

BEFORE THE CITY COUNCIL  
CITY OF SUMAS, WASHINGTON

IN RE Conditional Use Permit Application )	REPORT OF DECISION
of:	
	)
Gertrude James )	April 27, 2026 DRAFT
1559 Fruitland Drive )	
Bellingham, WA 98226 )	

The matter having come before the City Council of the City of Sumas for public hearing on April 14, 2026, the Council having duly considered all matters in the record and all testimony given for and against the application, makes the following Findings of Fact, Conclusions of Law, and Decision:

**FINDINGS OF FACT**

1. The Applicant is Gertrude James, owner of the project site.
2. The Applicant seeks to convert two existing multifamily housing units to short-term rentals.
3. The project site is located at 540 Second St, Building A, Sumas, WA. The property is located in the Residential (RH) District, High Density zone within the SW ¼ of the NE ¼ of Section 35, T 41 N, R 04 E of W.M. The Whatcom County Assessor’s parcel number is 410435 092213 0000.
4. The parcel is located within the Residential, High Density zoning district and is, therefore, subject to the regulations set forth in Chapter 20.32 of the Sumas Municipal Code (SMC). Short-term rentals are subject to the regulations set forth in Chapter 20.52 SMC.

Procedural Requirements

5. An application for approval of a conditional use permit was submitted on February 19, 2026 by the Applicant. Additional application materials were submitted by the Applicant on February 26, 2026. The application was determined to be complete on March 10, 2026.
6. Pursuant to Chapter 20.08 SMC, the application was processed as a Class III action. A *Notice of Application* was issued on March 18, 2026. The notice publicized the public hearing date. A public comment period was held from March 18, 2026 through April 2, 2026. No comments were received during the public comment period.
7. A public hearing regarding the application was held before the Sumas City Council on April 13, 2026. Opportunity for public comments was provided and testimony was received.
8. During the public hearing, Jonathan Cook, 441 First Street, commented on his reservations with the Project. Mr. Cook expressed concern about the safety of the neighborhood if new short-term renters were to come to town. He asked if there was a screening process that the Applicant would use.

9. During the public hearing, Floyd Euper, 436 First Street, commented on his reservations with the Project. Mr. Euper echoed Mr. Cook's comments, expressing concern about the safety of the neighborhood if new short-term renters were to come to town.
10. The Applicant assured the Council that she will utilize the screening and verification tools provided by the rental platform.
11. Following receipt of public testimony, the public hearing was closed on April 13, 2026. Following closure of the public hearing, City Council requested that the matter be brought before the Public Works Committee for additional discussion.
12. The Public Works Committee met with City staff on April 21, 2026, and reviewed the application materials prepared by the Applicant.

### Zoning Requirements

13. Section 20.52.040 SMC clarifies the use classifications of short-term rentals. Subsection (c) of this section requires that the "[S]hort-term rental of any portion of a structure or property containing three or more dwelling units shall require approval of a conditional use permit." The project site is a four-unit apartment building, making the short-term rental of any amount of units in this building subject to the approval of a conditional use permit.
14. Section 20.52.060 SMC outlines several criteria which shall be met in order for the city to approve a short-term rental use:
  - a. Occupancy. Maximum occupancy of the rental shall be based on the International Code Council Building Code standards. The applicant shall be responsible for ensuring that the dwelling unit is used in conformance with its maximum occupancy.
  - b. Parking. At least one additional off-street parking space shall be provided for the short-term rental use, in addition to all other parking required for the dwelling. Parking on site along the front property line shall not exceed sixty percent of the front-yard frontage. The number of vehicles parked at a short-term rental residence shall not at any time exceed the number of available parking spaces on the subject property; provided, that the city may reduce the off-street parking requirement if it is determined that sufficient on-street parking is available in close proximity to the subject property.
  - c. Signage. No outdoor advertising signs related to the short-term rental use shall be allowed on the site.
  - d. Solid Waste Collection. Solid waste collection is required at all short-term rentals consistent with city solid waste collection requirements.
  - e. Local Property Representative. Where the applicant does not reside full-time on the subject property or within ten miles driving distance of Sumas, a local property manager shall be designated. The local property manager shall reside full-time within ten miles driving distance from Sumas. The applicant or, where applicable, the local representative shall be responsible for responding to complaints about the rental. The name, address, and telephone contact number of the property owner, applicant and local representative shall be kept on file at the city. Additionally, the applicant shall mail a notice to all property owners within one hundred fifty feet of the short-term rental property that states the name, address, and telephone number of the applicant and local representative. If the local representative changes, the applicant shall be

required to send out new notices to all property owners within one hundred fifty feet of the subject property.

