

**SAN JUAN COUNTY
HEARING EXAMINER**

FINDINGS, CONCLUSIONS AND DECISION

Applicants: Dominic and Holly Liberatore

Agent: Francine Shaw
Law Office of Stephanie O'Day
PO Box 2112
Friday Harbor, WA 98250

File No: HE35-09 (09CU014)

Request: Conditional Use Permit (CUP)

Parcel No: 352344011

Location: 349 Golf Course Road
San Juan Island

Summary of Proposal: An application for a conditional use permit to allow vacation rental (less than 30 days) of a two bedroom residential dwelling unit with bunkhouse.

Land Use Designation: Rural Residential

Public Hearing: After reviewing the report of the Community Development and Planning Department a public hearing was held on December 2, 2009.

Applicable Policies and Regulations: SJCC 18.40.270 Vacation Rentals
SJCC 18.80.100(D) CUP Criteria

Decision: The application is approved subject to conditions.

S.J.C. COMMUNITY

DEC 14 2009

DEVELOPMENT & PLANNING

Findings of Fact

1. This is a shoreline parcel located on the east side of San Juan Island. There is a two bedroom single family residence with a detached one bedroom bunkhouse. The parcel is totally vegetated.
2. There are three bedrooms which could accommodate a maximum of nine people. There is parking available for at least three cars.
3. The bunkhouse of “guesthouse” contains only a bedroom and a bathroom and does not meet the standards for an accessory dwelling unit.
4. No food service is proposed. No outdoor signs are proposed. The house has never been used as a vacation rental in the past. The applicant will be required to obtain a business license or work through a property management company.
5. The proposal is exempt from State Environmental Policy Act review.
6. Notice of public hearing was published on September 30, 2009 and mailed and posted on September 28, 2009. A public hearing was held on December 2, 2009.
7. 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.
8. 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.

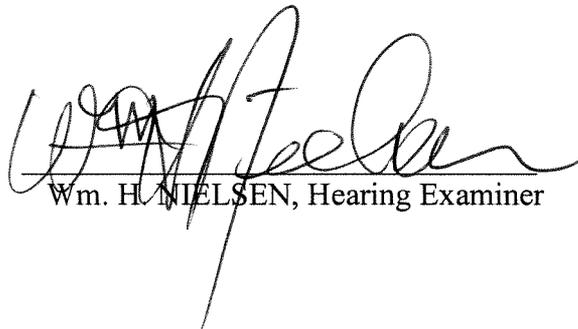
Conditions

1. This permit allows the vacation rental of a two bedroom single family residence and bunkhouse.
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 nine (9) guests shall occupy the residence at any one time.
4. No food service is to be provided. No outdoor advertising signs are allowed. A minimum of three parking spaces 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 for vacation rental is approved subject to the conditions set forth above.

DONE this 14th day of December, 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.