

# Effects & Options from State Amendments - Internal Accessory Dwelling Units (I-ADUs)

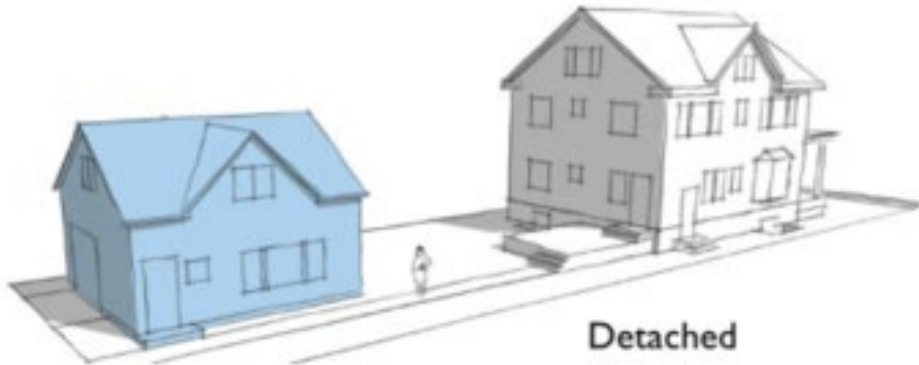
# What is an ADU?



Internal

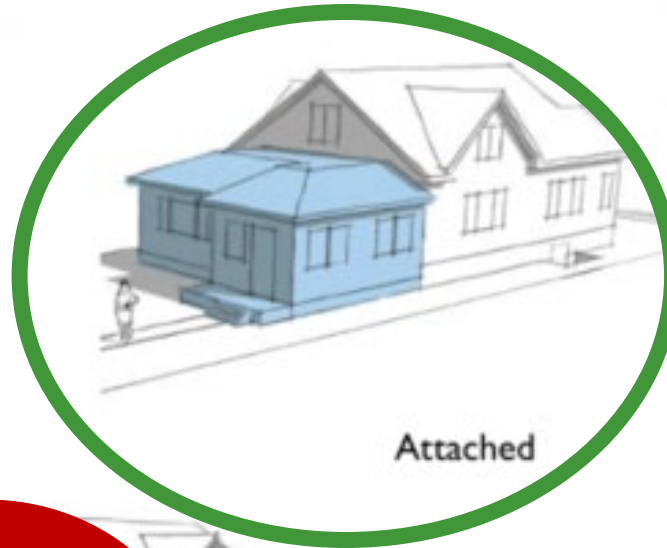
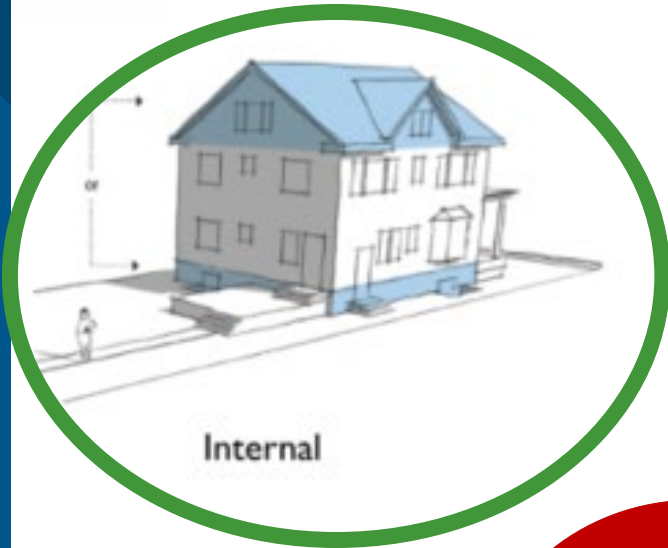


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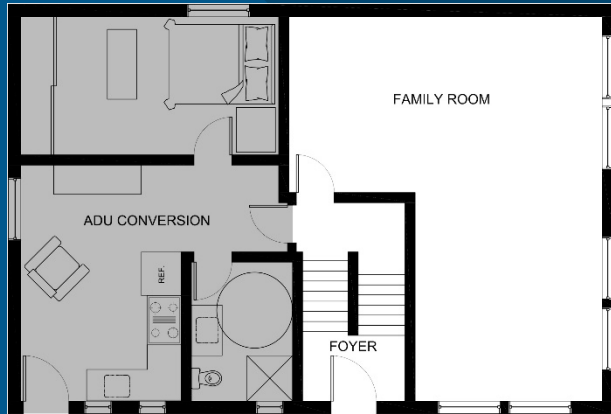


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# What is an I-ADU?



