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Memorandum

Date: 08 March 2019
To: Whom it may concern
cc: Mayor, City Council, P&Z, City Attorney, Zoning Official, Building Official,
Public Services Director
From: Lee C. Belt, City Clerk, Assistant Zoning Official
RE: ACCESSORY DWELLINGS

Greetings!

This memorandum is an analysis of Greenleaf Code *as of the date of this document* to give guidance for those interested in establishing accessory dwellings (also known as accessory dwelling units or ADUs) within the City of Greenleaf.

An accessory dwelling is defined under GC §9-2-2 as follows:

DWELLING, ACCESSORY: A dwelling unit that is secondary and incidental to the primary single-family residential structure on the parcel.

“Accessory use, residential” is listed as a permitted use for all residential zones in Table 9-3-2 (permitted and conditionally permitted uses within residential zones).

A “Tiny Home” is defined under GC §9-12-1:G as follows:

“Tiny Home” means a residential structure which may be a site built residence on a foundation per local building, electrical, plumbing and HVAC (heating, ventilation and air conditioning) regulations; a modular building as defined by Idaho Code §39-4301; a manufactured home as defined by Idaho Code §39-4105; or a recreational vehicle or park model as defined by Idaho Code §49-119. A 'tiny home' on a trailer chassis, with axles and wheels, or otherwise not permanently attached to a foundation as a primary residence or an Accessory Dwelling Unit (ADU) per building permit process is a recreational vehicle and subject to regulation under this chapter

“Park Models” are allowed as an accessory dwelling per Greenleaf code Chapter 4, Title 8 (manufactured home regulations), section 4:L, as follows:

Park Models allowed as Accessory Dwelling Units (ADUs): Nothing in this chapter shall prevent the use of a park model as an Accessory Dwelling Unit (ADU) implemented in accordance with Title 9 of this code.

A “Park Model” is defined under GC §9-2-2 as follows:

PARK MODEL RECREATIONAL VEHICLE (“PARK MODEL”): A recreational vehicle that is designed to provide temporary accommodations but is not self-contained (does not have potable water or waste-water holding tanks), is built on a single chassis, was originally mounted on wheels, has a gross trailer area not exceeding four hundred (400) square feet in the set-up mode and is certified by its manufacturer as complying with the American National Standards Institute (ANSI) A119.5 Standard for Recreational Park Trailers.

Accessory dwellings are exempt from the Design Review process per GC §9-16-2:D:4, but do require a building permit and must meet the requirements of GC §9-7-17, as follows:

9-7-17: ACCESSORY DWELLING USES, BUILDINGS, AND STRUCTURES:

A. Accessory dwelling units may be used for visitors, guests and family members or employee who works on the same property without a permit for lease or rental purposes. Accessory dwelling units may be utilized as rental units with an accessory dwelling unit rental conditional use permit as provided in Greenleaf City Code §9-13-3-5, and as subject to the requirements of this code. Accessory dwelling units shall be considered for purposes of determining development density when processing applications for annexation, subdivision, and planned unit development.

B. An accessory dwelling unit must meet the requirements of this code, where applicable, for water and sewer connections, or meet all governmental standards for water and sewage systems where municipal systems are not available. Accessory dwelling units shall be connected to municipal utilities if within utility service areas. Alternative water and/or wastewater systems such as composting toilets, rain catchment systems, etc. may also be included in accessory dwelling unit design, but shall not be accepted in lieu of connection to city water and wastewater systems where connection is available.

C. Accessory dwelling units must meet the following general requirements:

1. Be placed on foundation to the satisfaction of the Building Official
2. Meet applicable building codes, zoning, and be built under the building permit process.

3. Minimum size for an accessory dwelling unit is two hundred square feet (200 sq. ft).

4. Maximum size for an accessory dwelling unit is up to fifty percent (50%) of the square footage of the primary residence on the parcel, or the minimum size of two hundred square feet (200 sq. ft), whichever is larger. In no case shall the accessory dwelling unit exceed fifty percent (50%) of the square footage of the primary residence on the parcel.

