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From: Randall K. Gaylord [mailto:rgaylord@rockisland.com]

Sent: Friday, February 06, 2004 8:55 AM

To: 'Morris_je@leg.wa.gov'

Subject: FW: Detached Accessory Dwelling Units

Dear Senators Spanel and Roach and Representatives Quall and Morris:

I urge you to do what you can to move the legislation regarding accessory dwelling unit to the full legislature.

In my view, there is an ambiguity in the existing legislation that needs to be corrected. Counties should not have to litigate these ambiguities when a simple legislative fix is sufficient.

San Juan County is not asking for anything special in this legislation. It is only asking for equal treatment like other counties and cities. San Juan County wants to exercise the authority granted to it by the Housing Policy Act to determine the conditions for when detached accessory dwelling units are allowed. The Growth Board has taken away that local authority on the basis that the two-building arrangement of a detached accessory dwelling unit “doubles density.”

A detached accessory dwelling unit does not “double density” because San Juan County limits the occupants to a single family. San Juan County determined that the basic unit of density should be a family. That makes good policy sense, and we ask that you confirm this approach. Yes, it is true that more people may live on certain parcels because the housing arrangement accommodates them more readily. But is that wrong if the maximum limit is one family? I urge you to follow an approach which means that properties will be used more efficiently. That is the fundamental policy supported by the Commissioners and it is consistent with the purpose of the Housing Policy Act.

In San Juan County we have an older population and many, many people who own second homes. The most recent census showed average family size decreased over the past decade from about 2.3 persons per household to 2.1 persons per household. I predict even with detached accessory dwelling units, this trend will not be reversed, and we will never return to average household sizes similar to other communities.

San Juan County does not have a maximum house size. A citizen may build a 10,000 square foot home, yet the Growth Board has said her neighbor cannot build a modest 2000 square foot home and a 1000 guest house or apartment above the garage.

San Juan County has adopted strict rules to assure that detached accessory dwelling units do not become independent homes. This restrictions impose limits on size (max. 1000 square feet), location (outside open spaces), ownership (same owner as main house), occupancy (one family for main house and ADU), and proximity to the main house (must be served by same utilities and driveway). I call these the SLOOP factors.

If you feel these SLOOP factors need to be part of the state legislation, I would be pleased to assist in drafting provisions. Otherwise, it is appropriate to grant to the local legislative body the authority to develop these provisions as they see fit.

Finally, I have seen a letter from the Town of Friday Harbor regarding water concerns. The county legislation does is not intended to interfere with a local water utility's rate structure or membership requirements. The Town will be able to address water as it needs to and the County has always cooperated with the town to inform landowners that the right to build a detached ADU does not eliminate the need to obtain appropriate approvals from the local utility. Thank you for your consideration.

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