

Sophia Cassam

From: Lynda Guernsey
Sent: Wednesday, January 19, 2022 8:05 AM
To: Vacation Rental Comments
Subject: FW: Letter to San Juan County Planning Commission for Meeting on January 21, 2022
Attachments: Letter to SJCPC - 01-18-2022.docx

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: VALERIE JUSELA <vjusela@mac.com>
Sent: Tuesday, January 18, 2022 10:09 PM
To: Lynda Guernsey <LyndaG@sanjuanco.com>
Cc: Cindy Wolf <cindyw@sanjuanco.com>; Jamie Stephens <jamies@sanjuanco.com>; Christine Minney <christinem4council@gmail.com>; Randall Gaylord <RandallG@sanjuanco.com>; avira@sanjuanco.com
Subject: Letter to San Juan County Planning Commission for Meeting on January 21, 2022

You don't often get email from vjusela@mac.com. [Learn why this is important](#)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good Morning Lynda,

Attached please find my letter addressed to the members of the San Juan County Planning Commission for their meeting that is scheduled on January 21, 2022.

Best regards,

Valerie A. Jusela
Orcas Island

January 18, 2022

Members of San Juan County Planning Commission
PO Box 947
Friday Harbor WA 98250

RE: Liability from lack of Regulation of Vacation Rentals in San Juan County

Dear Members of the San Juan County Planning Commission,

I am writing to you today to bring your attention to the liability exposure the county and all residents of San Juan County are facing due to the lack of enforcement and regulation of short term rentals/vacation rentals.

I also bring to your attention that the current moratorium, which is not county-wide, is continuing to exacerbate this problem with continuing unchecked commercial activity in mostly residential land use areas in the county.

I direct your attention to the following issues -

Liability Insurance – WA State RCW 64.37.040 – Short-term rental platforms;
WA State RCW 64.37.050 Liability insurance – links provided below
Requirement for \$1 million dollars in primary liability insurance to cover the short-term dwelling unit.

<https://app.leg.wa.gov/RCW/default.aspx?cite=64.37.040>

<https://app.leg.wa.gov/RCW/default.aspx?cite=64.37.050>

These two WA State Code sections are not referenced in the SJC Department of Community Development Land Use Vacation Rental (VR) Permit Application or in the annual Vacation Rental Certificate of Compliance.

<https://www.sanjuanco.com/DocumentCenter/View/15349/Vacation-Rental-Application-PDF>

<https://www.sanjuanco.com/DocumentCenter/View/15350/Vacation-Rental-Certificate-of-Compliance>

Not enforcing these code sections exposes the county and its residents to uninsured liability in the event of an accident and/or fire. If a party or parties sue the county and prevails in their lawsuit, the county could potentially go bankrupt and be forced into receivership. All residents would bear the financial cost to settle the judgement.

Penalty of Perjury Clause –

SJC Department of Community Development Land Use Vacation Rental (VR) Permit Application (see link above) – This application **does not** contain a penalty of perjury clause.

SJC Annual Vacation Rental Certificate of Compliance (see link above) – This form does contain a penalty of perjury clause, however, I direct your attention to the link below for the Chelan Short Term Rental App and the following language:

“I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true, correct and complete.”

The Chelan Short Term Rental App provides one form for obtaining a New Annual Short-Term Rental Permit or a Renewal of Annual Short-Term Rental Permit instead of the two forms that San Juan County uses.

<https://www.co.chelan.wa.us/files/community-development/documents/STR/NEW%20STR%20Application%20FILLABLE%20V3%2019OCT21.pdf>

I encourage the Members of the San Juan County Planning Commission to review the Short Term Rental Code that was passed by Chelan County in 2021. It is comprehensive and they clearly had legal guidance. Their regulations cover all of the bases . . . Fire and Safety Inspection, Insurance, Building Code Regulations.

Here is the link to their website –

<https://www.co.chelan.wa.us/community-development/pages/short-term-rentals>

The San Juan County Building Code Regulations do not sync with the short term rental application or renewal process.

<https://www.sanjuanco.com/DocumentCenter/View/24222/SJC-Fire-dept-vehicluar-access-requirements-2021>

San Juan County – Private Roads – Road Associations and HOA’s –

The current moratorium was enacted almost one year ago. San Juan County has chosen to not extend the moratorium to Rural residential areas and Rural Farm Forest areas. These are most vulnerable to extreme liability exposure from short term rentals. In the past several months we have experienced torrential rains that have washed out roads and sub-zero temps combined with significant snow and ice. Two residents had to be medivac’d off Orcas island after the road washed out by Doe Bay and one was taken off island by the Coast Guard helicopter when the weather conditions did not permit the Air Care helicopter to come to Orcas. The residents of the Buck Mountain Platts could not safely travel on the roads for days during December and January because of the snow and ice on the roads due to the extended sub-zero temps and high winds.

There are short term rentals in Rural residential and Rural Farm Forest areas and when an accident happens these private road associations or HOA’s will be sued and, I believe, San Juan County will be sued as well. The private road associations and HOA’s will be held to county road standards which will be determined by the number of annual car trips on these private roads. Many of the residents will not be able to bear this financial burden. These areas were never intended to be travelled by tourists who are not familiar with the local driving conditions.

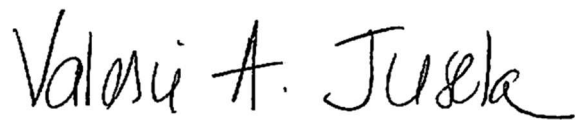
Also, these private road associations and HOA's will lose their insurance and be placed in surplus lines which could increase their premiums by twenty-five times their current insurance rate. The financial burden becomes even more severe.

Please advise the San Juan County Council to extend the short term rental moratorium to all of the County. All of the residents deserve to be protected and the tourists deserve to be afforded the same protections.

Landlines –

Lastly, in the effort to keep our island guests safe, I request that all short term rentals have a working landline. We know that on all of the San Juan Islands there are parts of the islands where cell service is not available. In the case of a fire or medical emergency a guest must have a way to contact help.

Sincerely,

A handwritten signature in black ink that reads "Valerie A. Jusela". The signature is written in a cursive, flowing style.

Valerie A. Jusela
Orcas Island

Background and experience – Insurance – Marketing and working with legal department, Business Management, Taxation and Contracts

cc: County Council Members,
Randall K. Gaylord, County Prosecutor
Amy Vira, Deputy Prosecutor (Civil & Land Use)