5. Accessory dwelling units must have driveway, two off street parking spaces and access to a public street to permit emergency access. The access may be shared with other access on the parcel, but off street parking for the accessory dwelling unit must be reserved for the accessory dwelling unit and not shared with other parking on the parcel.

6. An occupancy permit for an accessory dwelling unit shall not be issued until the primary single-family residence has been constructed and received an occupancy permit.

D. Park Models are acceptable accessory dwelling units if implemented through the building permit process to meet all requirements of this code to the satisfaction of the Building Official for issuance of a certificate of occupancy. Park model recreational vehicles are required to have axles and wheels removed and be secured to a permanent foundation to the satisfaction of the Building Official.

E. At the sole discretion of the Building Official, accessory dwelling units constructed off-site to be moved and attached to a prepared foundation on-site may be pre-approved by the Building Official for placement within the city limits after review to satisfy the building official that the units are built to current building code standards. Building permit process remains applicable to pre-approved accessory dwelling unit placement, including filing of a building permit application, review of site plan and setbacks, review of foundation plan, and foundation inspection.

F. An accessory dwelling unit may only be built in RE (Residential Estate), R-1, R-2, R-3, and R-5 single-family residential zones, after occupancy permit for the primary single-family residence, subject to the requirements of this code. In no case shall a certificate of occupancy be issued for an accessory dwelling unit before construction of the primary single-family residence for the parcel has been completed and a certificate of occupancy issued for the primary

single-family residence. Density of accessory dwelling units is limited to one per parcel.

G. Penalty: Violations of this chapter are subject to enforcement per Chapter 17 Title 9 of this code.

ADUs may be used as rental units per GC §9-13-3-5, as follows:

9-13-3-5: RENTAL OF ACCESSORY DWELLING UNITS:

A. Accessory dwelling units located within any residential zone may be rented by the owner with an accessory dwelling unit rental conditional use permit. All standards for conditional use permits (this section 9-13-3) are applicable, except as follows:

1. Applicant shall complete and file an accessory dwelling unit CUP application form for this use as well as an accessory dwelling unit CUP rental unit fee in an amount as may be established by resolution of the City Council, including separate fee rates for new permits and permit renewal.
2. A public hearing will only be required before the planning and zoning commission unless an appeal from the decision of the commission is made to the City Council.
3. The commission will decide for, or against, approval of the permit after the public hearing; the zoning official will so advise the applicant and provide periodic updates to the council of approvals under this section.
4. The owner of the property must maintain residency in a dwelling on the property. If the property owner chooses to maintain residency in the ADU and rent out the primary residence, then this ADU CUP Application process would be applicable to rental of the primary residence.

B. Permits are good until the last Wednesday of the Month of February of the year following and must be renewed annually to remain valid. Permits will expire automatically on the last Wednesday of the Month of February unless renewed as set forth herein.

The applicant may apply for a permit renewal in writing to the zoning official; no further hearing will be required unless the zoning official determines, through review of the previous history of the permit, that there have been complaints received by the police department for the property or there have been violations of the terms of the permit.

2 The permit may not be renewed unless the property is current in all billed services provided by the city.

3. Reapplication should be filed at least forty five (45) days before expiration to assure renewal before expiration. Reapplication shall be received no later than end of business on the first day of February to be processed that calendar year.

C. Recordation of the accessory dwelling unit rental conditional use permit is not required.

D. In the event that the terms of the permit (i.e., findings and conclusions) are violated by the owner, or representative of the owner, then the permit shall immediately become null and void. Such an action taken under this section will be decided by the zoning official.

E. Complaints regarding accessory dwelling unit rental conditional use permits shall be considered under the authority of Greenleaf Code section 9-17-6.

Accessory dwellings may utilize the primary residence's water and sewer connections, or have their own separate private service lines, per GC §7-4-9:A:4:d, GC §7-5-7:A:1 and GC §7-5-7:A:2, as follows:

7-4-9:A:4:d Accessory dwelling units (ADUs) and other accessory structures may be connected to and receive potable water service through the same private service line which serves the primary structure on the property, subject to all requirements of this code and any applicable building and plumbing codes.

