOUTH BEND, WA

August 8, 2024

Pacific County Hearing Examiner's Decision

Permit application: P2400454

Subject property: Parcel # 74078002001; 1509 188th Place, Long Beach

Applicant: Laura Garifalakis on behalf of LG Investments LLC

Hearing: July 29, 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")
Laura Garifalakis, applicant/owner
Kaapi Corsi, neighbor
Bentina Scales, neighbor
Susan Metz, neighbor
Michael Ruzic, Pacific County resident
Ryan Campbell, property manager

Documentary Evidence

DCD packet, including report, application and related documents
Letter from Bentena Scales and Ben Saclo, signed July 15, filed July 17, 2024
Letter from Shelley Byers, signed July 19, filed July 24, 2024
Letter from Kaapi Corsi, signed July 21, filed July 25, 2024
Letter from Scott Corsi, signed July 18, 2024 – no filing stamp

Summary of Application and Testimony

This is an application by Laura Garifalakis for a special use permit to allow a short-term vacation rental use in a Rural Residential (R-R) zoning district.

Bentena Scales, Ben Saclo, Shelley Byers, Kaapi Corsi, and Scott Corsi wrote to oppose the application. They submitted identical letters, with the exception that Kaapi Corsi added some information. Their letter stated that they were home owners on 188th Place in Long Beach and that they objected to the application for the following four reasons:

1) The neighborhood of retirees and "working people" is quiet and they want to keep it quiet.

2) The subject property is located on a corner of the main highway and when it is empty it "has the potential of break-ins and vagrants."
3) The subject property has no off-street property other than its front lawn.
4) The peninsula needs affordable long-term rental properties such as this property has been.

Ms Corsi added that their neighborhood is zoned Rural Residential and that having "transient strangers coming and going would change the neighborhood detrimentally and is wholly unwelcome."

Zane Johnson testified, stating the request and his conclusions. He offered his report and appended documents into evidence.

Ms. Garifalakis testified that she and her husband bought this house to spend a week or weekend a month on the beach. She said that they had remodeled the inside and were considering fencing or shrubs to give the property privacy. She said that she had read the letters in opposition to her application. She said that she had the impression that there were only three houses with full-time residents on the street. She said that she wanted to be good neighbors and that in her time there she had noticed no problems with street noise. She said that she knew that the police were overworked and that is why neighbors need to watch out over each other.

Ms. Corsi had a question concerning how the 300 foot limit between short-term vacation rental properties was defined. Mr. Johnson answered the question, apparently to her satisfaction. She said that she had moved there for the quality of life and enjoyed what they had in the neighborhood. She said that having a short-term vacation rental in the neighborhood would adversely affect that quality of life. She said that people that she did not know would not respect the rural quiet of the area. She said that the visiting friends and families of the neighborhood's residents knew of and respected their quality of life.

Bentina Scales testified that there were more than three full-time residents in the neighborhood and listed them. She said that the neighborhood was comprised of retirees and working people. She said that she was concerned that an owner who lived so far away and who visited only a week out of the month would be incapable of tending the property. She said that they already had to be careful on their property to keep things locked up because there were so many transient homeless people around. She said that there had been squatters living in the area in the past. She expressed concern that there was insufficient off-street parking – that the applicant had only a front yard in which to park.

Ms. Scales asked who enforced the conditions? Did the County enforce the conditions? Does the County get the tax money on rentals?

Mr. Johnson answered the question concerning County enforcement of the zoning code. This hearings examiner explained that the property owner paid property

taxes similarly to other property owners, that there was a sales tax collected on the rental income, and that about a third of the total sales tax collected by the County was from out-of-county residents. I said that I didn't know whether the County collected the same extra tax on short-term vacation rentals as they did on hotel/ motel rentals that the County used to fund mental health services.

Ms. Scales asked whether the County required fencing on short-term vacation rentals in order to corral the pets of short-term vacation rental tenants. Mr. Johnson replied that there was no requirement, but that a hearings examiner could potentially make that a requirement for a particular permit. He said that there was a gravel pad on the property with sufficient parking for three vehicles.

Susan Metz asked the applicant where she resided. Ms. Garifalakis said, "Oregon City." Ms. Metz asked her how she would screen potential customers. Ms. Garifalakis replied that it would be the property manager, Vacasa, who would do the screening. She said that this manager was based in Astoria and staffed by local people. She said that she would have a local company do lawn care.

Ms. Metz said that there was no place on the street to park an RV or a trailer and asked if there would be signage. Ms. Garifalakis said that she had submitted an application to the County that correctly listed that there was space to park three vehicles on gravel off the street. She said that there would be a small sign. She said that she had parked her horse trailer on the property without problems. Ms. Metz asked if Ms. Garifalakis would be boarding horses on the property and Ms. Garifalakis said no. Ms. Garifalakis said that there had been a handyman living on the property while working along with his two kids and their trailer and there was no parking problem. She said that she herself has four kids who are all adults and that they would be using the property, too,

Ms. Scales said that she did not want horse feces left on the streets of their neighborhood. Ms. Garifalakis said that it was part of being a responsible animal owner, whether horse or dog, to pick up its feces and she did so.

