

# Meeting to Address Permitting & Compliance Issues for ADUs

COMMENTARY: What's the Future for Affordable Housing in Lyons?

**By Amy Reinholds**

At Monday's Planning and Community Development Commission (PCDC) meeting, public hearings for conditional use reviews for detached accessory dwelling units (ADUs) at 408 Reese Street and 227 Park Street were postponed until Monday, August 27. The public hearing for review and approval of the Lyons Regional Library District development plan for a new library took

the entire meeting, nearly three hours.

Also, there was no time for the PCDC commissioners to hold a public discussion about a review of permitting and compliance issues for ADUs. That workshop, which encourages the public to bring input on ADUs in town neighborhoods, was moved to the Monday, August 13 PCDC meeting.

What do you think is appropriate for ADUs on your block? What would be acceptable to you as a neighbor? Should parking be handled a specific way? Should there be a limit of a certain number of ADUs per block for neighborhoods that are zoned low-density, one house per lot?

Neighborhoods in Lyons are facing a future where there could be twice as many homes on a street if every homeowner builds an ADU, but homeowners bought their single-family residential (R-1) properties in Lyons with the reasonable expectation that the permitted uses for the zoning would be stable. The trade-off of neighborhoods dealing with the changed use that allows ADUs is that there might be more beneficial options for aging family members, for caregivers, or for lower-cost rentals for local employees or grown children. But forcing neighborhoods to deal with this change without

enforcement just means that new property owners who ignore the rules and the neighborhood character might rent out both homes as short-term vacation rentals, treating the neighborhood as a profit generator, and not a community where people live.

Following through on the plan for compliance and enforcing the ADU ordinance are ethical issues, to respect other homeowners in Lyons, including long-time, multi-generational residents of our town. Bringing existing ADUs into compliance, something that was discussed in early 2016, was a big reason why I supported waiving additional utility connection fees to allow ADUs. Lyons Fire Protection District and Boulder County Sheriff officials had been asking for several years to know which addresses in Lyons had additional dwelling units in case of emergency. Also, enforcement of the requirement that ADUs can only be rented to long-term tenants – and not used for short-term vacation rentals – was another reason I supported the change. I knew that the rents wouldn't be permanently affordable, and they would go up with the rising rental market, but I wanted to see more, safe rentals available for long-term tenants, who struggle to find places to live in Lyons.

Here's what I shared in general about ADUs to both Town of Lyons elected trustees and to the appointed PCDC commissioners in the past month:

1) I support a moratorium on new ADUs in existing buildings until all the older cottage houses/additional detached rental units (which have been going on for years on single-family home residential lots) are brought into compliance with the ADU policy. Last year, Town of Lyons staff knew of 21 accessory units that were used as dwelling units, but were not yet brought into compliance. That number might be higher now, and I understand that Town staff are compiling a current list.

2) The PCDC and the Board of Trustees should consider some standards for the maximum number of ADUs allowed per block in Town of Lyons, which should be evaluated with neighborhoods after all the existing ADUs are also

counted and brought into compliance.

3) Finally, I'm adamant that our Town code about short-term vacation rentals needs to be enforced in all ADUs – and the separate buildings that don't become ADUs, like just a shed or a studio – on all our single-family home residential lots in the Town of Lyons. I got verbal confirmation from Ian Greer, the new Town of Lyons enforcement officer, that short term vacation rentals are not allowed in ADUs, and they are also not allowed in a garage or shed or separate workshop building that is just for family use and doesn't become an ADU. He said that Town code on those uses will be enforced.

I really appreciate that all Lyons residents, homeowners and renters – newcomers and people whose families have lived here for generations – can participate in this process. It's best if we speak up and give some constructive information of what we would like to see to preserve the character of our neighborhoods. There are a lot of us who like the positive aspects of ADUs (options for aging family members or caregivers for aging in place, or lower-cost rentals for local employees or grown children), but we know there are trade-offs with increased density, and enforcement to respect the existing neighbors who bought homes in a low-density zone and don't want to see a conversion to a hotel/lodging businesses district. We can encourage the Town to make decisions that will be helpful for the neighborhoods going forward.

The original Town of Lyons ADU ordinance, established in 2013 after the flood, allowed ADUs to be permitted on single-family residential lots, but no homeowners in Lyons applied to participate in the program for those three years. With the goal of encouraging more lower-cost, market-rate rentals in town for employees of Lyons businesses, seniors, and others who need affordable housing, the Lyons Board of Trustees directed the PCDC in early 2016 to work with the Lyons Utilities and Engineering Board to look for approaches that could help encourage ADUs.

At the end of 2016, the PCDC and the Board of Trustees voted to change town code, removing the additional utility connection fees for “detached” ADUs in

separate buildings on single-family residential lots in town (saving homeowners \$20,000 to \$40,000 in construction costs). Attached ADUs within the same structure as the main house don't require conditional reviews but do require permits. You can read the ADU ordinance at [www.townoflyons.com/566/Accessory-Dwelling-Units](http://www.townoflyons.com/566/Accessory-Dwelling-Units).

Until last month, all that the Town of Lyons focused on was new construction of ADUs. In the 12 months between May 2017 and May 2018, conditional use reviews were completed and approved for four new detached ADUs that went under construction in Lyons. Then, in June 2018, a conditional use review was approved for an ADU in a previously constructed large garage building built by homeowners who rebuilt after the 2013 flood.

This column is a weekly commentary (opinion column) in the Lyons Recorder about affordable housing after the September 2013 flood disaster in Lyons. If you have any questions, comments, or complaints about this column, please contact me directly at [areinholds @ hotmail.com](mailto:areinholds@hotmail.com). For a history of post-flood efforts for affordable housing in Lyons, you can read previous columns from both Lyons-area newspapers posted on my blog at [lyonscoloradonews.wordpress.com](http://lyonscoloradonews.wordpress.com).