



ITEM: ACCESSORY DWELLING UNIT (ADU)

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DEPARTMENT: Planning and Building
DATE: April 15, 2025
TYPE OF ITEM: Legislative Action

SUMMARY:

The Commission, after looking at communities that have addressed this issue, and after discussing this issue in the March 11th Planning Commission meeting, is now ready to recommend approval to the Town Council regarding the potential implementation of an Accessory Dwelling Unit Land Use.

BACKGROUND:

An accessory dwelling unit (ADU) is a secondary living space on a property that shares a lot with the main house. ADUs can be a basement apartment, a garage conversion, or an addition to the house. They can also be stand-alone detached structures in the backyard.

Purpose

- **Additional living space:** For family members, guests, or young adults returning home
- **Rental income:** Can be rented out to generate income
- **Affordable housing:** Can help make housing more affordable for homeowners and tenants
- **Community:** Can help foster familial bonds and community

Types of ADUs

- **Detached:** Also called backyard cottages, granny flats, or laneway houses
- **Garage conversion:** A garage converted into living space
- **Addition:** Added onto the house, sharing walls and utilities
- **Basement conversion:** Also called basement apartments or in-law suites
- **Internal:** Part of the primary house converted to an ADU

Legality

ADUs are legally part of the same property as the main house and cannot be bought or sold separately.

Zoning

Cities and counties often have zoning regulations that permit ADUs in certain areas.

Our current Land Management Code (LMC) allows ADU's as follows:

In 9-7-1(C), Mother-in-law and guest houses are a conditional use and are addressed as follows: Mother-in-law / guest house is an accessory use on a lot that is **equal to or greater than one acre** and shall comply with accessory structure requirements in this title with a **maximum of one mother-in-law/guest house per property**. (ord. 18-006, 6-11-2018 amd. ord. 20-006, 7-14-2020)

Accessory Structures are defined in our LMC as follows: **Non-habitable accessory structures**, subordinate to and located on the same lot with a primary structure, the use of which is clearly incidental to that of the main building or to the use of the land, and which is not attached by any part of a common wall or common roof to the main structure may be permitted.

In addition, the accessory structures must meet the following requirements per 9-12-7(J):

1. Must have a minimum of ten feet (10') of clearance from other structures.
2. Structure cannot be located within the setback (notwithstanding, setback exceptions that apply to the primary structure as outlined in chapter 7 of this title, in the applicable zone, also apply to accessory structures).
3. Must meet snow load requirements.
4. Required to have footings or foundation for accessory structures over 450 square feet.
5. Structures being used as a garage for vehicle storage must meet all applicable International Building Code requirements.
6. Shipping containers, intermodal containers, or railroad boxes may not be used as accessory structures. (Ord. 21-006, 05-25-21)
7. No more than three (3) accessory structures are allowed on a single lot of up to one (1) acre. Additional accessory structures may be allowed on lots larger than one acre, not to exceed two (2) accessory structures per additional acre.
8. Except for a building accessory to an agricultural use, the footprint of an accessory structure must not exceed fifty percent (50%) of the footprint of the primary structure. In no case shall an accessory structure's footprint exceed three thousand (3,000 sq. ft.) in size. (amd. ord. 24-014, 10-8-24)
9. Maximum height of accessory structures shall be limited as follows:

Size Of Accessory Structure	Maximum Structure Height
a. 0 - 200 sq. ft.	15'
b. 201 - 400 sq. ft.	19'
c. 401 - 1,000 sq. ft.	24'
d. 1,001 - 1,500 sq. ft.	27'
e. >1,501 sq. ft.	As determined by the Land Use Authority and not to exceed 32'
- f. If the proposed accessory structure sits at a lower elevation than the primary structure, an addition of one foot (1') of height may be allowed for each one foot (1') of elevation difference up to five feet (5') of additional height following a determination of the Land Use Authority that the height of the accessory structure does not conflict with the Town's General Plan or detract from the intended character of the zone. (ord. 17-006, 8-8-2017, amd. ord. 24-014, 10-8-24) c. Under no circumstances shall an accessory structure exceed eighty percent (80%) of the height of the primary structure. (ord. 17-006, 8-8-2017).

PROPOSED LMC AMENDMENT LANGUAGE:

It is proposed that the current LMC Title 9, Chapter 7 Conditional Uses as described in paragraph 1 (§9-7-1) be changed as follows:

C. Conditional Uses: The following uses are conditional and require a conditional use permit:

~~Mother-in-law / guest house is an accessory use one lot that is equal to or greater than one acre and shall comply with accessory structure requirements in this title with a maximum of one mother-in-law/guest house per property. (ord. 18-006, 6-11-2018 amd. ord. 20-006, 7-14-2020)~~

One detached accessory dwelling unit (ADU) on a lot of no less than 0.5 acres. Accessory Dwelling Units (ADUs) are defined as a secondary living space on a property that shares a lot and ownership with the primary residential structure. ADUs can be a basement apartment, a garage conversion, or an addition to the house (internal ADU). They can also be stand-alone structures on the lot (detached ADU). The following requirements/restrictions apply to this type of dwelling:

1. The purpose of allowing this type of use on an R-1 lot is to create more affordable housing. ADU's will not be permitted as Short-Term Rentals (STR).
2. The ADU is a secondary use to the primary residential structure on the lot and therefore one master meter shall be installed for utilities for metering all structures on the lot.
3. Detached ADUs will meet all the requirements of Accessory Structures in §9-12-7(I).
4. Off-street parking requirement of 1 per bedroom in the ADU, not to exceed 2 new spaces.
5. All detached accessory dwelling units must follow the design standards and guidelines as outlined in §9-12-7 and should substantially match the primary residential structure in design features.
6. ADUs are subject to the building codes (IRC), and design standards in place at the time of the application
7. Occupancy shall comply with the same definition for a single-family unit as it pertains to the number of unrelated occupants allowed to dwell in the unit (see definition for "Family").

STAFF RECOMMENDATION:

Staff recommend that the Planning Commission recommend approval to the Town Council the included LMC Amendment for detached Accessory Dwelling Units (ADU) as written above or modified by the Commission.

PROPOSED MOTION:

I recommend to the Town Council the approval of the detached Accessory Dwelling Unit (ADU) amendment to the Land Management Code §9-7-1 per staff/commission recommendations.

ATTACHMENTS:

None