

Adam Zack

From: Wendy Gaster Tillman and R. Roy Finkle <skyriver@verizon.net>
Sent: Tuesday, July 13, 2021 10:51 PM
To: Vacation Rental Comments
Cc: Sheila Gaquin
Subject: Numerical "Caps" Is Not The Best Methodology to regulate Vacation Rentals

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To the Commissioners of the San Juan County Planning Commission:

I have read the comprehensive analysis presented to you in August 2020 and have now listened to the public comments re proposed capping of the number of Vacation Rental ("VRs") permits allowed or renewed in San Juan County. I respectfully disagree with this approach or methodology to controlling the adverse impacts of unregulated VR activity in the San Juan Islands.

The Countywide Vacation Rental Density map set forth on page 3 of Mr. Zacks' report dated August 7, 2020, and his presentation to the Planning Commission at the August 21, 2020 hearing, is a picture worth a thousand words. Indeed, read alongside the analysis he did of the average and median parcel sizes amply demonstrate that the size (and shape) of the parcels where the VRs are operating is a direct indicator of the quantity and degree of adverse impacts (noise, congestion, parking, traffic, etc.) the community as a whole suffers, especially and most importantly adjoining properties, from the presence of inadequately regulated VRs in these high density residential communities.

Where we live in Roche Harbor, the 57 parcels on Davison Head have a width of approximately 105' +/- and are approximately .55 acres in size. 21% of Davison Head has active VR permits that are rented much of the year and all of the summer season. There are frequent conflicts between VR occupants and the owners who live in this neighborhood. Usually the problem is that the VR occupants are being too loud partying late into the night, blasting music outside, etc, that causes the conflict with neighbors. Often the problem arises out of the simple fact that these parcels are simply too small for the VR activity taking place on them. Period. The guests frequently have a 6am or 8am ferry so at 5 am or 7am they are pulling all their luggage out the doors, and down the wood planking, and over the pavers, while talking and starting their numerous vehicles, slamming car doors shut and trunks and driving off ...on a Sunday morning ...or on any day of the week. This noisy activity then gets repeated again 2 or 3 days later by the next group... and the next group. Again and again. And this is the unavoidable noisy conduct of a hotel type exchange of guests every few days.

No one will dispute that as a property owner and as a taxpayer we have the same right to the peaceful enjoyment of our property as anyone else. However, our peaceful enjoyment of our property is rendered impossible depending on the vagaries of the VR occupants *and their travel plans* next door to us on any given day, night or morning. And just to clarify, I am not now addressing the worst of the impacts. [i.e. the ones mentioned above which squander the time of the Sheriff being called to act like a high school principal rather than a highly trained law enforcement officer citing noise or trespass ordinances to VR guests, in an effort simply to achieve some modest protection of our property rights.]

This constant exchange of VR guests is an example of un-mitigatable impacts — VR guests take ferrys and depart or arrive at the VR residence at all hours of the day and night in a repeating nonstop pattern, week in and week out. This disruption of neighbors' quiet use and enjoyment of their property, the act of sleeping in the early morning, or not being kept awake late into the night with midnight-arriving-ferrys every few days or nights for months on end in the spring summer and fall — is the behavior pattern of VR guests because full or part-time owners do not come and go with such frequency, weeks and months on end, and at such late or early hours with such regularity.

Many communities (like Santa Barbara County) after years of analysis, study, and public hearings determined that restricting VRs to larger parcels, 40 acres and above, was the only methodology which *mitigated and realistically ameliorated* the accumulated adverse impacts on neighborhoods. One exception was made to the minimum parcel size of 40 acres: vacation rentals were allowed on parcels occupied full-time by the owner or longterm lessee (limited to 3 bedroom maximum) in either the main home or a legal ADU on the same parcel. In other words, offsite management was disallowed on small acreage/parcels because offsite management was found unable to control the noise and other nuisance problems to the neighbors; and ownership of the VR in the County or in the State was not a determining factor. Rather, on-site supervision was empirically found to be the key to stopping adverse impacts to the adjoining parcels and neighborhood by the VR activity on small parcels.

The example above (i.e., incessant comings and goings very late in the evening or very early in the morning) is an unavoidable adverse noise impact that is not prohibited by the noise ordinance, demonstrating how and why a VR is more like a hotel than a home. And just as this County would never permit a hotel to operate in Rural Residential zoning, neither should this County permit a VR to operate on small parcels like those found in the Rural Residential zoning of Roche Harbor.

We respectfully ask that the Planning Commission reconsider its approach using the overly simplistic numerical cap methodology and ask:

“How many common adverse impacts cannot be mitigated with numerical caps alone? Only by implementing a minimum parcel size approach — in reality a minimum parcel width approach — will you begin to protect the vast areas of San Juan County from the multi-layered adverse impacts of *normal* VR activity. Communities should not be left spending years trying to regain the quiet use and enjoyment of their own properties and their own neighborhoods. Creating a minimum size threshold (of 2 or 3 or 5 acres) will itself go a long way to structurally preventing and avoiding much of the noise, traffic, water and other resource problems created by too many VRs in too small a geographic area, all of them consuming finite resources simultaneously with high demand levels.

Finally, a minimum parcel size methodology cannot be the only pre-requisite to obtaining a VR permit to the exclusion of other similarly critical requirements, such as safe year-round access and not over burdening privately maintained roads. Last, the regulation must protect the community members which are NOT engaged in the VR activity from the liability and harm they will eventually suffer as a consequence of and arising out of the VR activity, especially if it is taking place on private roads served by private water companies with very limited fire defenses.

Thank you for your consideration of my comments and observations.

Wendy Tillman