

San Juan County Code (SJCC) 18.40.275

# Vacation Rental Regulations Public Hearing

San Juan County Planning Commission

October 15, 2021

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Department of Community Development

# Purpose

To hold a public hearing on a draft:

**ORDINANCE ESTABLISHING A CAP ON PERMITS FOR VACATION RENTAL OF RESIDENCES OR ACCESSORY DWELLING UNITS (ADUS); AMENDING SAN JUAN COUNTY CODE (SJCC) 18.40.275**

After taking public testimony, the Planning Commission will deliberate on the proposal and make findings and recommendations regarding its adoption to County Council.

# Process

1. Staff briefing on the proposed Ordinance;
2. Public Testimony on proposed Ordinance; and
3. Planning Commission deliberations:
  - A. **Recommendation**: whether to recommend adoption of the cap as proposed or amended;
  - B. **Findings**: explanation of the reasoning behind the recommendation.

# Background

- ▶ County Council provided guidance in June for the Planning Commission regarding a possible cap:
  - The caps should be county-wide and by island.
  - They should be fixed number rather than floating.
  - The cap on Orcas Island should be 500 permits, which is about the total number that exist today.
  - Consider a cap on San Juan Island closer to 500 (similar to Orcas).
  - Consider a cap on Lopez Island that is more than current number (130) but not as many as San Juan and Orcas Island.
  - Move forward to consider vacation rental permit caps before considering other regulations that may take more time to complete.

# Background

- ▶ The Planning Commission considered the cap at their meetings on July 16, August 20, and September 17, 2021. They recommended the following cap numbers:

The Planning Commission recommends that the County Council sets the limit on vacation rentals at 650 permits which were compliant as of July 31, 2021.

229 for San Juan Island

334 for Orcas

85 for Lopez

2 for Other Islands

# Background

- ▶ A State Environmental Policy Act (SEPA) determination of Nonsignificance (DNS) was issued September 29, 2021;
- ▶ The SEPA Comment period was 14 days, September 29 through October 13;
- ▶ The SEPA determination was published to the SEPA register, assigned register number 202105252;
- ▶ Notice of the proposed amendment was sent to the WA State Department of Commerce on September 28, 2021; and
- ▶ The proposal was assigned Commerce file number 2021-S-3188.

# Draft Ordinance

- ▶ Draft ordinance shows the changes to SJCC 18.40.275 that would implement the Planning Commission proposed cap
- ▶ Amends SJCC 18.40.275(L) to be consistent with the proposed amendments
- ▶ Creates new subsections SJCC 18.40.275(N) and (O)

# Ordinance Section 1: Amend SJCC 18.40.275(L)

Amend SJCC 18.40.275(L):

L. The owners of vacation rental permits vested or approved prior to the effective date of ~~the Ordinance 02-2018 codified in this section~~ are required to comply with all subsections of this section except subsections (B), (F) and (J) of this section by December 31, 2018, in addition to the conditions of their permit.

Sets the requirements for certifying compliance. Permits that existed prior to Ord. 02-2018 are vested to previous regulations related to parking, number of guests allowed, and permit expiration.

## Ordinance Section 1: Establish a new SJCC 18.40.275(N) and (O)

N. The number of vacation rental permits countywide outside of the Master Planned Resort (MPR) designation shall not exceed a total of six-hundred and fifty (650). Vacation rental permits shall be issued by lottery procedures established by the administrator and approved by the County Council.

O. The number of vacation rental permits shall not exceed the following caps:

1. Three-hundred and thirty-four (334) on Orcas Island;
2. Two-hundred and twenty-nine (229) on San Juan Island;
3. Eighty-five (85) on Lopez Island;
4. Vacation rentals are prohibited on Shaw Island by SJCC 16.45.180(C);
5. Vacation rentals are prohibited on Waldron Island by SJCC 16.36.060(G); and
6. Two (2) on all other islands.

# Findings and Recommendations

- ▶ The Planning Commission proposed draft findings at the September 17 meeting;
- ▶ The draft findings were included with the October 1, 2021, staff report; and
- ▶ After taking testimony, the Planning Commission can amend the draft findings as they see fit.

## Next Steps

- ▶ Planning Commission findings and recommendations will be provided to the County Council;
- ▶ County Council has at least three touches on the draft ordinance; and
- ▶ County Council holds a public hearing on the proposed ordinance prior to adoption.

# Public Comments

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# Questions?

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