

Joan

**SAN JUAN COUNTY  
HEARING EXAMINER**

**FINDINGS, CONCLUSIONS AND DECISION**

**Applicants:** Margaret Russell  
PO Box 96  
Orcas, WA 98280

**File No:** HE33-08 (08CU010)

**Request:** Conditional Use Permit for vacation rental

**Parcel No:** 262222007 **S.J.C. COMMUNITY**

**Location:** 272 Orcas Hill Road **JUL 16 2008**  
Orcas Island **DEVELOPMENT & PLANNING**

**Summary of Proposal:** An application for a conditional use permit to allow vacation rental (less than 30 days) of a three bedroom single family residence.

**Land Use Designation:** Orcas Village Residential

**Public Hearing:** After reviewing the report of the Community Development and Planning Department a public hearing was held on July 2, 2008.

**Applicable Policies and Regulations:** SJCC 18.40.270 Vacation Rentals  
SJCC 18.80.100 Conditional Use Permits

**Decision:** The application is approved subject to conditions.

### **Findings of Fact**

1. The site is an upland parcel of 0.45 acres located slightly north of the Orcas ferry area. There is a single family residence with an attached garage.
2. There are three bedrooms and at least four parking spaces. A maximum of nine guests at any one time will be allowed.
3. No outdoor advertising signs are proposed. No food service is proposed. There is no guesthouse.
4. A business license will be obtained and sales tax collected.
5. The proposal is exempt from State Environmental Policy Act review.
6. Notice of application and hearing was published June 4, 2008. Mailing and site posting occurred on June 3, 2008. A public hearing was held on July 2, 2008. No members of the public attended the hearing nor commented on this proposal.
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.

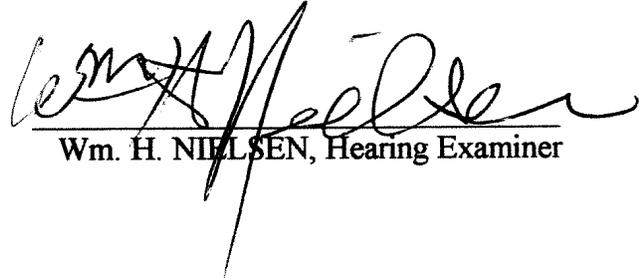
## **Conditions**

1. 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 nine (9) 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 16<sup>th</sup> day of July, 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.