Ms. Corsi again said that this neighborhood had a good quality of life and that having a short-term vacation rental there would be bad for the quality of life. She said that the Peninsula needed affordable long-term rentals, not this.

This hearings examiner asked exactly how far away was the local point of contact as that person was listed as living in Seaside, Oregon. Mr. Johnson testified that Google Maps listed the distance as being one hour and four minutes away.

Michael Ruzic testified that, just as he had testified in an earlier hearing that day, everyone opposes short-term vacation rentals with the same point – the bad behavior of the tenants. He asked if there would be any requirements against pets and Mr. Johnson said that this is not a County condition. Mr. Ruzic said that it was unfair that the neighbors would have to deal with the consequences of the tenants'

bad behavior and that the neighbors would have to monitor whether the tenants complied with the law.

Ms. Scales said that Seaside, Oregon, was more than an hour away and that it was the applicant's burden to prove that it was within an hour.

Ryan Campbell, a representative of Vacasa property management, testified that the local point of contact was given as the home address of the person who would be working that role. He said that she normally works in Astoria and that she would be within an hour of the subject property. He said that she would frequently be much closer than one hour when she worked her day job. He said that their goal was to be a great neighbor and to be there and be present.

Ms. Garifalakis concluded that she wanted a beach house but that she didn't want it to be empty most of the time. She said that she wished she could be there full-time but that she just could not at this time. She said that there had been long-term tenants in the place but that they had not taken care of the property. She said that she would keep this property in good condition to protect her investment. She said that she wanted this place as her second home and that she wanted to be a good neighbor. She said that she looked forward to meeting all her new neighbors. She said that there is homelessness everywhere.

Findings of Fact

The subject property is a two-bedroom single-family residence built in 1968 on a .26-acre double lot parcel at 188th Place near Long Beach. There is space on this property to park at least three vehicles. The flat lot has minimal lawn and some trees shielding it from its neighbors. The neighborhood has single-family residences surrounding it on the north, west and south, and a large area of undeveloped land to the east across State Highway 103.

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

With two bedrooms the property would be limited to six adult overnight guests.

The property has an on-site private septic system that passed an operation and maintenance inspection on July 13, 2023. The house has a private well. The applicant intends to contract with Vacasa to manage the property, with a local property manager Kristal Bowcutt on call. Ms. Bowcutt listed a "residing site address" in Seaside, Oregon. That address is outside the required maximum of one hour distance from the subject property.

The property is on the corner of 188th Place and State Highway 103 with a private driveway to 188th. SR 103 is one of two arterial north-south roads to the Long Beach Peninsula.

Conclusions of Law

The subject property, being in a Rural Residential zoning district, requires a special use permit by Ordinance 194 §11(D)(3) for a short-term vacation rental.

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 owner will not change the design of the existing property for the special use. The existing property and its neighbors are single-family residential dwellings or undeveloped land. 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.

> 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. While some neighbors expressed a desire that the property owner install a fence, there was no evidence of an actual need for such a fence. The concern was anticipatory and general, rather than based on specific facts in evidence.

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 three 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 was no evidence presented of anticipated traffic. The corner lot has immediate access to the Peninsula's primary highway, and that can support any traffic associated with this property as a short-term vacation rental.

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, a certified septic system, and adequate service by local utilities. The special use will have no greater burden on public facilities and services than if it remained solely a private residence or a long-term rental.

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.

There was significant public opposition to this request. However, most of the opposition was to placing short-term rentals in a residential neighborhood, rather than particular issues with this request. The Pacific County Commissioners, the county's legislative and executive body, have made the decision that short-term rentals could be placed in a Rural Residential zone so long as they remained at least 300 feet apart and could otherwise prove by clear and convincing evidence that the application met the requirements of Ordinance 194 §27(G) as discussed above.

"Public interest" is not a vote of the neighborhood, but a vote of the county as reflected in the decisions of the County Commissioners. All of the neighbors' concerns are about short-term vacation rentals in general – strangers, noise, garbage, unruly pets – rather than any evidence concerning this application in particular. Thus the County Commissioners have already ruled on those issues.

Ordinance 194 §21(N)(16) states,

> The vacation rental shall be operated in a way that will prevent disturbances to neighboring properties not typical of a residential neighborhood, including but not limited to, loud music, loud noises, excessive traffic, loud and uncontrolled parties, junk/debris/garbage accumulation in the yards, trespassing, barking dogs, or excess vehicles, boats or recreational vehicles parked in the streets in front of the unit;

The ordinance contemplates all the anticipatory complaints lodged against this particular application.

The neighbors who testified against the application had issues that all could happen, anticipatory. There was no evidence that it would happen.

