



SAN JUAN COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

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STATE ENVIRONMENTAL POLICY ACT (SEPA) DETERMINATION OF NONSIGNIFICANCE (DNS)

Proposal: San Juan County proposes a SEPA nonproject action to adopt amendments to San Juan County Code (SJCC). The proposal is an 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.

Applicant: San Juan County Department of Community Development

San Juan County, the lead agency for this proposal, determined that the proposal would not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required. Under WAC 197-11-340(2), a Determination of Nonsignificance (DNS) was issued on September 29, 2021. The County based this determination on a completed environmental checklist. The proposal would amend San Juan County Code to:

1. Establish a countywide cap on the number of vacation rental permits allowed.
2. Establish a per-island cap on the number of vacation rental permits allowed.

The cap is proposed at the number of permits that were compliant as of July 31, 2021. As of July 31, 2021, the compliant permit numbers are: 650 Countywide, 229 on San Juan Island, 334 on Orcas Island, 85 on Lopez Island, and 2 on all other islands.

Copies of the proposed changes to the San Juan County Code, SEPA DNS and associated documents are available on the San Juan County (SJC) Community Development (DCD) project website: <https://www.sanjuanco.com/1826/2021-Vacation-Rental-Code-Amendment>. For more information or to obtain copies of these documents, call Adam Zack, Planner III, at (360) 370-7580 on business days between 8:00 a.m. and 4:30 p.m. Upon request, DCD will mail copies without charge.

Comments on this determination must be submitted by **4:30 p.m. October 13, 2021**, to Adam Zack, San Juan County DCD, PO Box 947, Friday Harbor, WA, 98250, or vrcomments@sanjuanco.com. Email subject line: Comments on SJC Vacation Rental Ordinance SEPA.

Following a final decision on the ordinance, this determination may be appealed with the underlying action to Superior Court or State Boards as provided in RCW 36.70A, RCW 90.58, and RCW 36.70C. For appeals to the Growth Management Hearings Board, the appeal period is 60 days.

Responsible Official:

Michael J. Thomas, County Manager
San Juan County
(360) 370-7406

Date: September 29, 2021

SEPA ENVIRONMENTAL CHECKLIST

Purpose of checklist:

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

Instructions for applicants:

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. You may use "not applicable" or "does not apply" only when you can explain why it does not apply and not when the answer is unknown. You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Instructions for Lead Agencies:

Please adjust the format of this template as needed. Additional information may be necessary to evaluate the existing environment, all interrelated aspects of the proposal and an analysis of adverse impacts. The checklist is considered the first but not necessarily the only source of information needed to make an adequate threshold determination. Once a threshold determination is made, the lead agency is responsible for the completeness and accuracy of the checklist and other supporting documents.

The help links in this checklist are intended to assist users in accessing guidance on the checklist questions. Links are provided to the specific sections of the guidance applicable to the questions. However, the links may not work correctly on all devices. If the links do not work on your device, open the guidance at www.ecy.wa.gov/programs/sea/sepa/apguide/EnvChecklistGuidance.html and navigate to the appropriate section.

Use of checklist for nonproject proposals:

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B plus the [SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS \(part D\)](#). Please completely answer all questions that apply and note that the words "project," "applicant," and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in Part B - Environmental Elements –that do not contribute meaningfully to the analysis of the proposal.

A. Background

1. Name of proposed project, if applicable:

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

Project webpage: <https://www.sanjuanco.com/1826/2021-Vacation-Rental-Code-Amendment>

2. Name of applicant:

San Juan County

3. Address and phone number of applicant and contact person:

**San Juan County Department of Community Development
Attn: Adam Zack
PO Box 947
Friday Harbor, WA 98250
360-370-7580**

4. Date checklist prepared: **September 16, 2021**

5. Agency requesting checklist: **San Juan County**

6. Proposed timing or schedule (including phasing, if applicable):

The proposed amendments are tentatively scheduled for a public hearing before the San Juan County Planning Commission on October 15, 2021. If current circumstances allow this schedule to proceed, County Council would hold a public hearing and take action on the ordinance in November 2021.

