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June 10, 2022

San Juan County Planning Commission
c/o Department of Community Development
PO Box 947
Friday Harbor, WA 98250
Via Email (brookes@sanjuanco.com)

Dear Commissioners,

Since sending a letter to the Planning Commission in May (attached again at the end of this letter), I have spoken with a few Planning Commissioners. Those conversations helped me better understand how OPAL's request was being interpreted and so I am writing in an effort to further clarify the record.

We developed this docket request because OPAL owns a one-half acre property located inside the Eastsound U.G.A. that has a land use designation allowing for half-acre density. Despite being located in the area where density is supposed to be concentrated, the property cannot be further subdivided. If additional density were allowed on the parcel, the house currently located on the property is situated in a manner that would enable another house and create a quarter-acre development pattern. In fact, many neighboring properties have multiple buildings on their parcel. Adding another building to the parcel owned by OPAL would result in a development pattern that matches the surrounding parcels.

After thinking about this idea, we realized that we own another parcel located 760 feet outside of the Eastsound UGA in an area with one-acre density. It is a one-acre parcel and is in the same situation as the parcel described above. If this provision were adopted, OPAL could provide a limited number of small additional affordable dwelling units for year-round occupancy.

I have consulted with my colleagues at Lopez Community Land Trust and the San Juan Community Home Trust, two other organizations in the county that provide housing in a manner consistent with the definition of "perpetual affordable." They are not currently aware of instances when they might utilize this proposed code change. The San Juan Community Home Trust develops mostly within the Town of Friday Harbor. Lopez CLT has not done the kind of scattered site acquisition or house moving that OPAL has done (on small lots in existing sub-divisions). That said, each organization is supportive of OPAL's efforts to change the code in the manner described in the docket request.

The changes OPAL seeks could provide a small number of additional year-round dwellings in locations where surrounding properties have a similar development pattern. These are half-acre or one-acre lots where rural clusters or more dense sub-division is not allowable nor appropriate.

And again, the ownership structure is that OPAL owns the land. The primary residence is owned by a homeowner. The ADU would be owned by OPAL and used as a year-round rental home.

Finally, I would like to highlight that the Vision Statement for the Comprehensive Plan that was adopted by the County Council in 2018 states, in part, “we will use innovative strategies to meet the various housing needs of our community.” I believe that what we propose aligns with this statement.

Thank you for considering this additional information.

Sincerely,



Elisabeth C. Byers
Executive Director



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May 19, 2022

San Juan County Planning Commission
c/o Department of Community Development
PO Box 947
Friday Harbor, WA 98250

Via Email (brookes@sanjuanco.com)

2022 Docket Request no. 22-0003 (ADU Affordability)

Dear Commissioners,

I am writing to provide additional information for OPAL Community Land Trust's docket request. OPAL has been providing permanently affordable housing on Orcas for over thirty years. After OPAL purchases the Northern Heights apartments later this month, OPAL will be providing housing for a total of 204 households on Orcas (110 ownership and 94 rental). People living in OPAL homes represent an estimated 8% of the year-round population, and 27% of the school-aged children on the island.

OPAL's docket request is a narrow and carefully targeted Code amendment that would allow non-profit organizations that provide perpetually affordable housing to provide a few additional affordable housing opportunities in detached accessory dwelling units, or ADUs. These houses would be integrated with existing neighborhoods and would comply with all required development standards.

We understand that the Department recommends against docketing any proposals this year, and we certainly acknowledge that the Department has limited capacity and many important planning projects already underway. However, our County's affordability crisis is acute, and the human cost is very real. We therefore respectfully ask the Commission to recommend consideration of our DADU affordability proposal this year.

With due appreciation for the Department's hard work, we respectfully submit that the recommended rejection is based first on an incorrect assumption regarding the proposed development type, and secondly on a rationale that would inadvertently "make the perfect the enemy of the good."

Before addressing the merits of the docket request, I want to take a moment to explain how the community land trust form of ownership works. The non-profit community land trust acquires land and commits to owning that land in perpetuity for the benefit of the community. The most common use of the land is to provide housing for individuals who are unable to own or rent a home in the traditional market. For ownership housing, the community land trust leases a parcel of land to each homeowner, who owns their home and a leasehold interest in the land. The community land trust uses grants and donations to lower the sales price of the home to a level that is affordable. The ground lease contains stipulations including a requirement for owner occupancy and a resale formula to determine the future

sales price. This mechanism perpetuates affordability for successive generations of homeowners. The community land trust is a partner with the homeowner and facilitates each resale.

Now, I wish to address a number of things from the Department of Community Development's analysis.

First, the Department suggests that our proposal would allow for ADUs "that are not associated with the primary residence." In fact, the ADU would be absolutely and closely associated with the primary residence. Both structures would be on land that is owned and monitored by a non-profit organization such as OPAL, that has a legally binding role to monitor and enforce the terms of the ground lease. This close relationship would prevent the kind of unforeseen consequences that are generally referenced in the Department's recommendation. OPAL's team is very experienced in developing and managing utility and access arrangements of this kind, and we would be happy to work with the Department on revised language if it would help alleviate this concern.

The staff's advisory memo suggests that condominiums might be a possible solution instead of the proposed Code amendment. A condominium alone, however, is not a solution for the parcels we are considering. As the land use density designations and code are currently drafted, OPAL could not convey the improvements in the ADU and primary units to separate owners, even if the property were condominiumized. That is why we are asking for this Code amendment.

Another reason the Department recommends against the ADU affordability proposal is that under this model only one new ADU can be constructed per tax parcel. The Department observes that such a parcel-by-parcel development pattern would "limit rapid development of affordable units," and therefore not by itself "result in significantly greater" housing opportunities.

We agree that this proposed tool is but one of many tools needed to address our County's affordable housing crisis. An apt analogy is this: a carpenter would not leave her hammer at home just because she already has a wrench and a screwdriver on the job site. Similarly, the Commission should not dismiss creative and thoughtful new affordable housing options from the County's toolbox just because there are other affordable housing options that already exist on other sites.

To be clear, allowing this ADU affordability amendment would not pull resources from the other potential housing opportunities that we are working to develop. It would make the pie larger, by allowing new affordability opportunities to exist in areas where none do today.

Please recommend docketing this narrow, targeted proposal, so that we may include this tool in our affordability toolbox and provide these housing opportunities to the County's residents.

Sincerely,



Elisabeth C. Byers
Executive Director