

REMARKS BY RANDALL K. GAYLORD
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ISSUE

Should the legislature clarify that detached accessory dwelling units (e.g. "garage apartment" or "guest house") are allowed in all the lands of a county where single-family homes are allowed?

BACKGROUND

1990 Growth Management Act Adopted

- Goal 2: Prohibit sprawl
- Goal 4: Promote housing for all economic segments
- Other Requirements: Urban growth goes to urban areas

1993 Housing Policy Act Adopted

- "Accessory Apartments" allowed in all single-family zones
- CTED directed to adopt model ordinance
- All counties planning under GMA required to adopt model ordinance
- Authorize County to adopt other regulations

1994 CTED Adopts Model Ordinance for Accessory Dwelling Units

- Allows *detached* and *attached* accessory dwelling units
- Allows ADUS where single-family residences are allowed
- Applies to County – urban, rural and resource lands

1997 San Juan County Adopts Model Ordinance

1999 Growth Board Rules San Juan County Must Study Accessory Dwelling Units

2000 Census Completed – Facts and Conclusions

- County household size: 2.16 persons per household (declining in last decade)
- Percent of housing units vacant: 28.5 percent (state average – 2.5 percent)
- Highest home prices in state
- Lowest wages in state
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2002 San Juan County Issues Report on Accessory Dwelling Units

- 15 percent of all single-family homes have an ADU
- 18 percent of all ADUs are used long term (4 percent of all single-family homes)
- Impacts of new ADUs are mitigated with regulations

2002 San Juan County Adopts Ordinance Similar to “Model Ordinance”

Size (1000 sq. ft. max. – just 1/44 acre; 1/220 of 5 acres; 1/440 of 10 acres)

Location (shoreline – landward of main house; outside all sensitive areas)

Ownership (same owner for main house and accessory unit)

Occupancy (only one family – up to 8 unrelated individuals – for main house and ADU)

Proximity (Accessory unit uses same driveway and utilities)

2003 Western Washington Growth Board Decision – *Friends of the San Juans, Lynn Bahrych, Joe Symons and Maile Johnson v. San Juan County* – Corrected Final Decision and Order and Compliance Order dated April 17, 2003

“We conclude a freestanding ADU is a separate dwelling unit and has all the structural characteristics of dwelling unit...” p. 25

“Allowing a freestanding ADU on every single-family lot without regard to the underlying density violates in rural residential districts...fails to prevent urban sprawl, contain development, and instead, allows growth which is urban in nature outside of an urban growth area... These sections do not comply with RCW 36.70A.020(2) [the “no sprawl goal] and RCW 36.70A.110(1) [urban growth in urban areas goal] and are clearly erroneous...and are found invalid.” p. 26

“With regard to internal and attached ADUs in rural areas, we find that the County’s Uniform Development Code as now amended, complies with the GMA.” p. 27

DISCUSSION POINTS

1. San Juan County is simply trying to implement the Model Ordinance in a manner consistent with instructions from the Legislature.
2. “SLOOP” regulations assure ADUs do not “double density.”
 - Editorial written by Randall K. Gaylord, July 2004
3. ADUs are part of the affordable housing mix in San Juan County.
 - Land Use Seminar Paper written by Randall K. Gaylord, November 2002
4. Clarifying legislation is needed.
 - HB 3028 (2004 Session would be sufficient.