

City of Glenns Ferry Joint City Council and Planning & Zoning Regular Meeting February 1, 2023

Accessory Dwelling Unit Workshop Joint City Council and Planning & Zoning meeting is opened and called to order at 6:00 pm on Wednesday, February 1, 2023.

City Council Members Present: Kenny Thompson, Chelsea Inmon, Luke Guy

Commissioners Present: Kt Carpenter, Jennifer Baker, Denver Price

Staff Present: Geoffrey Schroeder, City Attorney, Lori Freeman

Others Present: Angela Duskin, Kurtis Workman

Item 1. CITY COUNCIL OPEN MEETING/ROLL-CALL ATTENDANCE:

Susan Case Chelsea Inmon Luke Guy Kenny Thompson
 Mayor William Galloska

Item 2. P&Z COMMISSIONER/ROLL CALL:

Denver Price Jennifer Baker KT Carpenter

Staff: Geoffrey Schroeder, City Attorney, Lori V. Freeman

Others: Angela Duskin, Kurtis Workman

Item 3 MOTION: [Action Item] Adopt Agenda:

Guy: So made

Price: Second

Carpenter: All ayes

Item 4. DISCUSSION: Accessory Dwelling Units:

Carpenter: I want to welcome everybody. The purpose of this meeting is to discuss what Planning & Zoning has covered as far as accessory dwelling units. Planning & Zoning began work sessions of accessory dwelling units since November 3, 2021. Planning and Zoning Commissioners has had 14 work sessions, including tonight's meeting of February 1, 2023. We want to present to you what we have done and you should have copy of what we've done so far.

Schroeder: I can provide a little bit of background as well. For sight specific applications, if a person has a use permit application, rezone application or something, P&Z Commission adheres it, they render a written recommendation and you guys stay out of it until that recommendation comes to you and you make a decision based on that record, because it's sight specific land use application.

In this instance, as also, with the comprehensive plan it's a legislative act, you're changing the zoning ordinance itself. So, because it's legislative and it affects everyone and you're the ultimate approving authority, the P&Z Commission can recommend approving it but what I found through experience in particularly in doing the Comprehensive Plan in Glenns Ferry is at the final stages and what they have what looks like a final product ready, it's best to meld the minds of the governing body that will approve it and the recommending body to make sure they are all on the same page. So that you're not just sending off a document in the vacuum and then you guys have questions, and it keeps ping ponging back and forth. So that's kind of the purpose of the meeting.

Inmon: What are we being asked tonight?

Baker: Can I ask you guys (city council) a question? To begin with, do you guys know anything about accessory dwelling units and why this is in front of us all right now?

Inmon: Yes, I think it's because we're proposing being able to add additional units on property as necessary without having to go through...

Baker: Just making it legal for them to do it.

Inmon: Yes, so if I wanted to make a little mother-in-law unit on my house when it comes time for my in-laws are ready to need care, I am able to do that without violation of law. That's how it was explained from my understanding previously, is that the purpose of tonight?

Carpenter: The purpose of accessory dwelling units is to provide more affordable housing; generate income; provide additional density with minimal costs and disruption to existing neighborhoods while maintaining the single-family character of the principal dwelling.

Inmon: I only have two questions from reading what I've seen. The only concern I'm seeing, is there going to be any type of grandfather provision to where if something doesn't meet the code that we enact tomorrow do the people that live here now, if that's their primary residents, they've lived there for fifteen, twenty years are they going to have to do any stuff to bring it now up to code?

Schroeder: I can give you the land use law and legal question answer to that, to a nonconforming use is a lawful nonconforming use that exists on a certain date. There are these uses that were grandfathered prior to this current zoning ordinance. Particularly those that exists on the date of enactment of this ordinance. Providing they are not expand or burned down or what have you, they are not required to come into compliance with this. That exists in the fabric of Idaho law already. That part is covered.

Carpenter: Page 2, under 1. Applicability: 2. That the accessory dwelling unit shall be created through one of the following : **a.** The construction of a detached accessory unit, **b.** The conversion of an existing detached accessory structure. Does that sound right to you Geoff?

Schroeder: It does, yes.