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain. **No.**

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal. **None.**

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain. **None known.**

10. List any government approvals or permits that will be needed for your proposal, if known. **These amendments require a recommendation from the San Juan County Planning Commission after a public hearing and adoption by San Juan County Council after holding a public hearing.**

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

This is a nonproject proposal. The County Council identified a need to adopt specific regulations to limit the number of vacation rental permits allowed countywide and on a per-island basis. The proposal is intended to:

- 1. Adopt a Countywide cap on vacation rental permits in Title 18 San Juan County Code (SJCC).**
- 2. Establish a per-island cap for vacation rental permits in Title 18 SJCC.**

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

The amendments would apply to applicable projects proposed throughout the unincorporated County.

B. ENVIRONMENTAL ELEMENTS

1. Earth

- a. General description of the site: **The lands of San Juan County are all islands and include a variety of terrain. There are flat and hilly lands, areas of steep slope, wetland areas, shorelines of statewide significance and unincorporated towns, villages and hamlets.**
- b. What is the steepest slope on the site (approximate percent slope)? **Various slopes are present in the unincorporated areas of San Juan County.**
- c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils. **This question is not applicable to a nonproject action. The code amendment will not remove any soils.**
- d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe. **This question is not applicable to a nonproject action. The nonproject action affects the entire unincorporated County, there is no immediate vicinity.**
- e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill. **This question is not applicable to a nonproject action. The nonproject action affects the entire unincorporated County.**
- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe. **This question is not applicable to a nonproject action. The nonproject action affects the entire unincorporated County. The nonproject code amendments will not generate any construction or clearing.**
- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)? **This question is not applicable to a nonproject action. The nonproject action does not have a site or specific location.**

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any: **None. Amending the San Juan County Code is not expected to have any impacts on erosion in San Juan County.**

2. Air

a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known. **This question is not applicable to a nonproject action. No physical construction, operation or maintenance is associated with the proposed code amendments.**

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe. **This question is not applicable to a nonproject action. No emissions or odor impacts are expected.**

c. Proposed measures to reduce or control emissions or other impacts to air, if any: **None.**

3. Water

a. Surface Water:

1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into. **San Juan County has year round and seasonal streams, lakes, ponds, wetlands and saltwater bodies.**

2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans. **The amendments are nonproject actions and not specific project activities.**

3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material. **This question is not applicable to a nonproject action. No fill materials are associated with this proposal and nonproject action.**

4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known. **This question is not applicable to a nonproject action.**

5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

This question is not applicable to a nonproject action.

6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge. **No. This is a nonproject action that amends the regulations. The amendments will not involve the discharge of waste materials into surface waters.**

b. Ground Water:

1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be

discharged to groundwater? Give general description, purpose, and approximate quantities if known. **No. This is a nonproject action amending development regulations unrelated to groundwater.**

- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve. **No waste materials will be discharged directly by this nonproject action.**

c. Water runoff (including stormwater):

- 1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe. **The nonproject action will not create any runoff.**
- 2) Could waste materials enter ground or surface waters? If so, generally describe. **None expected.**
- 3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe. **No. The ordinance will have no impact on any drainage pattern.**

d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any: **None are proposed for the nonproject action.**

4. Plants

a. Check the types of vegetation found on the site: **This is not applicable to a nonproject action.**

The types are underlined:

- ___deciduous tree: alder, maple, aspen, other
- ___evergreen tree: fir, cedar, pine, other
- ___shrubs
- ___grass
- ___pasture
- ___crop or grain
- ___ Orchards, vineyards or other permanent crops.
- ___ wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
- ___ water plants: water lily, eelgrass, milfoil, other
- ___ other types of vegetation: _____

b. What kind and amount of vegetation will be removed or altered? **The question is not applicable.**

c. List threatened and endangered species known to be on or near the site. **The question is not applicable.**

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any: **The question is not applicable to this nonproject action. This is a project that effects the entire unincorporated County, there is no individual site.**

e. List all noxious weeds and invasive species known to be on or near the site. **Not applicable to this nonproject action. There is no individual site.**

