



City of McCall

COMMUNITY DEVELOPMENT

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Subject: Administrative Determination – Accessory Dwelling Units with Internal Access to Primary Residence

From: Brian Parker, City Planner

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The intention of this Memorandum is to clarify the status of portions of homes with all required elements of a dwelling unit that are internally accessible from the primary residence.

Determination

Only dwelling units that do not share internal access with the primary residence will be considered accessory dwelling units. Internal additions of kitchens, bathrooms, and bedrooms are subject to building permits similar to other remodeling projects with no footprint expansion.

Background

A two-story residential dwelling has a kitchen, bathroom, and sleeping area on each floor. A stairway connects the two stories from the inside, and there is an external door from each level. Does this constitute an accessory dwelling unit or a single-family residence with additional amenities?

Code Sections of Interest

McCall City Code Section 3.1.02: Purpose of Zoning Regulations:

The purpose of this title (title III) shall be:

(A) To maintain and promote the small town character and attraction of the planning jurisdiction, and the natural beauty of the surrounding lands and lakeshore, present and future, for residents and visitors.

(B) To ensure that all physical growth is carried out in an orderly way and in a way which complements the landscape, ecology and existing urban character of McCall.

(C) To regulate the use of land, and the use, height, location and size of buildings and structures.

(D) To implement the McCall area comprehensive plan.

(E) To facilitate the provision of public services and to promote and protect the health, safety and welfare of all residents and visitors.

McCall City Code Section 3.2.02: Meaning of Terms or Words:

ACCESSORY USE, BUILDING, OR STRUCTURE: A use, building, or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use, building, or structure. An accessory structure is outside the building roofline of the principal residence.

DWELLING, MULTI-FAMILY: A dwelling consisting of three (3) or more dwelling units including townhouses, condominiums, and apartments, with varying arrangements of entrances.

DWELLING, SINGLE-FAMILY: A dwelling consisting of a single dwelling unit only, separated from other dwelling units by open space; when considered in the context of enforcement of restrictions, any space so used.

DWELLING UNIT: Living, dining, sleeping room or rooms, storage closets, as well as space and equipment for cooking, bathing and toilet facilities, of a size and configuration suitable for use by only one family and its household employees; when considered in the context of enforcement of restrictions, any space so used.

DWELLING UNIT, ACCESSORY: A residential dwelling located on the same property as a principal dwelling unit either within or attached to the principal residence or in a detached structure that provides basic Building Code requirements for sleeping, eating, cooking and sanitation.

DWELLING UNIT, PRINCIPAL: A dwelling unit which serves as the principal or primary dwelling for a household, as opposed to a guest home or accessory dwelling.

HOUSEHOLD: One or more persons related by blood, marriage, legal adoption or guardianship, plus not more than five (5) additional persons who live together in one dwelling unit; or one or more handicapped persons as defined in the fair housing amendments act of 1988, with amendments, plus not more than five (5) additional persons, who live together in one dwelling unit.

PRINCIPAL STRUCTURE: A structure located on a parcel which is designed for and used as the primary structure as opposed to an attached or accessory structure.

McCall City Code Section 3.8.11.01: Accessory Dwelling Units:

Accessory Dwelling Units: Accessory dwelling units are permitted subject to the provisions of Chapter 16 DESIGN REVIEW of this Title and the following conditions:

(A) Number: One accessory dwelling unit is permitted as subordinate to any existing principal dwelling unit or on property where there is a development permit to establish a principal dwelling unit, except as allowed through the LOCAL HOUSING DENSITY BONUS PROGRAM set forth in Section [3.8.21](#).

(B) Location: An accessory dwelling unit shall be separate from, a part of, or added to the principal dwelling unit.

(C) Density: Accessory dwelling units shall not be considered for purposes of determining development density.

(D) Basic Requirements for Habitation: An accessory dwelling unit shall provide basic requirements for living, sleeping, eating, cooking and sanitation.

(E) Health and Safety Code Requirements: An accessory dwelling unit shall meet the requirements of city code Title 2 BUILDING REGULATIONS and meet all governmental standards for water and sewage systems.

(F) Size: The square footage of the accessory dwelling shall not exceed 1500 square feet, unless the unit has been dedicated as a local housing unit.

(G) Parking: No additional parking is required.

(H) Accessory dwelling units that qualify as Local Housing may request a waiver from the monthly water service fees subject to available funding.

(I) Rental Requirements:

1. Accessory dwelling units may be used for lease or rental purposes by obtaining a business license for rental pursuant to Title 4 BUSINESS REGULATIONS of the Municipal Code. In the situation where there is a short-term rental on a property, either the accessory dwelling unit or the principal residence shall be owner occupied or a deed restricted local housing unit.

Discussion

Given the highly seasonal nature of McCall's economy and the high cost of private living quarters, unrelated persons sharing living space is not uncommon. This type of living arrangement serves an important purpose in providing affordable options to seasonal employees, college students, and other lower-income individuals. These shared living arrangements frequently take the form of garage conversions, repurposing basements from storage to living area, and similar adaptations of single-family residences to allow for independent living by separate entities. Many of these conversion-style arrangements have internal access such as doors and stairways between the two living spaces. The primary additional regulation of accessory dwelling units required by McCall City Code Section 3.8.11.01 is design review of exterior features. Subjecting the addition of bathrooms and kitchens within the interior of existing building to exterior design review is non-sensical and would only lead to a lower quality of life for the residents.

It is not uncommon to see very large homes within McCall's planning jurisdiction to have second kitchens and many bedrooms and bathrooms. It would be unusual to consider these as accessory dwellings. Establishing a distinction between a second kitchen in a large home and a second kitchen in a small home requires assumptions about the socio-economic value of the inhabitants, which staff is not comfortable with and could be interpreted as discriminatory.

McCall City Code has no definition of kitchen. The 2018 International Residential Code, which is the active building code for residential dwellings in McCall, defines “kitchen” as “an area used, or designated to be used, for the preparation of food.” By regulating the creation of kitchens internal to existing structures, the City could theoretically be subject to regulating the locations of microwaves, hot plates, slow cookers, and other small appliances within a home. Clearly, this is not something that the City is interested in monitoring and would be nearly impossible to enforce.

The risk to this interpretation is that someone could build a multi-story home with a kitchen, bathroom, and bedroom, and exterior entrance on each level, then remove the interior stairways after the issuance of a certificate of occupancy, thus creating a potentially illegal multi-family dwelling. As this design would be unusual for a single-family residence, staff would likely identify it as a potential future code enforcement issue and monitor and investigate in the future as needed.