# HB- 82 Highlights of Legislation for I-ADUs



- Requires municipalities to allow for the creation of internal dwelling units (I-ADUs)
- Modifies definitions
- Intent of the State law is to create additional long- term rentals (longer than 30 days) – not to create short term rentals
- Changes International Building Code to reduce prohibitive regulations
- Provides enforcement mechanisms
- Cities are limited in what regulations they may place on I-ADU's
- HOA's are prohibited from restricting I-ADU's
- Olene Walker Housing Fund to provide loans for new I-ADUs

# HB- 82 - The “Shall” Items

A municipality shall:

- allow one internal accessory dwelling units (I-ADU’s) within a detached single-family dwelling within the existing footprint
- not regulate based on “related” status
- allow I-ADUs as a permitted use in any area zoned primarily for residential use
- require that the primary dwelling be owner occupied
- not limit total size of I-ADU as compared to primary dwelling square footage, total lot size, or lot street frontage
- require I-ADUs to comply with all applicable building, health, and fire codes



# HB- 82 - The “May” Items”

## A municipality may:

- Prohibit separate utility meters
- Design requirements to maintain appearance of single-family dwelling
- Require 1 additional parking stall
- Prohibit I-ADUs in mobile homes
- Require land use permit and/or business license
- Restrict I-ADUs within a certain area (up to 25% of all areas zoned primarily for residential use)
- Limit these from being used on lots with less than 6,000 sq. ft.
- Restrict them from properties with failing septic systems
- Prohibit use of I-ADU for use as a STR
- Hold a lien on an illegal I-ADU (enhanced code enforcement mechanism)
- Record a “Notice of Approval” for ADU



# HB- 82 - The “May” Items”

## A municipality may:

\* Denotes Current City Regulation  
City Staff Recommendation

- **\*Prohibit separate utility meters**
- **\*Design requirements to maintain appearance of single-family dwelling**
- **\*Require 1 additional parking stall**
- **\*Prohibit I-ADUs in mobile homes**
- **Require land use permit and/or business license**
- Restrict I-ADUs within a certain area (up to 25% of all areas zoned primarily for residential use)
- Limit these from being used on lots with less than 6,000 sq. ft.
- **Restrict them from properties with failing septic systems**
- Prohibit use of I-ADU for use as a STR
- **Hold a lien on an illegal I-ADU (enhanced code enforcement mechanism)**
- **\*Record a “Notice of Approval” for ADU**
  - If licensed, less important

# HB- 82 - Building Code Changes

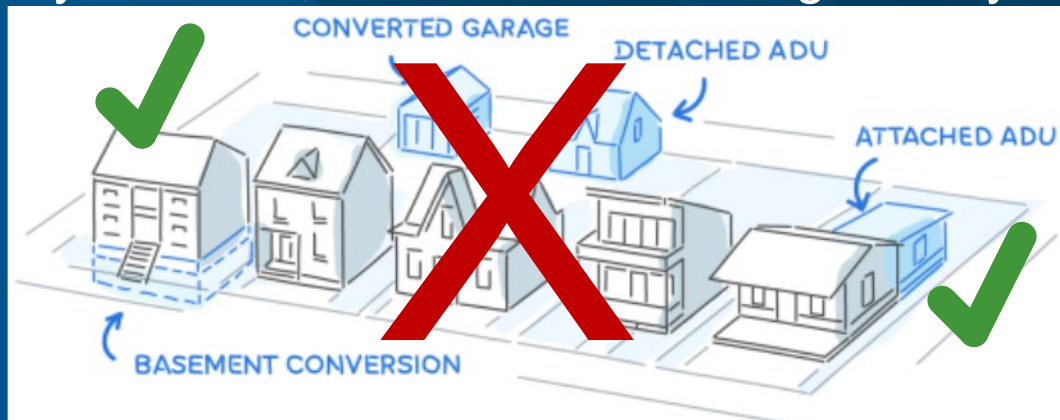
- No longer requires separate heat or cooling system
- Must have at least 1/2" of drywall between accessory and primary dwelling (used to be 5/8")
- Not required to have access to the disconnect that serves the unit





# Current City Regulations

- I-ADUs are called Accessory Apartments in our code
- They are regulated in Section 21-11-1 – Accessory Apartments, Extended Living Areas, and Guesthouses
  - Allows only one Accessory Apartment or Extended Living Area within a SFD
  - Accessory Apartment requires a Conditional Use Permit (CUP)
  - Design Requirements to retain SFD appearance
  - Requires 1 additional parking stall
  - Requires recordation of “Notice of Approval”
  - Non-Transferable Approval
- Need to modify the code, not create something entirely new



# Proposed Code Changes

- Update Definitions:
  - Accessory Apartment, Extended Living Area
- Update Requirements and Process of Accessory Apartments
  - Revise existing provisions as needed
  - Change to Special Use Permit from CUP
  - Require Business Licensure
  - Restrict them from properties with failing septic systems
  - Add lien enforcement provisions
- Update STR requirements
  - Change language of CUP for Accessory Apartments
- Update Land Use Matrices
  - Revise to Special Use Permits rather than CUP



# Next Steps

- Staff needs policy direction on the “may” items
- Staff will prepare draft ordinance
- Planning Commission to review proposed amendments on September 2<sup>nd</sup>
- City Council to review and vote on Sept 21<sup>st</sup>
- Must act prior to October 1<sup>st</sup> or the minimum standards set forth in the statute will govern