5. Animals

a. List any birds and other animals which have been observed on or near the site or are known to be on or near the site. **Not applicable.**

Examples include:

birds: hawk, heron, eagle, songbirds, other:

mammals: deer, bear, elk, beaver, other:

fish: bass, salmon, trout, herring, shellfish, other _____

There is not a specific project site. This is not applicable.

b. List any threatened and endangered species known to be on or near the site. **Not applicable.**

c. Is the site part of a migration route? If so, explain. **Not applicable.**

d. Proposed measures to preserve or enhance wildlife, if any: **Not applicable.**

e. List any invasive animal species known to be on or near the site. **There is not a specific project site so this is not applicable.**

6. Energy and Natural Resources

a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc. **Not applicable.**

b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe. **No. This is a project that effects the unincorporated County, there is no individual site and therefore no adjacent properties.**

c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any: **This is not applicable to a nonproject action.**

7. Environmental Health

a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe. **No there are no specific or general health hazards that could occur as a result of the amendments.**

1) Describe any known or possible contamination at the site from present or past uses. **This question is not applicable to a nonproject action.**

2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and

in the vicinity. **This SEPA action does not apply to a specific project or design.**

- 3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project. **Not applicable.**

Describe special emergency services that might be required. **None.**

- 4) Proposed measures to reduce or control environmental health hazards, if any: **None. The nonproject action makes unrelated code corrections.**

b. Noise

- 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)? **None.**
- 2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site. **None.**
- 3) Proposed measures to reduce or control noise impacts, if any: **None.**

8. Land and Shoreline Use

- a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe. **This question is not applicable to a nonproject action.**
- b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use? **This question is not applicable to a nonproject action. There is no single site.**
 - 1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how: **This question is not applicable to a nonproject action.**
- c. Describe any structures on the site. **This question is not applicable to a nonproject action.**
- d. Will any structures be demolished? If so, what? **This question is not applicable to a nonproject action.**
- e. What is the current zoning classification of the site? **This question is not applicable to a nonproject action.**
- f. What is the current comprehensive plan designation of the site? **This question is not applicable to a nonproject action. There is no single site.**
- g. If applicable, what is the current shoreline master program designation of the site? **This question is not applicable to a nonproject action. There is no single site.**
- i. Has any part of the site been classified as a critical area by the city or county? If so, specify. **This question is not applicable to a nonproject action. There is no single site.**

- j. Approximately how many people would reside or work in the completed project? **Not applicable. There is no single site and no specific structure will be built.**
- k. Approximately how many people would the completed project displace? **Not applicable. There is no single site and no displacement.**
- l. Proposed measures to avoid or reduce displacement impacts, if any: **Not applicable.**
- l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any: **These amendments include siting and performance standards to reduce incompatibility issues.**
- m. Proposed measures to ensure the proposal is compatible with nearby agricultural and forest lands of long-term commercial significance, if any: **Not applicable.**

9. **Housing**

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing. **This proposal will not provide any housing.**
- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing. **None. This nonproject action will amend the regulations to provide development regulations.**
- b. Proposed measures to reduce or control housing impacts, if any: **None.**

10. **Aesthetics**

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed? **This question is not applicable to a nonproject action.**
- b. What views in the immediate vicinity would be altered or obstructed? **This question is not applicable to a nonproject action, but the ordinance does address some landscape separation to provide visual barriers.**
- c. Proposed measures to reduce or control aesthetic impacts, if any: **None.**

11. **Light and Glare**

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur? **This question is not applicable to a nonproject action.**
- b. Could light or glare from the finished project be a safety hazard or interfere with views? **Not applicable.**
- c. What existing off-site sources of light or glare may affect your proposal? **None. There is no single site.**
- d. Proposed measures to reduce or control light and glare impacts, if any: **None. There is no single site. The ordinance does address lighting for all sites.**

12. Recreation

- a. *What designated and informal recreational opportunities are in the immediate vicinity?* **This question is not applicable to a nonproject action.**
- b. Would the proposed project displace any existing recreational uses? If so, describe. **No. There is no single site.**
- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any: **This question is not applicable to a nonproject action. There is no single site.**

