

## Sophia Cassam

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**From:** Ingrid Gabriel  
**Sent:** Tuesday, March 8, 2022 8:20 AM  
**To:** Sophia Cassam  
**Subject:** FW: March 8 Agenda Item 6: Consideration of Findings on a Vacation Rental Permit Cap  
**Attachments:** 2022-01-17-VRWG comments Findings of Fact-Shanks.pdf

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**From:** Brian Wiese <Brian\_Wiese@outlook.com>  
**Sent:** Monday, March 7, 2022 4:52 PM  
**To:** Ingrid Gabriel <ingridg@sanjuanco.com>  
**Subject:** March 8 Agenda Item 6: Consideration of Findings on a Vacation Rental Permit Cap

You don't often get email from [brian\\_wiese@outlook.com](mailto:brian_wiese@outlook.com). [Learn why this is important](#)

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Honorable Councilmembers:

In the matter before you today, adopting findings of fact for an action on short-term rentals in the county, I would urge you to adopt the proposed findings previously submitted to you by Anne-Marie Shanks in her letter to the Planning Commission and DCD of January 17, 2022 (attached). Based on those findings, I would further respectfully urge you to:

- Renew the moratorium on vacation rentals for an additional six months from its current expiration date of July 13, 2022 and repeatedly thereafter until such time as additional regulations permanently regulating the number, distribution and operation of vacation rentals have been adopted;
- Extend the moratorium beyond UGAs, hamlets and activity centers to include all areas of San Juan County; and
- During that moratorium, cap the number of vacation rentals to the number of *active and compliant* permits existing on August 20, 2021, the date of the Planning Commission's original recommendation: 413.

Thank you for your consideration,

--Brian Wiese  
Orcas Island

San Juan County Planning Commission  
Department of Community Development  
PO Box 947  
Friday Harbor, WA 98245  
January 17, 2022

Dear Planning Commissioners and Department of Community Development (DCD):

During the December 7, 2021 San Juan County Council (SJCC) Meeting, Council Members requested the Planning Commission create Findings of Fact and return those to them. DCD Planner Sophia Chassam's November 23, 2021 memorandum addressing renewal of the short term rental moratorium includes draft Findings of Fact. We have included a number of the DCD Findings of Fact in this document and provided additional Findings to assist your work.

## **Findings of Fact**

### **Impact of Short-term Vacation Rentals (STVRs) on the San Juan Islands**

- 1) Residents of San Juan County began expressing their pain from short term rentals before July 31, 2021, when active and compliant short term vacation rentals (STVRs) in San Juan County were at 413 permits.
- 2) San Juan County Code 18.04.275 regulates short term vacation rentals of residences but does not include regulations that address the impact of over-concentration of STVRs or the impacts of over-tourism on island neighborhoods.
- 3) The County needs to adequately address potential land use compatibility issues and adverse impacts to rural character, natural resources and the public welfare. A DCD map shows the majority of short-term vacation rentals are located on unpaved private roads with insufficient width to permit simultaneous ingress of emergency service vehicles.

4) Short term vacation rentals are the primary source of growth of transient accommodations in the County. Other sources of transient accommodations such as hotels, campgrounds and resorts are significantly limited by existing land use regulations.

5) Growth of transient accommodations is likely to result in additional tourist visits to the islands, which results in over-tourism if not properly regulated. Over-tourism (including the high turn-over of STRV occupants) can result in negative impacts including reducing the sense of community, damage to the environment, overload to infrastructure (including our fragile ferry system) and degraded tourist experience.

6) In 2021 the WA State Ferry system imploded. Currently, sailing schedules to the San Juan Islands are plagued by delays and cancellations due to shortages of available crew, mechanical problems, pandemic and over-tourism, leaving county residents without adequate transportation options. This problem would only be made worse by adding more tourist traffic due to an increase in short-term vacation rental permits.

7) Extreme weather conditions in recent months have exposed the vulnerable nature of our islands' infrastructure, particularly on Orcas Island, where flooding has resulted in mud slides and road cave-ins. Increasing the number of STRV permits would add to the stress on our local resources at the very time the focus should be on restoring and rebuilding our local infrastructure to ensure the safety of our residents.

8) A 2017 study from researchers at UCLA and USC collected data from Airbnb, Zillow, and the US Census between 2012-2016. Using zip codes from across the country, the study found that a 10% increase in Airbnb listings caused rental prices to increase by .4% and house sales to increase by .7%.

9) Homes with transient rental permits usually list and sell for more money than other homes, contributing to an accelerated rise in values and prices.

### **Washington State Response**

10) On June 28, 2019, HB1798, became law. This law requires short term rental operators to register with the Department of Revenue (DOR), collect and pay various taxes, fees and assessments to which an operator or owner of a hotel or B&B is subject, and

buy liability insurance: RCWs 64.37.020, 64.37.050, RCW 64.37.030. These requirements affirm short term rentals are businesses.

### **San Juan County Council Responses**

11) In 2018, the San County Council updated its short term rental regulations to require existing permit holders to annually certify compliance with their conditions of permit approval.

12) The legislative history of San Juan County Council 2021 actions related to Vacation Rental Moratorium is outlined in San Juan County Resolutions - 03, 05, 16, and on December 7, 2021.

13) At their May 12, 2021 meeting, the County Council provided guidance to the staff and the Planning Commission for development of additional short term rental regulations including an overall cap on the number of permits issued, caps on permits by island, measures to address emergency management, impacts to neighborhoods and impacts to community roads and water systems.

14) The County Council, at the May 12, 2021 meeting, reduced the scope of the moratorium to Eastsound, Lopez Village, Activity Centers and Hamlets, leaving the rest of the county open to additional STR permits. This induced a rush for permits. Some 52 short term rental permits were issued in the first six months of the moratorium.

15) On December 7, 2021, the moratorium on the issuance of short term rental permit processing in UGAs, Hamlets and Activity Centers was renewed for an additional six-month period beginning January 13, 2022 and shall expire on July 13, 2022 unless renewed as provided in RCW 36.70.795 and 36.70A.390.

### **San Juan County Planning Commission Responses**

16) In November, 2020 the Planning Commission unanimously recommended the County Council enact a county-wide moratorium and caps on the number of short term rentals in the county.

17) At the August 20, 2021 meeting, the Commission voted unanimously to support a cap of 413, based on the number of active and compliant short term rentals at that time. At that time county residents were already experiencing negative effects from short term vacation rentals.

18) On October 15, 2021, the Planning Commission voted to cap short term rentals at 650 compliant permits. The four-to-three vote limited the cap to five years.

### **San Juan County Resident Responses**

19) In 2019 the Eastsound Planning Review Committee recommended a moratorium on vacation rentals. The Deer Harbor Plan Review Committee submitted a 2020 docket request asking for a complete ban on vacation rentals in the hamlet.

20) Prior to the August 20, 2021 Planning Commission meeting, the Commission received: 178 comments supporting caps at or below the current level of active and compliant short term rentals and a petition from Lopez Island with 240 signatures asking for limits on short term rentals.

21) Some 700 San Juan County members have signed a petition calling for a freeze on the number of short term rental permits at the current active and compliant number of 413 along with island-specific caps.

Thank you for your time and consideration.

On behalf of the Vacation Rental Working Group,  
Anne Marie Shanks