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September 20, 2004

VIA FAX 360-376-5298\*\*

Ms. Maile Johnson, Board Member  
Friends of the San Juans  
P. O. Box 125  
Orcas, WA 98280

Re: ADU Settlement – Final Proposal

Dear Maile:

Your fax of Friday, September 17, 2004 was reviewed this morning, September 20. While the Commissioners have not considered the September 17, 2004 material as a group, I am rather confident that it will not be acceptable.

The Friends insistence on the following points will prevent a settlement for the reasons we have discussed:

1. Prohibition of Accessory Dwelling Units in Natural, Conservancy and Critical Areas;
2. Prohibition of cottage enterprise being conducted at the accessory dwelling;
3. Calculation of 15 percent cap on new accessory dwelling units by reference to specific land use designations;
4. Restricting height of ADU in the shoreline to a standard of “not to visibly exceed” height of primary residence;
5. Modification of the definition of “family” to six or few unrelated persons;

Ms. Maile Johnson  
September 20, 2004  
Page 2

6. Alteration to the section on Sequence of Construction in a manner that would impose the new standards on people who have been making plans under the old standards.

The concessions that have been made by the commissioners include the following:

1. Establishment of a cap on the number of accessory dwelling units at 15 percent;
2. Establishment of a fixed distance between the main house and accessory dwelling unit of 100 feet;
3. Establishment of a one acre parcel size restriction in the rural and resource designations;
4. Establishment of a requirement that the materials, color and design of the accessory dwelling assure that it is part of the same single family residence;
5. Clarification of the location standards to protect the sensitive features of a site;
6. Other minor changes to eliminate ambiguity and otherwise strengthen the ordinance; and
7. Pulling the ballot measure for the November 2004 election.

In a firm, final, and fair offer, I have enclosed the draft revisions as I have done before. The reasoning has been conveyed to you in previous materials. You should read the enclosed material carefully, as it does not include the major substantive changes from your revisions of September 17. In addition, there are numerous smaller changes that were also not included, which I would be happy to discuss with you. As we have discussed before, all of the procedural steps to consideration of such changes must take place.

If this offer of September 20, 2004 is acceptable, I must receive a written confirmation, on signed by or behalf of all of the settling parties, no later than 9:00 a.m. tomorrow, September 21, 2004.

Very truly yours,

Randall K. Gaylord

cc: Board of County Commissioners  
RKG/rg  
enclosure