13. Historic and cultural preservation

- a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers located on or near the site? If so, specifically describe. **This question is not applicable to a nonproject action. There is no single site.**
- b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources. **This question is not applicable to a nonproject action. There is no single site.**
- c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc. **This question is not applicable.**
- d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required. **None. There is no single site.**

14. Transportation

- a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any. **This question is not applicable to a nonproject action.**
- b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop? **This question is not applicable to a nonproject action.**
- c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate? **None.**
- d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private). **This question is not applicable to a nonproject action.**
- e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe. **This question is not applicable to a nonproject action.**
- f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and

nonpassenger vehicles). What data or transportation models were used to make these estimates? **This question is not applicable to a nonproject action.**

g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe. **This question is not applicable to a nonproject action.**

h. Proposed measures to reduce or control transportation impacts, if any: **This question is not applicable to a nonproject action.**

15. Public Services

a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe. **No increase in demand for public services is expected.**

b. Proposed measures to reduce or control direct impacts on public services, if any. **None are needed.**

16. Utilities

a. Circle utilities currently available at the site:
electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other _____

This question is not applicable to a nonproject action. There is no single site.

b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed. **This question is not applicable to a nonproject action. There is no single site.**

C. Signature

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature:  _____

Name of Signee: Adam Zack

Position and Agency/Organization: Planner III, SJC Community Development

Date of Checklist: **September 16, 2021**

Issued/Published: **September 29, 2021**

D. Supplemental sheet for nonproject actions

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment. When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

There is no expected increase discharge to water; emission to air; production, storage, or release of toxic or hazardous substances; or production of noise. The proposal is to amend the performance standards for vacation rental of residences and ADUs. This residential use takes place in existing dwelling units. Discharge to water and air emissions are considered at the time a building permit is issued. The proposed nonproject action will not amend development standards related to discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise.

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

The proposed code amendments will not adversely affect plants, animals, fish, or marine life. The proposal is to amend the performance standards for vacation rental of residences and ADUs. This residential use is unlikely to affect plants, animals, fish, or marine life beyond the customary use of dwelling units.

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

The proposal does not affect existing regulations to protect or conserve plants, animals, fish, or marine life. Existing buffers and protections for wetlands, fish and wildlife habitat conservation areas, and the shoreline environment will remain unchanged.

3. How would the proposal be likely to deplete energy or natural resources?

The proposed amendments are not likely to deplete energy or natural resources.

Proposed measures to protect or conserve energy and natural resources are:

No change in energy usage or natural resource protections are proposed. Existing buffers and protections for wetlands, fish and wildlife habitat conservation areas, and the shoreline environment will remain unchanged.

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

The proposed nonproject action would not affect environmentally sensitive or protected areas. Existing buffers and protections for wetlands, fish and wildlife habitat conservation areas, and the shoreline environment will remain unchanged.

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

The proposed amendments do not amend the allowed the uses in shorelines or critical areas or their buffers. The proposal will limit the vacation rental land use, a residential use permitted in existing dwelling units. A stated purpose for this amendment is to encourage year-round occupancy of new and existing housing by limiting short-term use of housing as transient accommodations. Encouraging year-round use of housing stock is consistent with SJC Comprehensive Plan goals and policies that seek to ensure there is sufficient housing for the current and expected population.

Proposed measures to avoid or reduce shoreline and land use impacts are:

Encouraging long-term occupancy of housing is consistent with the Comprehensive Plan, as detailed above.

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

The proposed nonproject action is not expected to increase demands on transportation infrastructure. Capping the number of visitor accommodations as proposed is expected to maintain demand for transportation infrastructure near planned levels.

The demand for public services and utilities is not expected to increase. The proposed development code amendments do not make any changes to the number of dwelling units allowed in the County. Vacation rental is a residential land use that takes place in existing dwelling units. At the time these dwelling units are permitted, public service and utility capacity must be addressed based on the concurrency standards in Title 18 SJCC. Once the dwelling units are constructed, the demand for public services and utilities does not significantly vary between short- and long-term occupancy.