- f. Informational Sign. A sign shall be posted conspicuously inside the dwelling to provide information on maximum occupancy, location of off-street parking, contact information for the applicant or local representative, evacuation routes, and the short-term renter's responsibility not to trespass on private property or to create disturbances.
  - g. Annual Fire Safety Inspection. All short-term rental uses shall require annual fire safety inspections to ensure public safety. Required inspections shall be completed prior to approval of the initial permit and each year within one month following the anniversary date of the initial permit approval. All costs for such inspections shall be borne solely by the applicant.
  - h. Other Standards. The short-term rental dwelling shall meet all applicable requirements of the zone in which it is located, including but not limited to setbacks, maximum height, and lot coverage standards.
15. Upon review of the criteria for approval of short-term rentals, the City Council makes the following findings for this Project:
- a. Occupancy. The Applicant assures that the project will comply with applicable code standards pertaining to occupancy and that interior information postings will identify maximum occupancy limits. Condition 2 of Appendix A shall ensure that these occupancy limits are properly posted in the interior of the unit.
  - b. Parking. Existing parking facilities for 540 Second Street, Building A provide approximately 10 parking spaces, which equates to 2 spaces per unit with two remaining spaces to meet the requirements of this criterion.
  - c. Signage. The Applicant assures that no exterior signage or advertising will be displayed for this short-term rental. Condition 4 of Appendix A will ensure that this criterion is met.
  - d. Solid Waste. The Applicant assures that standard residential garbage and recycling service will be maintained. Condition 5 of Appendix A will ensure that this criterion is met.
  - e. Local Property Representative. The Applicant has identified an individual who resides in Everson, Washington, approximately ten miles driving distance from the project site, who will act as local property representative for this project. Condition 6 of Appendix A will ensure that contact information for the local property representative shall be provided to the city and that the local property representative shall respond to any complaint or disturbance pertaining to the project.
  - f. Informational Sign. The Applicant assures that interior informational postings will be provided for each unit, identifying occupancy limits, parking instructions, emergency evacuation routes, local contact information, and guest rules and expectations. Condition 7 of Appendix A will ensure that these informational signs shall be subject to approval by the Sumas Public Works Director and Chief of Police and that these signs will be posted in each unit.
  - g. Fire Safety. Condition 8 of Appendix A ensures that an inspection of each unit for fire safety shall be conducted prior to commencement of the short-term rental use.
  - h. Other Standards. The proposed project involves the short-term rental of units within a pre-existing apartment structure which meets the setback, height, and lot coverage standards of the Residential, High Density zoning district. The Applicant assures that

all other City regulations, such as licensing, safety, and complaint response procedures, shall be met.

#### Conditional Use Requirements

16. The Project meets the applicable criteria for issuance of a conditional use permit established at Section 20.66.020 SMC as follows:
  - a. The Project is harmonious and in accordance with the general policies and specific objectives of the *Comprehensive Land-Use Plan* as it is allowed under the Residential, High Density zoning district.
  - b. The Project has been designed to be compatible with the essential character of the area and is not hazardous or disturbing to persons, property, or existing neighboring uses.
  - c. The Project Site is already served by public facilities and utilities. Water, sewer, electric, and phone utilities are available at the Site.
  - d. The Project will not create excessive vehicular congestion on neighborhood, collector, or residential access streets.
  - e. The Project will not create conditions substantially detrimental to persons, property, or neighboring uses by reason of the production of excessive amounts of traffic, fumes, glare, electrical interference, mechanical vibration, or odor.
  - f. The Project will not result in destruction, loss, or damage to any natural, scenic, or historic feature of major consequence. There are no specific natural or scenic features of importance on the Site, and no adverse comments have been received by the City regarding natural, scenic, or historic features.