Inmon: My second question or what I'd like to talk about is, 'Uses Prohibited' the scenario that comes to my mind specifically to the RV's for example again I'm going to use my family as an example, my mother and father-in-law currently reside in an RV full time. Eventually at some point they are not going to be able to drive any more but they have this half a million, the RV is worth more than my home and my land combined. We will probably end up being their primary caregivers at some point. So, our property has the ability and has the electrical hook-ups and what not that allow for them parking and I told them when you can't drive any more, we'll just take your wheels off, plug you in and build you a little porch out front. With this saying 'uses prohibited' RV's, would that qualify under that, meaning that I would not be able to enact that specific scenario?

Geoff: Madam Chair, to further kind of parse it out, I think there are two completely although, apparently related in a single factual issue which is yours, but they are kind of unrelated in this sense, regulation of occupancy of RVs on primary dwelling units and using them as a dwelling unit is generally prohibited in almost every city unless they are in an RV park, regardless of the value and so I get the distinction and its crystal clear to me and so there is another path toward legitimizing a use like that, that might be temporary or something that requires a minimum of a different section of the city's building code. So, they just wouldn't be eligible to qualify as an accessory dwelling unit under this one.

Inmon: Got it. Thank you for that clarification.

Carpenter: Do we want to go by these line item by line item so we can discuss them?

Schroeder: Before we go that way I just want to tell the council the general policy guideline behind, first of all restricting these, regulating them and creating a set of rules that make them self-regulating, the policy purpose behind it.

So you approve a subdivision, you've got eight houses in it and so the city is capable of servicing eight dwellings and eight families and eight car trips and eight water connections and all of that and so if there's no restrictions on erecting a second dwelling on a lot you've just doubled the size of the subdivision so that's generally prohibited. One single family dwelling in all the zones that's all that's allowed. So, the task and these folks really, really, went to the mat in terms of looking stuff up, going through paper and we drew and brainstormed, what about this and what about that and so what they've come up with is a system that self-limits. So that you're not going to automatically double all the dwellings across the city and that's kind of the reason behind some of these restrictions, size limitations, setbacks, that sort of thing. That makes it so, that you're not going to instantly create the abnormal demand on city services that you didn't anticipate prior to it. That's the main thing. With that Madam Chair you can walk them through the restrictions.

Carpenter: We've already talked about the "Purpose".

Process: Accessory Dwelling Unit permit applications are reviewed administratively to ensure that the ADU meets the standards in the zoning regulations and will be a condition of

obtaining a building permit. ADU permit application shall be submitted on the forms provided by the city with the appropriate fee. The administration shall review the permit application and either approve or deny the permit application based on the required findings:

Carpenter: So you do have to have an application. Do you have any questions on that?

A. Standards and Findings: ADUs shall be subject to specific standards and approval. The Administration shall make the following findings prior to granting tentative approval of an ADU permit and the ADU shall comply with the following requirements and findings:

1. **Applicability:** No more than one (1) ADU shall be allowed upon a legal parcel of record containing one legal single-family dwelling located in R1, R2, R3, R4 zoning district.
2. That the accessory dwelling unit shall be created through one of the following:
 - a. The construction of a detached accessory unit.
 - b. The conversion of an existing detached accessory structure.
3. **Square Footage:** The ADU shall not be less than three hundred (300') square feet minimum, shall not exceed **six hundred (600') square feet maximum.**

Inmon: I am not good with measurements. How big is this room, for example, this blue carpeted area? I am a very visual person so to visualize what the size is.

Schroeder: It's more than 600'.

Baker: 600' would be 20x30. This room here is probably 500-560' to the little stub wall.

Geoff: I'd say clear to the back is 600'.

Inmon: Okay, thank you.

4. **Permanent foundation:** All ADUs shall be placed on a permanent foundation.
5. **Setback Requirements:** ADUs shall be subject to the same setback requirements as the primary structure.
Any additions to an existing freestanding building shall not exceed the allowable lot coverage or encroach into the existing setbacks.
6. **Height:** The height of the ADU unit shall not exceed the height of the main structure or as permitted by the underlying zoning district, whichever is less.
7. **Parking space:** The ADU must be provided with at least one parking space in addition to the existing minimum parking requirement for the primary dwelling. Parking will not be allowed in a public right-of-way or in the required setbacks.
8. **Water & Sewer:** Utility Hookups – Shared or separate utility hookups must comply with city requirements. Separate taps must be installed, and an additional monthly water base rate will be assessed for each residence standing on one or more lots, owned by one person, where residences are occupied by different families. **(City Code: Water Separate Taps: 10-2-23).**

Highly recommend installing an isolation valve between the ADU and principal dwelling (per Public Works Superintendent).