Proposed measures to reduce or respond to such demand(s) are: **See above.**

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

The proposed code amendments are consistent with State and Federal laws for the protection of the environment.

ORDINANCE NO. ____ - 2021

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

BACKGROUND

- A. In 1998, the County Council adopted Ordinance 2-1998, establishing performance standards for vacation (short-term) rentals of residences and accessory dwelling units (ADUs) in San Juan County Code (SJCC) 18.40.270.
- B. SJCC 18.40.270 was amended three times by Ordinances 145-1998, 21-2002, and 7-2006.
- C. In 2018, the San Juan County Council adopted Ordinance 2-2018, repealing SJCC 18.40.270 and establishing SJCC 18.40.275, which regulates vacation rental of residences and ADUs.
- D. SJCC 18.40.275 does not specifically regulate the number of vacation rental permits.
- E. The County Council identified a need to adopt specific regulations to limit the number of vacation rental permits allowed countywide and on a per-island basis.
- F. The County Council met to develop legislative options for regulations related to the vacation rental moratorium on February 23, 2021; March 9, 2021; March 30, 2021; April 20, 2021 and May 12, 2021.
- G. At their May 12, 2021 meeting, the County Council provided guidance to the staff and the Planning Commission for development additional vacation rental regulations including an overall cap on the number of permits issued, caps on numbers of permits issued by island, measures to address emergency management, impacts to neighborhoods and impacts to community roads and water systems.
- H. The County Council specifically desires to:
 - 1. Establish a Countywide cap for vacation rentals in the Unified Development Code (UDC), Title 18 SJCC.
 - 2. Establish a per-island cap for vacation rentals in the UDC, Title 18 SJCC.
- I. County staff briefed the Planning Commission about the County Council direction and draft proposal on July 16, August 20, and September 17, 2021.
- J. Placeholder: SEPA.

- 1 **K.** Placeholder: SEPA Determination and Notice.
- 2
- 3 **L.** Placeholder: SEPA Register.
- 4
- 5 **M.** Placeholder: Commerce 60-day notification.
- 6
- 7 **N.** Placeholder: Commerce acknowledgement.
- 8
- 9 **O.** A X, 2021 Planning Commission public hearing was advertised in the Journal of the San
- 10 Juan Islands and The Island’s Sounder on X, 2021.
- 11
- 12 **P.** The Planning Commission held a duly advertised public hearing on X, 2021, deliberated
- 13 and recommended that the County Council should adopt the ordinance with modifications.
- 14
- 15 **Q.** County staff briefed the County Council on the Planning Commission’s recommendation
- 16 regarding the proposal on X, 2021.
- 17
- 18 **R.** A X, 2021 County Council public hearing was advertised in the Journal of the San Juan
- 19 islands and the Island’s Sounder on X, 2021.
- 20
- 21 **S.** The County Council was briefed on the Planning Commission’s recommendation on X,
- 22 2021.
- 23
- 24 **T.** The County Council held a duly advertised public hearing on X, 2021, and received public
- 25 testimony.
- 26
- 27 **U.** The County Council deliberated on the ordinance and made the following findings:
- 28
- 29 a. Placeholder: Council Findings.
- 30

NOW, THEREFORE, BE IT ORDAINED by the County Council of San Juan County, State of Washington, as follows:

Section 1. SJCC 18.40.275 and Ordinance 2-2018 § 2 are each amended to read as follows:

18.40.275 Vacation rental of residences or accessory dwelling units (ADUs).

When vacation rental of a residence or accessory dwelling unit, as defined by SJCC 18.20.220, is allowed by this code, the following standards apply:

- A. Outside of urban growth areas, one vacation rental is allowed on a property, either in the principal residence or an accessory dwelling. Detached accessory dwelling units permitted on or after June 29, 2007, are not allowed to be vacation rentals.

