



PLANNING DIVISION
“SERVING BILLINGS, BROADVIEW AND YELLOWSTONE COUNTY”
PLANNING & COMMUNITY SERVICES DEPARTMENT
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MEETING NOTES

Project Re:Code

Accessory Dwelling Unit (ADU) Task Group Meeting

Date – Friday, May 3, 2019

Time – 10:30 am to Noon

1st Floor Conference Room 2825 3rd Ave N

Attending: ADU Task Group members: Darell Tunicliff, Greg McCall, Ron Hill, Brian Johnson, Sheldon Douglas, Troy Boucher, absent Jan Rehberg

Public attending: Dennis Ulvestad, Jacob Cote, Shirley McDermott, Terry Odegard

Staff attending: Nicole Cromwell (Zoning Coordinator), Dave Drennan (Planning VISTA)

- 1. Public Comment** – *Any member of the public may be heard on any subject that is or is not on the agenda. Public comment is limited to 3 minutes or less at the discretion of the Chair. Public comment on agenda items may also be accepted at the time those agenda items are under discussion.*

Dennis Ulvestad asked why there is so much County zoning within the city limits. Mr. Tunicliff thanked Mr. Ulvestad for his comment. He stated the ADU Task Group would not be addressing this issue, but the comment would be passed on to the Urban Issues Working Group. Planning Staff asked whether the group would like to elect a chair and vice chair. By acclamation, the group decided to allow staff to run the meetings since the work of the Task Group should be completed quickly. The TG members and the audience introduced themselves.

2. ADU Task Group Primer – Review

Planning staff reviewed the 69-page primer document prepared for their review. The primer contains:

- 1) the proposed draft for regulating Accessory Dwelling Units
- 2) the proposed Use Table that shows where these might be allowed
- 3) a peer city comparison chart prepared by VISTA member Dave Drennan,
- 4) a Google Fusion map and spreadsheet showing where ADUs already exist within the city limits prepared by VISTA member Dave Drennan
- 5) the presentation on ADUs by the Project ReCode consultant team in March 2019,
- 6) the ADU White Paper authored by former Planning VISTA Jacob Cote,
- 7) 2 articles on appraising ADUs,
- 8) an FAQ from Bismarck, ND on ADUs and
- 9) Proposed ADU regulation from Rapid City, SD.

Dave Drennan presented the peer city comparison chart to the TG. The TG members asked how the Owner Occupancy requirement is enforced in these communities. Mr. Drennan stated some communities require a deed restriction and others do so through an ADU registration program. The TG discussed how this requirement might be enforced in Billings and Yellowstone County.

Some members thought a registration program would be too burdensome on city resources, but were concerned the occupancy requirement might be ignored by property owners without a clear enforcement mechanism. The TG decided to discuss this requirement further at the next meeting.

Mr. Drennan review the map of potential existing ADUs in the city limits. It showed where a parcel with one assigned address is paying two trash fees. This is a good indication of where an ADU might exist. In addition, the map showed parcels with two residential structures exist, and pays the two trash fees. The map did not include any parcels the Department of Revenue considered a “duplex” or two-family dwelling. The map showed approximately 950 locations of existing ADUs – mostly concentrated in the First Neighborhoods area, although some exist in the Heights and the West End.

Nicole Cromwell review the mission of the TG – to reach consensus on how ADUs might be an allowed use within the city and county neighborhoods. The TG will make a consensus recommendation back to the Urban Issues and County Issues Working Groups by mid-July at the latest. Ms. Cromwell stated that consensus is not necessarily unanimity. The recommendation will represent the TG’s best and most workable solution. The TG should set a regular meeting date and time so the recommendation is completed in a timely manner.

Brian Johnson asked staff if public safety – fire department, police, ambulance – staff had any concerns with the current addressing for ADUs – specifically the ½ addresses that are in place. Mr. Drennan stated he had not heard this concern but was in touch with the City’s addressing coordinator. More information on this issue will be available at the next meeting.

Sheldon Douglas stated not all parcels, homes or residences could accommodate an ADU retrofit. Mr. Douglas stated he thinks ADUs should definitely be an option and housing choice in Billings. He stated his experience as a real estate agent showed many buyers were looking for a residence with the option to have a small accessory space for another generation to live in – either kids or grandparents.

Greg McCall stated he believes ADUs should be an option and the city definitely has existing ADUs without any regulations that control or help these fit into neighborhoods. Brian Johnson agreed the existing ADUs should have some regulations in place.

Ron Hill stated he is not certain whether ADUs should be an allowed use throughout the city. Mr. Hill stated Los Angeles has a citywide registration, renewable on an annual basis for all ADUs. He stated this still leaves some gray areas though for a situation where the owner passes away or moves out. He stated the enforcement of any proposed regulation must be considered before a recommendation is made. Mr. Hill appreciated the staff’s inclusion of the appraisal articles in the primer. He stated the one appraisal article found that ADUs were most popular with planners and social engineers but the marketplace did not respond with the same level of enthusiasm. He stated he is concerned a lot of resources were being put forward to address a land use that would never be very popular – maybe at most 2% of all the dwelling units in the city or county.

Public comment:

Shirley McDermott stated there needs to be a lot more public input in the process and to gather more ideas about the best approach.

Terry Odegard stated he is very concerned with ADUs and is gathering a list of 100 people who are also concerned with preserving their single-family neighborhoods. He also stated he is concerned with private covenants and restrictions that would not allow a second dwelling on a subdivision lot.

3. Set Next Meeting Date and Time

Friday, May 10, 2019 at 10 am 4th Floor Conference Room

4. Adjourn