A separate and independent building sewer and service connection shall be provided for every building; except where one building stands at the rear of another on an interior lot and no separate sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the sewer from the front building may be extended to the rear building and the whole consider as one building. **(City Code Sewer 10-3-20 D. SEPARATE SEWER AND CONNECTION REQUIRED, EXCEPTION)**

Old building sewers may be used in connection with new building only when they are found, on examination and being tested as required by the city, to meet all requirements of this chapter. An additional monthly sewer base rate will be assessed for each residence standing on one or more lots, owned by one person. **(City Code Sewer 10-3-20 E: Old Building Sewers).**

9. ADUs shall comply with all city, residential building, health, safety, and fire codes.
10. **ADDRESSING:** Accessory Dwelling Units shall have a separate address from the primary dwelling unit.

Elmore County E-911
Address Assignment Application
Traci 208 587 2142 x1265
E911@ELMORECOUNTY.ORG

Inmon: We will create an address for them? Like 'A' or..

Carpenter: Yes, they will have a separate address.

Inmon: And you said the county will do that?

Carpenter: Yes.

11. **ADU functions:** As a complete, independent living facility, with provisions within the unit for a kitchen, one bathroom and no more than two bedrooms. All standards of this code shall be met.

USES PROHIBITED: The ADU cannot be used:

- As commercial.
- On parcels containing a duplex, triplex, fourplex, or other residential multifamily product.
- RVs, Travel Trailers cannot be used as an ADU.

Inmon: As commercial, people couldn't throw one on there and make it an Air BnB, right?

Schroeder: Well, no, they could absolutely start renting it out immediately.

Baker: You couldn't use an ADU for commercial business, (retail and/or service trade area).

Guy: You could rent it out.

Schroeder: Yes, you could rent it out.

Inmon: Generate income.

Schroeder: Yes because that is not part of the regulatory structure that exist today for other homes. Renting a home out is not considered a commercial use.

Inmon: Now what do we do?

Schroeder: The main thing was to bring to your attention, this, answering any questions that you had, so that this wasn't presented to you as an ordinance, it's in a vacuum then you come up with a bunch of questions and then you end up rejecting it. If we know that you are basically on board with this, we finalize this ordinance, which I'll probably have a few edits to, and then they'll (P&Z Commission) conduct a public hearing, I don't think it needs two public hearings, just needs one here (P&Z) and then bring it to you guys and you can have it on your agenda with the recommendation that it be approved by P&Z Commission then you approve it. That's the next steps.

We started down this road for the one in Mountain Home and then with that P&Z Commission was really actively because there's a ton of those little rentals down on 2nd Street, right off the alley, So I said, great we've got a model going on in Glenns Ferry, let's take... so you kind of started with Elmore County's dwelling unit code and then just kind of fine tuned it. They (MH P&Z), were all on board with it, I said do you know what would be a good idea, let's make sure, (MH), city councils on board and they, (MH city council), were not okay! Okay, alright, sure we will tear it up and start again! However, this work, the work that this body has done since then by tuning this up makes me think we could revisit it with the new city council and possibly using this model they may, they might, because particularly after that brainstorm session that we had we could teach this council and P&Z, these are the things that, these aren't just spring up they have a bunch of different quality and density subdivisions in Mountain Home that aren't here so there's a little more at play.

Guy: Are we allowing this for everyone in town? What is stopping people from doubling, basically removing all yards and just basically making into a city of houses?

Thompson: You have to have so much space.

Baker: You have to have minimal lot size

Guy: I could have two houses on my lot. What if everyone in my neighborhood that have a little bit of land would have one, personally I would not like it , it'd feel like a city, it would be a bunch of people everywhere.

Thompson: The thing is you have to have some much square footage, in order....

Guy: Like mine, I have enough to put an accessory dwelling unit.

Thompson: Yes, but not everybody on your street has that.