1 B. No more than two overnight guests per bedroom plus additional three overnight guests
2 shall be accommodated at any one time. The number of bedrooms is determined by the
3 approved building permit for the structure. A guest is a person over two years of age.
4

5 C. The vacation rental shall be operated according to rules of conduct approved by the
6 County that prevent the following disturbances to area residents:
7

- 8 1. Trespassing;
- 9
- 10 2. Noise that violates Chapter 9.06 SJCC (Noise Ordinance);
- 11
- 12 3. Off-site parking issues;
- 13
- 14 4. Vehicle speeds of higher than the posted speed limit, or 20 miles per hour (mph)
- 15 on private paved roads and 15 mph on private nonpaved roads; and
- 16
- 17 5. Outdoor burning that violates the requirements adopted pursuant to SJCC
- 18 15.04.070(F)(4)(c), including violations of a burn ban.
- 19

20 D. Solid waste must be removed from the vacation rental to an approved solid waste facility
21 every two weeks. Solid waste shall be stored in completely enclosed and secured solid
22 waste receptacles or stored completely indoors.
23

24 E. Guests shall be made aware of the importance of water conservation. Best practices to
25 conserve water shall be included in the rules of conduct.
26

27 F. One on-site parking space shall be provided for each bedroom within the vacation rental.
28

29 G. Meal service provided by the permit holder or their agents is not allowed.
30

31 H. All vacation rental permit holders are required to display the address of the residence so
32 that it is clearly visible from the street or access road.
33

34 I. Vacation rental accommodations must meet all applicable local and state regulations,
35 including those pertaining to business licenses and taxes such as Washington State sales,
36 lodging and business and occupation taxes.
37

38 J. Vacation rental permits vested or approved after the effective date of the ordinance
39 codified in this section shall expire two years after the date of approval unless the annual
40 certificates of compliance meeting the requirements of subsection (K)(4) of this section are
41 on file with the administrator.
42

43 K. All owners of property used for vacation rental shall comply with the following
44 operational requirements:
45

1 1. Maintain an up-to-date property management plan on file with the administrator
2 and property owners within 300 feet of the building within which the vacation rental
3 is located. The property management plan must include the following:

- 4 a. Rules of conduct approved by the County;
- 5
- 6 b. Unified business identifier number, and the names and addresses of the
- 7 property owner and agents authorized to act on the property owner’s behalf;
- 8
- 9 c. A designated local property representative who lives on the island where
- 10 the vacation rental is located and will respond to complaints and
- 11 emergencies; and
- 12
- 13 d. A valid telephone number where the local property representative can be
- 14 reached 24 hours per day;
- 15
- 16

17 2. Prominently display in the rental the rules of conduct and a map clearly depicting
18 the property boundaries of the vacation rental. The map shall indicate if there is an
19 easement that provides access to the shoreline; if so, the boundaries of the easement
20 shall be clearly defined; if there is no access, this shall be indicated together with a
21 warning not to trespass;

22 3. Include the San Juan County permit number for the vacation rental in all
23 advertisements and marketing materials such as brochures and websites;

24 4. Annually certify compliance with the conditions of permit approval and with the
25 fire and life safety requirements of the International Fire Code (IFC) as identified
26 by the department on forms specified by the administrator. The annual certification
27 shall be prominently posted on site; and

28 5. Certify compliance with the conditions of permit approval within 90 days after
29 the closing date of the sale of the property. Written certification must be submitted
30 to the department on forms specified by the administrator.

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

35 M. A vacation rental shall not operate or be advertised without a vacation rental permit.
36 Evidence of operation includes advertising, online calendars showing availability, guest
37 testimony, online reviews, rental agreements or receipts.
38
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1 N. The number of vacation rental permits countywide outside of the Master Planned Resort
2 (MPR) designation shall not exceed a total of six-hundred and fifty (650). Vacation rental
3 permits shall be issued by lottery procedures established by the administrator and approved
4 by the County Council.

