

**SAN JUAN COUNTY
HEARING EXAMINER**

FINDINGS, CONCLUSIONS AND DECISION

Applicants: Ruth Kagi
19553 35th NE
Lake Forest Park, WA 98155

Agent: Walt Cornell
148 Wood Duck Road
Friday Harbor, WA 98250

File No: HE05-09 (08CU021)

Request: Conditional Use Permit (CUP)

Parcel No: 462341002

Location: 841 White Point Road
San Juan Island

Summary of Proposal: An application for a CUP to allow vacation rental (less than 30 days) of a two bedroom single family residence and a two bedroom bunkhouse.

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 February 4, 2009.

Applicable Policies and Regulations: SJCC 18.40.270 Vacation Rentals

Decision: The application is approved subject to conditions.

S.J.C. COMMUNITY

FEB 11 2009

DEVELOPMENT & PLANNING

Findings of Fact

1. This is a CUP request for short term vacation rental of a two bedroom single family residence and a detached two bedroom bunkhouse located on White Point Road in the Roche Harbor neighborhood of San Juan Island.
2. The bunkhouse is not considered an accessory dwelling unit because it has no kitchen. It does have two bedrooms which may be used for vacation rental along with the single family residence.
3. The maximum number of guests that can be accommodated overnight is twelve.
4. There are at least five parking spaces available.
5. No outdoor advertising signs are proposed. No food service is proposed.
6. The existing house is served by a private well and an on-site septic system.
7. A business license will be obtained and sales tax collected.
8. The proposal is exempt from the State Environmental Policy Act review.
9. Notice of application and hearing was published January 14, 2009. Mailing occurred on January 9, 2009 and the site was posted December 24, 2008. A public hearing was held on February 4, 2009.
10. 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.
11. 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.
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.

5. Any finding herein which may be deemed a conclusion is hereby adopted as such.

Conditions

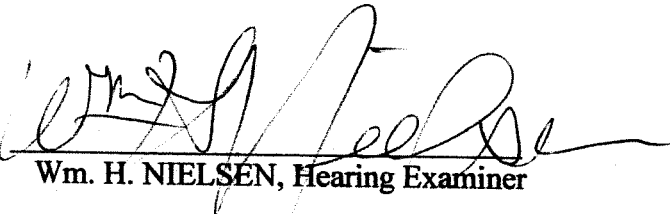
1. This permit allows the vacation rental of four bedrooms, two within the main residence and two within the detached building, as noted on the approved site plan and as conditioned herein.
2. The rental shall be operated as described in the application materials except as modified by these conditions.
3. The residence may be rented as a single unit on a short term basis for periods less than 30 days. A maximum of twelve (12) guests shall occupy the residence at any one time.
4. No food service is to be provided. No outdoor advertising signs are allowed. Adequate parking is required.
5. 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.
6. 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.
7. 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.
8. 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.
9. Authorization under this permit shall be void if the use is discontinued for 24 consecutive months.

10. 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 11th day of February, 2009.



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.