

Discussion Notes from Planning Commission 07/08/2021

Discussion Item 4.1: Work Session on Amendments to Section 17.70 Accessory Dwelling Units (ADUs)

Staff: Cory Shurtleff

07/14/2021

## Agenda Item Background Information

Summary of HB82 and relevance to MMC ADU requirements

### Revision/Updates to Further Remove Regulatory Barriers

- The front yard setback for and ADU shall be at least equal to the plane of the front wall of the principal structure – should we consider eliminating this and allow ADUs in the front yard, as long as they meet the code required setback?
  - o In favor of this change; ADUs should be allowed in front of a Primary Structure as long as they meet the underlying setback. “ADUs shall meet the underlying zone setback requirements”.
- An accessory dwelling may be constructed above a garage and consist of the same floor area; provided, that it shall not protrude beyond any ground floor wall and shall not consist of more than one story above the ground floor. The overall structure shall not exceed twenty feet in height – Should the allowable height be more than 20 feet? It is difficult to have a garage and an ADU above and meet the building height of 20 feet and conform with the pitched roof standard.
  - o In favor of some adjustment; Discussion included changing the static height requirement to 30’ or 25’ to accommodate the pitched roof requirement and align with the underlying zone height requirement. The concept of height in relation to setbacks came up for consideration. Initially PC discussed increasing the building height but not the setbacks. Then, rather than adjust the building height, allow for a shorter setback (5’ or 7’ side and rear setback) requirement, but keep the height at 20’. This concept was considered based on the change that would most likely, most effectively help property owners build ADUs, without allowing both increased height and decreased setbacks (imposition on neighbors). Then the concept of having a tiered setback height requirement (ex. 20’ height @ 5’ or 7’ setback side and rear; 30’ height @ 7’ side and 12’ rear [underlying setbacks]). PC requested a draft of both options; 1) decreased setback with maintained height; 2) Tiered height/setbacks.
- Size – the new state law does not allow us to regulate the size of an internal ADU – Do we want to maintain a maximum square footage for external ADUs? Right now, the max is 1000sf.
  - o In favor of some adjustment; Desire to make more viable modular options available by increasing the square footage total for common unit sizes (Staff should research common “smallest” modular model square footage ex. 1100sf, 1200sf, 1500sf). Concept of size/number of ADUs came up. Initially preferred that rather than increase ADU size, we increase number of ADUs to create more doors. Initial concern of not wanting to

increase SF that would disincentivize multiple ADU possibilities. Then concerned also that the option for multiple ADUs would disincentivize larger ADUs that might be a viable option for family unit type occupants. Question become, what are our goals and how do we want to use the ADU tool to approach those goals (We don't need to use ADUs to solve all or our goals, but potentially address one or two niche areas of goal housing). Resolving concept was that we increase the maximum SF of a property's ADU use, and that SF can be divided up between multiple ADUs as the property owner wishes.

- Deed Restriction – the current restriction prohibits the use of an ADU as a nightly rental. That provision should be maintained. Do we want to add an owner occupation requirement and/ or no subdivision of land for an ADU?
  - o In favor of including no subdivision of land for an ADU in deed restriction;
  - o Not in favor of including owner occupation requirement to external ADU deed restriction.
- Townhomes/ Twinhomes – Should ADUs be permitted on twinhome lots or townhome lots
  - o In favor of permitting external ADUs on Twinhome lots
  - o In favor of permitting external ADUs on Townhome lots if the parameters of an external ADU can be met within the individual townhome lot area (setbacks, open space, parking, fire separation), would not necessarily be applicable on the “commonly owned/ maintained” lot area of a townhome plat.