

Adam Zack

From: Lynda Guernsey
Sent: Tuesday, August 17, 2021 9:41 AM
To: Vacation Rental Comments
Subject: FW: Letter to PC regarding Vacation Rentals
Attachments: Letter to Planning Commission Re Vacation Rentals 8.16.21.pdf

Lynda Guernsey, Administrative Specialist II – Direct Line (360) 370-7579
SAN JUAN COUNTY
DEPARTMENT OF COMMUNITY DEVELOPMENT
(360) 378-2354 | 135 Rhone Street | PO Box 947 | Friday Harbor, WA 98250

From: Alexandra Gayek <gayek07@hotmail.com>
Sent: Monday, August 16, 2021 10:03 PM
To: Lynda Guernsey <LyndaG@sanjuanco.com>
Subject: Letter to PC regarding Vacation Rentals

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Members of the San Juan County Planning Commission

PO Box 947

Friday Harbor, WA 98250

16 August, 2021

Re: Proposed Use of “Caps” for Regulation of Vacation Rentals in San Juan County

Dear Members of the San Juan County Planning Commission,

Thank you for your prior support for a county-wide moratorium and the need to place limits on this commercial activity in mostly residential land use areas. I urge you to support further extension of the VR moratorium, and to do everything possible to reduce the impact of VRs with better regulation as described below, better enforcement, and with hard numerical caps.

My position regarding Vacation Rentals (VRs) is that in addition to hard numerical caps on the number of VRs, and better enforcement, no residential property owner should be allowed to operate anything more than a cottage industry in that residentially zoned area. No commercial business should be permitted in a residentially zoned area. The difference between the two is this:

By **cottage industry VR**, I mean:

- owner-in-residence,
- one rental dwelling for one party of guests on the same property where the owner resides, manages the rental, and stays on site while the guests are present.
- no extra staff or guests of guests coming and going from the property.
- total guests + residents:
 - do not exceed septic limit of 2 people per bedroom,
 - do not add more bedrooms than septic permit allows,
 - do not exceed available off-street parking,
 - do not disturb the peace and quiet and privacy of residential neighbors.

A **commercial business VR** is any rental of a whole dwelling or property, managed from off-site, or any rental with multiple guest parties. All the other cottage industry requirements above would still apply.

I understand that what is currently being considered is the concept of **hard numerical caps on the number of VRs in the County**.

While I agree caps are necessary to help protect and preserve our county's rural character, our fragile environment, and our cherished island culture, they do not address the aforementioned concerns in protecting the nature of our county's residential neighborhoods, nor the issue of the ridiculously inadequate number of County enforcement staff.

With these concerns also in mind, **I support the Vacation Working Group's proposal for the following Cap structure.**

The VR Cap should be simple and, above all, enforceable. Caps should be island-specific and equal to the number of *active and compliant* VR permits as of December 31, 2020. Definitions of the terms “Active” and “Compliant” are appended.

There may be permit holders who were not active and compliant on December 31, 2020. These permit holders could become active and compliant by December 31, 2021 and still continue operation. However, that would not change the number of the Cap. Instead, the number of VR permits would exceed the cap for a period of time until attrition brought the number back into line with the Cap requirement.

There will be no new vacation rental permits issued for a particular island until that island is below their island’s designated Cap. Any vacation rental permit holders who are not active and compliant by December 31, 2021 will surrender their permit until such time as they are eligible to reapply. Once each island is below their designated Cap, a permit may be granted to the next vacation rental on the waiting list on that specific island.

A current list of active and compliant vacation rental permit holders and a waiting list of individuals seeking to gain a vacation rental permit, including a total for each island, will be published on the San Juan County website. This website shall be active and available by January 15, 2022.

Definitions.

“ACTIVE” – A VR permit is deemed Active if the operator/owner of a Vacation Rental has, at any time within the prior 90 days, either: (1) advertised and accepted reservations for vacation rental bookings; *or* (2) provided lodging to overnight guest(s) at the property for which they are currently permitted by the County to operate a vacation rental.

"INACTIVE" - An owner/operator is deemed Inactive if they cannot establish by independent documentary proof that they have met the above requirements of being an "Active" owner/operator of a County permitted Vacation Rental. All Inactive permit holders will be granted a period of 90 days from the enactment of the New VR Ordinance within which to become Active or they will forfeit their VR permit.

"COMPLIANT" - an owner operator who, as of the effective date the New VR Ordinance, has: (1) paid all applicable State, County and local taxes, fees, and/or other related assessments associated with their activity as an owner/operator of a Vacation Rental permit for the current calendar year, and all prior calendar years since the date they first obtained their Vacation Rental permit; and (2) filed with the County all documents required as a condition of holding a valid Vacation Rental permit; and (3) had no complaints filed against their Vacation Rental permit with the County of San Juan's zoning enforcement division which have been resolved against their permit during the prior 3 years; and (4) have not received more than 3 complaints against their Vacation Rental permit(s) within the prior 5 years.

"NON-COMPLIANT"- any owner/operator who does not qualify as a "Compliant" owner/operator of a vacation rental.

I understand that some individual county residents feel very threatened by any limitation on VRs. However, it is the Planning Commission's responsibility to recognize that there must be a limit to the taking and use of a common good for individual profit at the expense of all other residents, including the non-humans on whom life on the planet depends.

Thank you for your thoughtful consideration.

Respectfully,

Alexandra Gayek

Orcas Island

P.S. A pdf copy of this letter is attached.

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