

**SAN JUAN COUNTY
HEARING EXAMINER**

FINDINGS, CONCLUSIONS AND DECISION

Applicants: David and Jean Byers
3247 Bursell Rd.
Central Point, WA 97502

File No: HE55-08 (08CU018)

Request: Conditional Use Permit for vacation rental
S.J.C. COMMUNITY

Parcel No: 351156020

Location: 7 Tuesday Way, off University Way
San Juan Island
DEC 12 2008
DEVELOPMENT & PLANNING

Summary of Proposal: An application for a conditional use permit to allow vacation rental of a two bedroom single family residence.

Land Use Designation: Rural Residential 5

Public Hearing: After reviewing the report of the Community Development and Planning Department a public hearing was held on December 5, 2008.

Applicable Policies and Regulations: SJCC 18.40.270 Vacation Rentals

Decision: The application is approved subject to conditions.

Findings of Fact

1. This is a request for vacation rental of a two bedroom, single family residence located in the Hillview Terrace neighborhood of San Juan Island.
2. There is no accessory dwelling unit and no guesthouse.
3. The two bedrooms will accommodate a maximum of six guests.
4. There are at least three parking spaces available.
5. No outdoor advertising signs are proposed. No food service is proposed.
6. Existing septic and water service will adequately serve the proposed use. Water service is provided by the Town of Friday Harbor which had no comment on the request.
7. A business license will be obtained and sales tax will be collected.
8. Notice of application and hearing was published November 12, 2008. Mailing and site posting occurred on November 14, 2008. A public hearing was held on December 3, 2008, the record remained open until close of business on that date.
9. The staff report is incorporated herein by reference as though fully set forth. The analysis and factual statements contained in the staff report are adopted as a finding herein.
10. Any conclusion herein which may be deemed a finding is hereby adopted as such.

Conclusions of Law

1. The Hearing Examiner has jurisdiction over the persons and subject matter of this proceeding.
2. The proposal is exempt from the requirements of the State Environmental Policy Act compliance under WAC 197-11-800(1)(a)(I).
3. Proper notice was given in compliance with local and state requirements.
4. Properly conditioned, the application is consistent with the policies and requirements of the San Juan County Code 18.40.270.
5. Any finding herein which may be deemed a conclusion is hereby adopted as such.

Conditions

1. The rental shall be operated as described in the application materials except as modified by these conditions.
2. The residence may be rented as a single unit on a short term basis for periods less than 30 days. A maximum of six (6) guests shall occupy the residence at any one time.
3. No food service is to be provided. No outdoor advertising signs are allowed. Adequate parking is required.
4. The rentals must meet all local and state regulations, including those pertaining to business licenses and taxes. Approval of this permit does not authorize the owner to violate private covenants and restrictions.
5. No use of the property shall be made that produces unreasonable vibration, noise, dust, smoke, odor or electrical interference to the detriment of adjoining properties.
6. A 24-hour non-message, non-recording contact number shall be provided to Community Development and Planning Department (CDPD) and to all neighbors within 300 feet of the property. A log of complaints shall be kept and a copy provided to CDPD upon request.
7. Prior to any rental, a proposed written Rules of Conduct will be submitted to and approved by CDPD. The Rules of Conduct shall specifically deal with trespass, property boundaries, noise disturbances and any special items specific to the rental unit or adjoining properties. Upon approval by CDPD a copy of the Rules of Conduct shall be posted in the residence, given to all adult tenants and given to all property owners within 300 feet of the residence.
8. Authorization under this permit shall be void if the use is discontinued for 24 consecutive months.
9. Failure to comply with the conditions of this permit may result in revocation.

Decision

The conditional use permit is approved subject to the conditions set forth above.

DONE this 12th day of December, 2008.



Wm. H. NIELSEN, Hearing Examiner

Appeal

Any appeal of this decision shall be to Superior Court pursuant to the Land Use Petition Act, Chapter 36.70 RCW, within 21 days of the issuance of the decision. See Home Rule Charter, Section 3.70.