

Missoula council to revisit backyard homes throughout city



KURT WILSON/Missoulian

Robert Kendall, a painter with SPS Painting, finishes a doorway Friday morning on a small alley home off South Fifth Street. The Missoula City Council, which prohibited accessory dwelling units, or ADUs, in some neighborhoods three years ago, is considering an amendment to allow ADUs in all districts.

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A painter brushed the finishing touches of pale yellow and mahogany onto a small home going up in an alley on South Fifth Street this week.

Outside, Eric Burns, with Sirius Construction, and property owner Greg Kennett compared colors for the trim, looking at a dark brown, then a deep red. Inside, large and small windows let in sunlight, and marble tiles sat ready to cover the bathroom.

The pad, just 14 by 24 feet with a loft, isn't legally an accessory dwelling unit – ADU – by Missoula code. Still, the tiny home built behind a larger house represents precisely the type of structure that will be up for debate this summer in City Council Chambers.

"If we could guarantee that every ADU would be of this quality, I don't think we'd have a problem with ADUs," said architect Steve Adler, who worked on the project.

So-called granny suites, though, aren't welcome everywhere. Just a few blocks away, City Councilman Jon Wilkins showed off his backyard in the Lewis and Clark neighborhood. His fresh green lawn was expansive, he can see Mount Sentinel from his yard, and he has a patio and room for gardening.

"So this is just a great neighborhood," said Wilkins, who has lived there 32 years.

He doesn't want more homes, however small, to protrude from backyards in the area. They would take up garden space, bring more people, and create more traffic.

Wilkins, a popular council member who originally ran for office to maintain the character of his neighborhood, doesn't mind so much the backyard garages and art studios, but he doesn't want people living in them.

"You've got to draw the line, and that's where I draw the line," Wilkins said on a tour of his neighborhood.

This summer, the Missoula City Council as a whole is going to decide where to draw the line when it comes to ADUs.

Proponents tout the "in-law units" as one tool to create more housing in a city with a low vacancy rate, and they also see it as an environmentally responsible way to create homes in the city core instead of sprawling to outlying areas.

Opponents, though, fear the destruction of neighborhood character and the proliferation of untended rental properties.

Nearly three years ago, the Missoula City Council adopted a new zoning code, Title 20, and at the time, councilors compromised on ADUs. They decided to allow them by right in some districts such as those with multifamily homes, but prohibit them in neighborhoods such as the one where Wilkins lives.

The way a city develops isn't static, though, and this January, new council members took office. Councilman Alex Taft is among them, and the Ward 3 representative pledged in his campaign to "remove impediments to affordable housing."

"So we have a great demand for housing and a low supply. That drives up the price," Taft said. "That's not so good for the populace as a whole."

The retired city planner, then, wants people who live in the city core to be able to build an ADU as long as they meet city regulations. Current standards for ADUs include limiting the height to 22 feet and the total coverage area of extra backyard buildings to 50 percent of the yard.

For Taft, the matter is about good planning, but it's also personal. When he got a divorce, Montana law required him to split his income, he said. Had he been able to build a second unit in his home after his divorce, he would have been able to keep the house. Instead, he had to sell.

"Well, in that case, I couldn't afford the mortgage with my income halved," Taft said, and he noted someone who becomes widowed might find themselves in the same boat.

The legal debate will be whether allowing ADUs in certain zoning districts "so profoundly changes the nature of the district" that it's no longer what it once was, said Councilman Bob Jaffe. Jaffe, who chairs the Plat, Annexation and Zoning Committee, will oversee the meetings where councilors and the public debate the topic.

Such homes have many virtues, Jaffe said. They may mean a senior citizen can stay in a home longer, or they may mean a younger couple can afford a home because of the additional income from the second unit.

The problem, he said, is that when you talk about increasing density, you talk about creating impacts on other people. So the challenge is to figure out how to reap the benefits of ADUs "without negatively impacting the neighborhoods where this is really potentially a change in character."

And Wilkins, for one, can point out many negative impacts.

More people bring more cars, and even when off-street parking is available, drivers park on the street and crowd it, he said. The sense of wide, open spaces in backyards decreases. On the tour of his neighborhood, he pointed out one tall backyard structure that ended up shading the adjacent yard of an avid gardener.

Jaffe believes it's possible to mitigate for some of those impacts with things like architectural standards for trim and roof lines – for ADUs that are separate from the main home. Some of those units are basement apartments or dwellings within a main home, and as he sees it, there's no reason those shouldn't be allowed.

Either way, though, the first point of discussion isn't about the homes themselves. It's about notification, or how people learn such a change is taking place. The Plat, Annexation and Zoning Committee takes up that topic again Wednesday.

The council had been considering an amendment to allow ADUs in all districts, said Laval Means, senior planner in the Office of Planning and Grants. OPG was discussing whether that change was legally a text amendment of the language or a map amendment of the area.

Both are zoning changes, but the latter triggers notification by certified mail to affected property owners, and the former doesn't, she said. Initially, the conversation with an attorney indicated the change was a text amendment – and wouldn't require mail notifications.

When some opponents of ADUs got wind, they threatened to sue, so in response, the council decided to take another look at notifications. It's considering making notifications the same for both types of changes, and OPG is going to make several recommendations for the way those could take place.

The committee will take up those options on Wednesday. State law sets a minimum – a legal advertisement in the newspaper, Means said.

"Certainly, there's a lot of people that get concerned about notification and spreading the word, but I think there's a lot of ways that word can get out," she said, such as newsletters, postings, media and web reports.

Any decision by the committee will run its course through the full council, then go to the planning board, and return to the council again. Once the gray area in notifications is ironed out, the council and the public are free to consider the larger issue, Means said.

"Let's try to settle this kind of question so that it's clearer for people in the future, and then go onto the content, if you will, the issue at hand. The ADU discussion," Means said.

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