#### Other Requirements

17. The definition of short-term rental, as it exists in Chapter 20.80 SMC is the “[R]ental of a room, rooms, apartment or whole house for a period of less than thirty consecutive days.” Condition 9 of Appendix A shall ensure that the maximum allowable rental period will be thirty days.
18. Having considered all the above-listed findings, the City Council finds that this Project is generally consistent with the zone-specific criteria.

**CONCLUSIONS OF LAW**

1. With the mitigations measures incorporated in the Application and in Conditions 1 through 11 from Appendix A, the Application **is/is not** consistent with the application requirements set forth in Titles 20 SMC.
2. With the mitigation measures incorporated in the Application and in Conditions 1 through 11 from Appendix A, the Project **complies/does not comply** with the requirements established for approval of a conditional use permit established at Chapter 20.66 SMC.
3. The conditions of approval set forth in Appendix A **are/are not** adopted under authority of Title 20 SMC as measures necessary to reach Conclusions 1 and 2, above.
4. Any finding of fact that is also a conclusion of law is hereby adopted as such.

**DECISION**

Based upon the aforementioned findings of fact and conclusions of law, the application for approval of a conditional use permit is **APPROVED/DENIED**, subject to the Conditions of Approval established in Appendix A

City of Sumas, Washington

\_\_\_\_\_  
Bruce Bosch, Mayor

\_\_\_\_\_  
Date

**METHOD OF APPEAL**

There is no administrative appeal of the Council's decision. Pursuant to Chapter 36.70C Revised Code of Washington, any land use petition challenging the decision must be filed with the Superior Court and served on the following parties within twenty-one days of the issuance of the decision:

City of Sumas  
433 Cherry Street  
PO Box 9  
Sumas, WA 98295

Gertrude James  
1559 Fruitland Drive  
Bellingham, WA 98226

**APPENDIX A TO REPORT OF DECISION  
CONDITIONS OF APPROVAL  
JAMES CONDITIONAL USE PERMIT**

1. All permits and approvals required for the Project from either the City of Sumas or other agencies shall be obtained prior to the commencement of operations. All permits and approvals required for the operation of the Project from either the City of Sumas or other agencies shall be obtained in conformance with the requirements of such agencies. The Applicant shall provide to the City copies of all plans and reports prepared under the regulatory requirements of other jurisdictions, including stormwater pollution prevention plans, spill and containment contingency plans, and operations and maintenance plans for Project facilities and equipment.
2. The Applicant shall comply with all applicable occupancy standards adopted by reference in Chapter 14.04 SMC. Such occupancy standards shall be properly identified in an informational posting in the interior of each short-term rental unit.
3. At least one additional parking space shall be provided for each short-term rental unit in addition to the standard parking requirements applicable to the property.
4. No exterior signage or advertising shall be displayed in association with this project.
5. Standard residential garbage and recycling services shall be maintained and provided for each short-term rental unit.
6. Prior to commencement of the short-term rental use, an individual that resides within ten miles driving distance of the project site shall be identified to serve as the project's Local Property Representative. This representative shall be responsible for responding to any complaints or incidents associated with the short-term rentals. The name, address, and telephone number for the Local Property Representative shall be provided to the City and the Applicant shall mail a notice to all property owners within one hundred and fifty feet of the project site, identifying the Local Property Representative and providing the same contact information. If the Local Property Representative were to change, the Applicant shall mail new notices to all property owners within the same radius with the new contact information.
7. An informational posting shall be placed in each short-term rental unit identifying occupancy limits, parking instructions, emergency evacuation routes, local contact information, and guest rules and expectations. These informational postings shall be reviewed and approved by the City Public Works Director and Chief of Police prior to posting.
8. Prior to commencement of the short-term rental use, a fire safety inspection of each short-term rental unit shall be conducted. Following the initial inspection, an annual fire safety inspection shall be conducted each year to ensure that the short-term rental units continue to meet fire safety standards.
9. The maximum rental period for each short-term rental unit shall be thirty (30) days.
10. The project shall commence within a period of one year from the date of council approval; otherwise, the permit shall lapse unless a one-year extension is granted in advance by the City Council.
11. Any finding of fact or conclusion of law that is also a condition of approval is hereby adopted as such.