Accessory dwelling units (ADUs) may be assessed connection fees and assigned equivalent dwelling unit (EDU) status for monthly billing as adopted by resolution of the City Council, to include a chart indexing ADU criteria by number of identified bedroom areas, EDU assessment not to exceed one additional EDU, and connection fee assessment not to exceed one additional EDU. ADU's may receive potable water service through the same private service line as the primary single-family residence on the parcel. All applicable standard fees and residential EDU status shall apply if the ADU is served by its own separate private service line.

7-5-7:A:1 Accessory dwelling units (ADUs) and other accessory structures may be connected to and receive sanitary sewer service through the same private service line which serves the primary structure on the property, subject to all requirements of this code and any applicable building and plumbing codes.

7-5-7:A:2 ADUs may be assessed connection fees and assigned equivalent dwelling unit (EDU) status for monthly billing as described in the water ordinance under 7-4-9:A:4:d if receiving sanitary sewer service through the same private service line as the primary single-family residence on the parcel. All applicable standard fees and residential EDU status shall apply if the ADU is served by its own separate private service line.

Connection fees are applicable, per GC §7-4-9:A:4:d for municipal water (above), and §7-5-7:B:3 and §7-5-15:A for sewer (below):

7-5-7:B:3. Fees: Before any sewer service connection permit shall issue, the applicant shall pay to the City at the time of application a sewer service connection permit fee as provided in Section 7-5-15(A) of this chapter for each permit issued.

7-5-15:A Sewer System Connection Permit Fee: Before any sewer service connection permit shall issue, the applicant shall pay to the City at the time of application a sewer service connection permit fee for each permit issued which shall include the costs of inspection, administrative costs and the sewer service availability fee, as described herein:

1. Sewer Service Availability Fee: The sewer service availability fee shall be calculated and based upon an equity buy-in of the new connection which shall be determined using a formula which includes the current value of the POTW capacity and the proportionate value of that portion of the current POTW capacity that will be utilized by the applicant's connection; and may include additional fees for areas served which require additional sewer facilities in order to facilitate the availability of the sewer service to that area. The sewer availability fee may be different for residential, commercial, and industrial uses, depending upon the considerations of effluent quality, but shall be as consistent as possible under similar factual circumstances. The sewer service availability fee shall be assessed in terms of equivalent residential units.

2. Non-Residential Sewer Service Availability Fee: The sewer service availability fee for a non-residential customer may be based on a contractual arrangement with the City. Such agreement shall be individually negotiated and shall provide for a lump sum payment, or defined series of payments, to the City in exchange for connection to the City sewer system. No connection of a new non-residential facility or any addition to an existing non-residential facility to the POTW shall be made without a contractual arrangement for such connection between the City and the user being affected.

The consolidated fee schedule for the city current as of this document's date was established with Resolution #188, and set utility connection and monthly utility user fees as follows. *Please be aware that the fee schedule may change, and that the city typically re-assesses the fee schedule annually and on an as-needed basis.*

ACCESSORY DWELLING UNITS (ADUs)
UTILITY CONNECTION AND MONTHLY UTILITY USER FEES

Accessory Dwelling Units (ADUs) are dwelling units secondary and incidental to the primary single-family residential structure on the parcel (see GC §9-2-2). ADUs shall be connected to municipal utilities if within utility service areas (see GC §9-7-17:B). ADUs are subject to assignment of equivalent dwelling unit (EDU) status for assessment of connection fees and monthly utility billing in accordance with the chart below (see GC §7-4-9:A:4:d and GC §7-5-7:A:2), if served by the same private service line as the primary residence.

	<i>Two (2) designated bedroom areas or less</i>	<i>More than two (2) designated bedroom areas</i>
<i>Equivalent Dwelling Units (EDU)s assessed</i>	Zero (0) additional EDUs	One (1) additional EDU

Note: ADUs served by their own private service lines are assessed as one (1) additional EDU regardless of designated bedroom areas in the ADU.

In the event of disagreement as to how many designated bedroom areas exist in an ADU design, determination shall be made by the Building Official and provided in writing, subject to the provisions of Greenleaf Code Chapter 10, title 1.

It is highly recommended that those interested in building an accessory dwelling request a pre-application conference with City Staff, and review current city code and fee schedule policy.