Guy: Not everyone but say everyone that did, built another house basically.

Inmon: But it would be 600' or less and it's your grandma, you really going to argue

Guy: As far as me small town living is supposed to be like neighbors, some yard, not crammed in.

Baker: Can I answer your question? There are a lot of hoops in this. Not everybody in any given neighborhood is going to be able to observe the setback requirement, is going to have enough land in enough ways are going to provide the parking requirements, maintain the distance between the primary dwelling and the accessory dwelling, and is going to be able to afford it, because it's not going to be cheap, to do it correctly takes and those these are going to dwindle out the number of people in any given neighborhood.

Guy: My rebut to that have you not seen the companies making ADUs, they are only suppose to be about ten grand and then all you've got to do is pay for the concrete, everything else is there. In the near future I see it becoming much more, much easier to do. Not right now probably not a lot of people are going to jump on it and do it. I am just thinking over a long term, is my kid going to have five other houses, no yards and just have a bunch of people living in there.

Carpenter: Can I address some of this for you? I think I can help you here, I don't know if anyone have your code books with you, 11-4-1, Chapter 4, R-1 Single-Family Residential Zone, there are specifications as far as area requirements, the same thing for R-2, R-3, R-4, you have certain specifications...

Schroeder: That's one of the reasons for requiring separate water and sewer connections, #1-to get an accurate idea of the water load and the sewer load that's occurring but also incurs a cost, there is a separate connection fee, so if there is a brand new connection fee that has to be met and then there's going to be a cut and a line put in and all that at the expense of the property owner and so they can't just T-off of the home system or they have to comply, and so, that is part of that self-limiting part of the process. So theoretically the, 'money bags guy', buys the whole block could monopoly it, put another set of ADUs all the way down it just like your talking about.

Guy: I get a text weekly from someone trying to buy the house, some conglomerate and a lot of even, people that are renting houses don't even know who they are renting from any more cause it's just some corporation kind of thing and that's where it's worrying me, the more people that sell their houses to these people that are just renting, it's much more lucrative then to have two houses on the same parcel of land, then one.

Schroeder: What I do with those, I call them, immediately, cause they do it with my house, and like what would you give me? Well we got to get a....., No, I'm not getting an inspection and/or appraise it, you knew enough about me and my house to send me a text, give me a number. I kept this one guy on the phone for twenty minutes, and they are just....

Carpenter: I think I can help you a little bit here if you will jot this down and I can read it for you too, but if you will look at 11-4 and go through what requirements are going through R-1, R-2, R-3, R-4, for instance in R-1, 11-4-3: The area requirement apply to the R-1 single-family residential zone, except that where a lot has less area or frontage than required in this chapter as shown by an official plat on file in the office of the county clerk or shown by the last conveyance of record at the time of the passage hereof; these regulations shall not prohibit one private dwelling and its accessory buildings on such lot, provided sixty five percent (65%) of the area of the site be left in open space free from structures.

And those stipulations are in R-1, R-2, R-3. R-4

Guy: Okay I just want to make sure there is no way, I want to keep it feeling small town, not have it like 10 houses in the same area.

Baker: Like R-1 has the biggest lot sizes, the lowest density, anyway. So if you put an accessory dwelling unit on lots that are half acre, plus, lots and not everybody is going to do it as we've already said a lot of time people may have allotted that many square footage but they way it's laid out they can't accommodate another dwelling with the proper set backs and all the requirements and so once again it regulates its self, the neighborhoods that are already the maximum or the really small lot sizes that are the most likely to get crowded your going to see a lot of building going on there because those lots are small to begin with. So there is a lot of self-regulation already built in. You still have to follow the requirements of the building zone that your in and that's going to cut down a whole bunch if it right there.

Thompson: I can see this as, and especially, for people who have better lots and more money, otherwise people like my size lots and my money it's a nice idea.

Baker: You can build one and you can do it yourself but your not going to put an RV in, you can do one of those container homes in that's fine but you still have to have the room for it.

Carpenter: Abide by the code (zoning) code your in...

Baker: Fresh sewer, water are expensive.

