

MEMO



To: Mayor Olson and City Council

From: Jason Bond, Assistant City Manager

Date: December 15, 2022

Re: **Proposed Amendment Related to Detached Accessory Dwelling Units**

On October 18, 2022, the City Council reviewed the proposed amendment which would allow detached accessory dwelling units in the R-10 zone. Before the meeting, the Councilmembers received some concerns and ask that the Planning Commission review the draft language again with the expressed concerns in mind.

On November 8, 2022, the Planning Commission reviewed the proposed amendments to Santaquin City Code which would allow detached accessory dwelling units (ADU) in the R-10 zone. This happened based on direction given from the City Council to review things again with some specific concerns in mind. Specifically, the Council asked that the Planning Commission discuss whether two-story units should even be allowed. In other words, should detached ADUs be limited to one-story?

The current height restrictions for detached accessory dwelling units is as follows:

“The maximum height of a detached accessory dwelling unit shall not exceed the height of the primary dwelling unit or 24 feet, whichever is less.” (SCC 10.16.080.C2)

The Planning Commission reviewed and discussed the proposal again on November 22, 2022 to ensure that all concerns are acknowledged and clearly understood. Concerns from a resident (expressed to the Mayor and City Councilmembers in an email) were provided to the Planning Commission and is provided again below:

Dear Mayor and City Council,

I don't often take the formal chance to voice concerns with city affairs, but since I've had the opportunity to sit in on probably all meetings concerning Detached Accessory Dwellings, and I know there was a public notice about possible restrictions on these types of dwellings, I want to bring up some growing concerns that I have had about them. I have talked to a few of you about them already.

I understand the pros concerning these types of dwellings, but I'm hoping you will consider and discuss some possible cons and put a few restrictions in place when allowing them in new and existing zones.

Concern #1–

Adding another dwelling on the property will obviously add more people, cars and noise for the neighborhood, but I am mainly concerned with how it will affect the privacy of neighbors. Privacy fences are put up to keep prying eyes out of backyards, but if a two-story dwelling is allowed eight feet from a property line, the fence will be inconsequential. Especially since the main view from the house will be the neighboring backyard and the back of the house, which will be quite easy to see into at night unless curtains are drawn.

I am very uncomfortable with the fact that children who usually play in fenced yards, will be the main view, from the two story dwelling, as well as backyard BBQ's etc. Since there will be nothing else to look at from the small house.

I hope you will consider not allowing the two story dwellings in small backyards, or in close proximity to fence lines. Allowing instead, only a one story with a basement for privacy purposes.

Concern #2

I know it is believed most builders will want family living in these dwellings, but since there are currently no restrictions about who they can rent them to; the reality is some builders will strictly see income potential. In which case, tenants could potentially change every six months, or even every night if they choose to use them as vacation rentals. Making the need for keeping privacy in tact for neighboring houses even more important.

Concern #3

I am also courteous about another item. The code will state that the owner must live in one of the dwellings, but how will that be controlled, especially when the property sells? Will it need to be sold under that stipulation? How can that even be monitored? Or will there be potential for both properties to be rented out under new ownership? If that's the case, and because there will be little in place to ensure otherwise, dynamics of neighborhoods could change as owners decide they no longer are in need of these structures for family etc, and sell the property to investors. And we know investors are currently buying up all sorts of property.

Thank you for reading and considering these points of concern. As always thanks for serving our city and for being so wonderful to work with.

After some further discussion, the Planning Commission made the following recommendation:

MOTION: Commissioner Weight made a motion make a positive recommendation to City Council to approve the ordinance updating the standards for Detached Accessory Dwelling Units to include the following change:

Side and rear setbacks be changed from 8 feet to 10 feet.

Commissioner McNeff seconded the motion. Commissioner Wood, Yes; Commissioner Lance, Yes; Commissioner Hoffman, Absent; Commissioner Howard, Absent; Commissioner McNeff, Yes; Commissioner Nixon, Yes; Commissioner Weight, Yes; Commissioner Romero, Yes.

The motion was unanimously approved.

Staff Recommendation: "Motion to adopt Ordinance No. 12-03-2022."