Pacific County
HEARINGS EXAMINER

September 26th, 2024

Heather Hamilton
471 South Fork Rd.
Raymond, WA 98577

RE: Special Use Permit, Application No. P2400562 - APPROVED
Tax Parcel ID No.: 13080883063

Dear Property Owner/Applicant:

The Pacific County Hearings Examiner acted at the September 18th, 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 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

September 25, 2024

Pacific County Hearing Examiner's Decision

Permit application: P2400562

Subject property: Parcel # 13080883063; 463 South Fork Road, Raymond.

Applicant: Heather Hamilton, applicant, on behalf of Autumn Hamilton, owner.

Hearing: September 18, 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

Summary of Application and Testimony

This is an application by Heather Hamilton on behalf of Autumn Hamilton for a special use permit to allow a short-term vacation rental use in a Rural Lands (R-L) zoning district.

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

Findings of Fact

The subject property is a 976-square-foot, single-bedroom single-family residence on a 4.1-acre parcel at 463 South Fork Road south of Raymond. There is space on this property to park at least two vehicles on the private drive off South Fork Road. The property is rolling, forested and adjacent to the South Fork of the Willapa River. It is in a neighborhood of single-family residences and forest land. The property has an existing driveway to South Fork Road and there are no sidewalks in this neighborhood.

With one bedroom the property would be limited to four adult overnight guests.

The property has an approved private well and a septic system that was approved by the County in August, 2023. The owner will have the applicant managing the

property and be the local point of contact. Heather Hamilton lives well within an hour's drive of the property.

Conclusions of Law

The subject property, being in a General Residential zoning district, requires a special use permit by Ordinance 194 §13(D)(4) 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 and 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' properties, 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 at least two 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. This is a rural forested area. There was no evidence presented of anticipated 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 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 an approved well and septic system and has 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.

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 and there are no Critical Area or Resource Land limitations.

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 he has met all the required criteria 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 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 applicant shall provide DCD with the land-line telephone number for this property.

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 approval from Pacific County.

The permit shall be issued to Autumn Hamilton. 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 25th day of September, 2024

Eric Weston, Hearings Examiner