Guy: Actually I am not against it. I want to put a shop or something like this on an area of my property. So commercial if I built an ADU and used it for my home business or what have you will that be considered commercial or would that still be considered.. I am a farrier, I shoe horses, I'll be doing blacksmithing, or fabricating medal or something like that...

Carpenter: There are certain zones in town where you can't have a commercial business in your residence.

Schroeder: Without giving you legal advice about your application but just in a general sense how things work, you can build an accessory building that's not an accessory dwelling unit. In other words, this has got to have electrical connections, stoves, sewer plumbing, bedroom, bathroom, that sort of thing. If you needed a place to fire up the furnace, bang out some horseshoes and it's in your residential property it can be, let's put it this way, your principal place of business is somewhere, you shoe horses out at someone's farm but you keep all your tools in your truck just because you have a cold fire thing in your back shop. I repair automobiles at my house I collect automobiles, I have six antique cars and I can't stop spending money on parts for them. I have a shop with a pit in it and a overhead gantry I can pull engines and replace and repair engines but that doesn't mean I'm operating a commercial and repair service. The cars are enclosed in a structure, or they are operative and licensed sitting in my driveway and they are parked. That gets into the definition of the use of your property. Your allowed to use your property, if you're living in a residential zone, one single-family dwelling, but there are people who commonly use, you can own a number of pets, you can own a couple of dogs probably you can do all the things that are normal in a residential dwelling, it's when you accumulate a certain number of things or start engaging in activities that are noisier or become regulated that the use of your property switches from being residential to some use that's divined and may or may not be permitted in your zone. So, you can build a shed to keep all your metal in and you can go out in your shed and bang away on it as long as you have not violated noise ordinance but if your having people pull up from ABC Farms in Hammett with a trailer an unload sixteen horses and they are out there all day, 'naying', whatever horses do, you just changed your use. That's where that's at. If you built a stick building that comply with building code, it's a lawfully accessory dwelling like everyone has, a garage whatever and it's a mancave and you have a blast furnace in there or whatever, apart from building code or fire code, that's just...

Baker: You don't need to go through all of this.

Guy: Those fabricated housing, I was going to gut a few things out of it and make it more into...

Freeman: Make sure you are zoned and uses permitted in your zone to do so.

Guy: If it is not zoned, I was just going to build it out at Lloyd's.

Schroeder: There you go.

Carpenter: What other questions can we answer for you?

Thompson: I think you did a good job, thank you.

Inmon: I think you did amazing work, thank you for what you do.

Carpenter: Thank you. So, at this point I guess we need to know if you are going to let us move forward or not.

Schroeder: Sounds like they are, that is what they just said. They don't formally have to do it, so the next step is I will take this ordinance and edit it a little bit or a lot or something...

Freeman: It's ten (10) pages! Probably a lot.

Schroeder: I can't add w/o adding a single definition without including all definitions. I'll tweak the ordinance, they will hear it, have a formal meeting on it, have a public hearing on it, then they will transmit it to you guys and then you can approve it and be done.

Carpenter: So, they will have a public hearing also, is that right?

Freeman: We, P&Z Commission, will have a public hearing, then we recommend to the city council, then they aye/nay.

Carpenter: Say that again they have a public hearing?

Schroeder: No, you (P&Z Commissioners) do, you will have a public hearing.

Carpenter: We get to have a public hearing first?

Freeman: We just have one (1) public hearing and Planning & Zoning will have it, then we recommend to City Council, City Council will not have a public hearing.

Carpenter: So, you all feel comfortable with us moving forward?

Inmon: Absolutely, yes.

Thompson: Alright, yes.

Carpenter: Thank you.

Item 5. MAYOR AND COUNCIL COMMENTS:

Item 6. COMMISSIONERS COMMENTS:

Carpenter: Out next P&Z meeting is February 15, 2023, it is a public hearing and so we need our commissioners to be there please, at 6:00 pm.

Item 7. MOTION: [Action Item] Adjourn:

Meeting adjourned at 6:47 pm.

Approved by the City Council: _____

Approved by the P & Z Commission: May 3, 2023

William L. Galloska - Mayor

Kt Carpenter
P&Z Chairperson, Kt Carpenter

Attest: _____
Teresa Parsons - Clerk/Treasurer

Attest: *Lori V. Freeman*
Lori V. Freeman, P&Z Admin.