

San Juan County Council  
350 Court Street, No. 1  
Friday Harbor, WA 98250

December 6, 2021

Dear County Council,

What can be said that is new? Nothing really. Rather than bore you with the same things we've all been saying for a year now, how about we try something different? Such as: it seems very calculated to me that in October 2021, the Planning Commission deliberated an entire day on Vacation Rental recommendations for the County Council but declined to attached the required Findings of Fact. Perhaps it was purposeful – as we now learn legislative law mandates that a Planning Commission submit Findings of Fact. Thus, more time has been bought, to extend the moratorium. Not because it is necessarily wanted but legally required because the Planning Commission did not complete its duty. We are now left with a convenient delay, legislatively mandated, but perhaps slyly created to stall VR applications while the Planning Commission submits Findings of Fact for what is called the First Touch – set for February 2022, then the required Second Touch in March 2022, and the Third Touch set for later in March 2022, with perhaps a final decision around May 2022...just in time to write it all up for the expiring July 2022 extended moratorium. Convenient.

The other “new” thing we could discuss, is results from the empirical data and studies many of us have been asking for over the last year. Had the County appropriated monies for studies, even to assess the results of the revised 2018 VR regulations (which are just starting to come to light from your Planner’s Reports of November 23 and November 30, 2021) we would be truly seeing results and making better informed decisions rather than scapegoating vacation rentals for

the lack of housing, infrastructure, build-out, and what many are calling over-tourism.

Lastly, while this *topic* is not new...perhaps reviewing the wisdom of members of the County Council suggesting to county citizens to stop vacation rentals via local homeowner association votes is up for discussion. Many of us have provided you court precedence from right here in San Juan County with the Robert Greene case and the Sarah Moore case where Superior Court has stated that vacation rentals cannot be considered any more commercial than long term rentals. This very subject recently went before the Washington State Supreme Court over a case from Chelan County. After significant litigation at the trial court and Court of Appeals, the Supreme Court determined that vacation rentals are consistent with single-family residential use and are not considered commercial uses. The Supreme Court also ruled that the way in which the association sought to bar the vacation rentals violated the individual property rights of each owner in the community. Just last month Eagle Ridge on Orcas amended their CCRs to limit VRs with only a 60% vote of its residents. A one hundred percent (100%) vote of the property owners is required. So, the “new” conversation the County Council should be having is to what extent do you want to violate legal precedence.

Regards,

Karen J. Key Speck  
Orcas Island