5
6 O. The number of vacation rental permits shall not exceed the following caps:

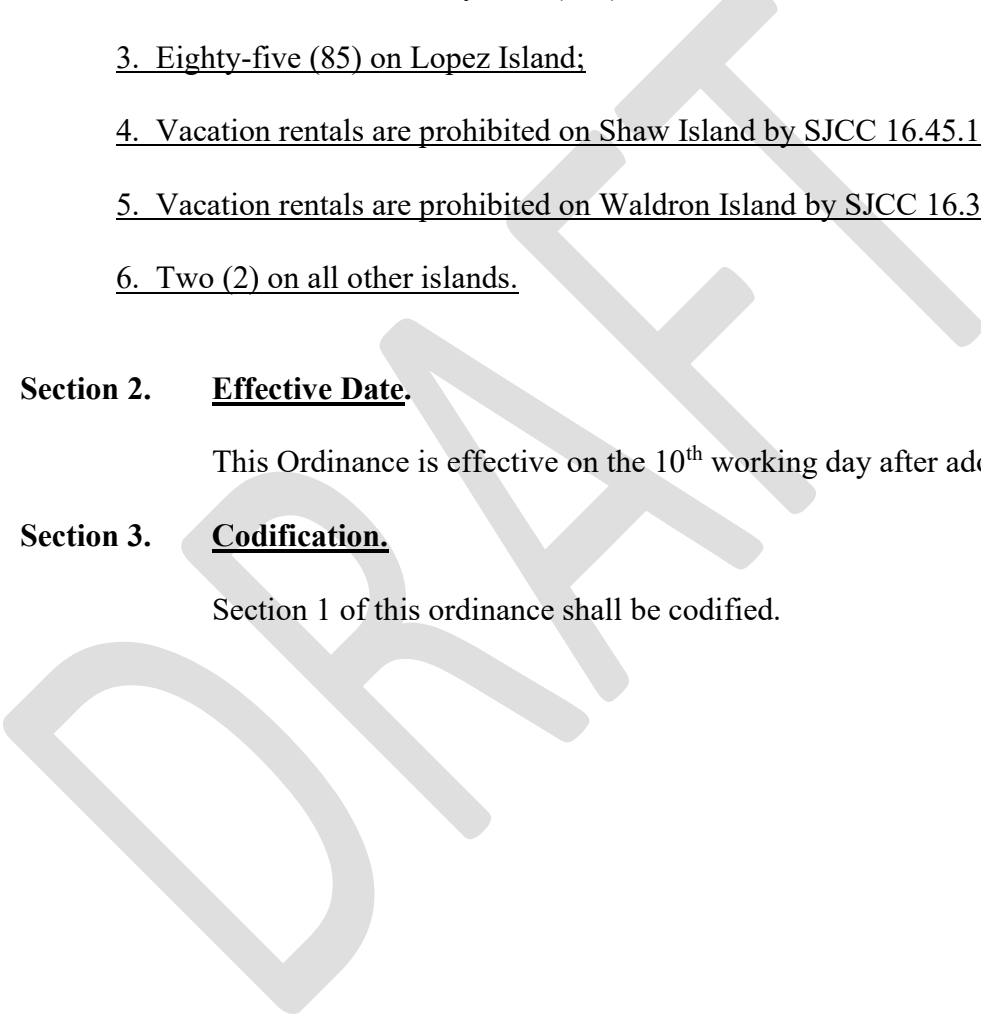
- 7 1. Three-hundred and thirty-four (334) on Orcas Island;
- 8 2. Two-hundred and twenty-nine (229) on San Juan Island;
- 9 3. Eighty-five (85) on Lopez Island;
- 10 4. Vacation rentals are prohibited on Shaw Island by SJCC 16.45.180(C);
- 11 5. Vacation rentals are prohibited on Waldron Island by SJCC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

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21 **Section 2. Effective Date.**

22 This Ordinance is effective on the 10th working day after adoption.

23
24
25 **Section 3. Codification.**

26 Section 1 of this ordinance shall be codified.



1 ADOPTED this ____ day of _____, 2021.

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ATTEST: Clerk of the Council

**COUNTY COUNCIL
SAN JUAN COUNTY, WASHINGTON**

Ingrid Gabriel, Clerk Date

Jamie Stephens, Chair
District 3

REVIEWED BY COUNTY MANAGER

Michael J. Thomas Date

Christine Minney, Vice-Chair
District 1

RANDALL K. GAYLORD
APPROVED AS TO FORM ONLY

By: _____
Date

Cindy Wolf, Member
District 3