There are few things worse in life than a bad neighbor. The witnesses testified to their concerns that a string of strangers could adversely affect their quality of life. Unlike long-term rentals (month-to-month and greater) or owner-occupied properties, short-term vacation rentals have greater restrictions over occupant behavior.

Ordinance 194 §21(N) states:

22. Complaints. All complaints shall proceed as follows:
    a. The complaining party shall first attempt to communicate with the local contact person designated on the permit and property management plan, describe the problem and leave a contact phone number for call back information;
    b. The contact person shall respond promptly to the complaint, regardless of time of day and make reasonable efforts to remedy any situation that is out of compliance with the Section, and;
    c. If the response is not satisfactory to the complaining party, then the complaining party may next provide a written complaint to the Pacific County Community Development Director, which complaint shall identify and be signed by the complaining party. The complaint shall include a description of the informal attempts to resolve the complaint. A copy of the written complaint shall be provided to the owner and contact person by the County. The Director of Community Development shall attempt to resolve the complaint. If so required, the owner of local contact person shall provide a written response to the complaint with the anticipated corrective action within ten (10) days. A copy of the complaint will be filed with the vacation rental license file.

23. Compliance and Revocation
    a. Owners of vacation rentals shall obey all applicable Laws and Ordinances of the County and shall be subject to permit revocation procedures and appeals processes outlined in this Section and in Pacific County Ordinance 177, or any amendments thereto;
    b. If there have been three (3) or more authenticated violations of this Ordinance related to the same vacation rental within one (1) calendar year, or if there have been three (3) or more authenticated violations of other

County Ordinances related to the same vacation rental within one (1) calendar year, the Administrator shall revoke the vacation rental license and underlying vacation rental permit, and the property owner shall be prohibited from obtaining a new vacation rental permit & license for at least one (1) year from the revocation;

c. The property owner may appeal the revocation of the vacation rental license & permit pursuant to the appeals procedures outlined in Pacific County Ordinance No. 177, or any amendments thereto; and

d. Nothing in this subsection precludes Pacific County from proceeding with formal enforcement action against a property owner and/or occupant for violations of this Ordinance as authorized under Pacific County Ordinance No, 165, or any amendments thereto, or for violations to Board of Health Ordinance No. 2 (Solid Waste/Littering), or any amendments thereto, or Board of Health Ordinance No. 4 (Nuisance), or any amendments thereto.

If short-term vacation rentals don't comply, they can lose their license. You have no similar mechanism against bad long-term rental neighbors. Losing their license would create a significant economic problem to the applicant.

I would state in this decision the telephone numbers for the local point of contact for the management of this permit, but as discussed below, the proposed person cannot serve that role because she is too far out of the area. The telephone number for the Pacific County's Department of Community Development, the organization that monitors compliance with the terms of this permit, is (360) 642-9382. They can provide the telephone number of the local point of contact property manager. The Pacific County Sheriff's Office non-emergency number is (360) 875-9395.

The Washington State Legislature limits the County's taxing authority and thus limits the amount of income that the County has for its expenses. The County has to decide where to allocate those resources. It enforces its nuisance and short-term vacation rental ordinances based on citizen complaints. The County does not have the resources to hire a code enforcement officer to look for violations unless it took money out of a different use. (Unlike health code regulations for restaurants, where food poisoning could kill someone.) If people believe that money would be better spent on nuisance enforcement, they should petition their county legislature, the County Commissioners.

The local point of contact does not live within the one-hour distance limit to the subject property. To secure the special use permit the applicant shall provide to DCD a local point of contact property management person within the hour limit, as defined by Google Maps. This is an imperfect solution because the 'one hour limit' is an ambiguous term. One hour under the best of conditions? One hour under the worst of conditions? The applicant would do well to find someone well within that limit because the neighbors have essential told her that her special use will be under their microscope until her behavior proves their fears baseless.

The special use permit request is congruent with the County's Comprehensive Plan and there are no Critical Area or Resource Land limitations.

The applicant should consider including in the emergency plan safety procedures for an earthquake or tsunami. While the risk of an earthquake and tsunami are extremely low, the magnitude of the danger is extremely high.

The applicant should also consider including directions to the nearest hospital and warnings about the dangers of swimming in the surf.

The County complied with the public notice requirements of Ordinances 177 and 194.

Ordinance 194 §21(N) regulates Short Term Vacation Rentals. The applicant has demonstrated with clear and convincing evidence that she has met all the required criteria with the exception of the local point of contact and so the application is granted subject to the conditions listed below.

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, with the exception of the local point of contact, and so the application for a short-term vacation rental is approved subject to the following conditions:

The applicant shall provide to DCD a local point of contact to manage the property who resides within one hour of the subject property prior to the issuance of the permit

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 194 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 permit shall be issued to LG Investments LLC. 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 8th day of August, 2024

Eric Weston, Hearings Examiner