



Department of Commerce

Notice of Intent to Adopt Amendment / Notice of Adoption Cover Sheet

Pursuant to RCW 36.70A.106, the following jurisdiction provides the following required state agency notice.

1. Jurisdiction Name:	San Juan County
2. Select Submittal Type: Select the Type of Submittal listed. (Select One Only)	<input checked="" type="checkbox"/> 60-Day Notice of Intent to Adopt Amendment. <input type="checkbox"/> Request of Expedited Review / Notice of Intent to Adopt Amendment. <input type="checkbox"/> Supplemental Submittal for existing Notice of Intent to Adopt Amendment. <input type="checkbox"/> Notice of Final Adoption of Amendment.
3. Amendment Type: Select Type of Amendment listed. (Select One Only)	<input type="checkbox"/> Comprehensive Plan Amendment. <input checked="" type="checkbox"/> Development Regulation Amendment. <input type="checkbox"/> Critical Areas Ordinance Amendment. <input type="checkbox"/> Combined Comprehensive and Development Regulation Amendments. <input type="checkbox"/> Countywide Planning Policy .
4. Description Enter a brief description of the amendment. Begin your description with "Proposed" or "Adopted", based on the type of Amendment you are submitting. (Maximum 400 characters).	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
5. Is this action part of your 8-year periodic update required under RCW 36.70A.130 of the Growth Management Act (GMA)?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No



Department of Commerce

6. Proposed Dates: Enter the anticipated public hearing date(s) for your Planning Commission/Planning Board or for your Council/Commission.	Planning Commission: October 15, 2021 County Council: November 2021 Proposed / Date of Adoption: November/December 2021
7. Contact Information:	
A. Prefix/Salutation:	Mr.
B. Name:	Adam Zack
C. Title:	Planner III
D. Email:	AdamZ@sanjuanco.com
E. Work Phone:	360-370-7580
Consultant Information:	
F. Is this person a consultant?	<input checked="" type="checkbox"/> No
G. Consulting Firm name?	NA
8. Would you like Commerce to contact you for Technical Assistance regarding this submitted amendment?	<input checked="" type="checkbox"/> No

REQUIRED: Attach or include a copy of the proposed amendment text or document(s). We do not accept a website hyperlink requiring us to retrieve external documents. Jurisdictions must submit the actual document(s) to Commerce. If you experience difficulty, please email the reviewteam@commerce.wa.gov

Questions? Call the review team at (509) 725-3066.

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

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

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

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

39
40 M. A vacation rental shall not operate or be advertised without a vacation rental permit.
41 Evidence of operation includes advertising, online calendars showing availability, guest
42 testimony, online reviews, rental agreements or receipts.

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.

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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

