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Fairfax County Board of Supervisors Land Use Committee, Tuesday, December 2, 2025

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[00:00:01] Good afternoon. I am going to call the Land Use Policy Committee meeting to order. Originally, when I had the prep meeting for this meeting, we were going to have two presentations today. But to save everyone's time, we decided one of the presentations could be a NIP, so that will be forthcoming in the future.

[00:00:20] So my message is we didn't plan for this to take the whole time. I am going to turn it over. You know, we first approved the ALUs when we were doing ZMOD. And now staff has had enough time to look at this, to analyze it.

[00:00:35] We had memos in the past, and so this is the beginning of a discussion to look and see where did we get it right, where do we need to make changes, and I am turning it to Casey. Good afternoon, everyone. I'm Casey Judge with the Zoning Administration Division, and I'm joined by my co-lead on the project, Carmen Bishop.

[00:00:54] We also have Tracy Strunk, Leslie Johnson, Bill Malin, and Catherine Lunsford, all with the Department of Planning and Development. Today, we'd like to introduce, like Supervisor Smith mentioned, some potential ideas and concepts related to accessory living units, or ALUs for short.

[00:01:12] So, this topic is a priority one item on the Zoning Ordinance Work Program, and it was carried over from the previous fiscal year work program. ALUs were last updated as part of the Zoning Ordinance Modernization Project, or ZMOD, in 2021, and since that time, we've issued two status reports in 2023 and 2024.

[00:01:32] Those provided updates on the implementation of the provisions as well as analysis and recommendations on potential changes to the regulations. So some of what we're going to go over today is not new and is included in each of those status reports. So in Fairfax County, we do call them accessory living units, ALUs, rather than ADUs, accessory dwelling units.

[00:01:52] That's to distinguish from our ADU ordinance, which is our affordable dwelling unit provisions. So it is defined as a secondary dwelling unit established in conjunction with and clearly subordinate to a single-family detached dwelling unit. So that detached distinction is important since they're only allowed with detached, currently not with townhouses, duplexes, or any other attached configuration.

[00:02:14] An ALU does have to have all the provisions for living, so that's eating, sleeping, living, and sanitation, and it also is occupied by somebody as their principal residence. So we see a variety of occupants in Fairfax County, ranging from in-laws to au pairs to renters.

[00:02:31] Anybody that's occupying that space would be considered to be living in an ALU. So currently, those provisions that were adopted with ZMOD, we do have a variety of standards. We allow interior administrative permits for ALUs that are inside a dwelling, and they do have to meet a variety of standards.

[00:02:50] The special permit option is for detached accessory living units. So in order to apply for that special permit with the Board of Zoning Appeals, you do have to have a minimum lot size of two acres. We also do have a special permit option to modify certain provisions for the interior ALUs. ALUs in all situations are limited to two people and two bedrooms, and those standards cannot be modified.

[00:03:13] For interior ALUs, we have a maximum size limitation of 800 square feet or 40% of the dwelling, whichever is less. That can be modified with special permit approval. And then 1,200 square feet is our detached maximum size, and that cannot be modified at this time.

[00:03:29] We also have standards related to owner occupancy of either the primary, the principal dwelling, or the ALU. We have standards related to new external entrances to prevent looking like a duplex, curb cuts, and we also do require currently one additional parking space be provided off-street in addition to what's required for a single-family detached dwelling.

[00:03:47] We also have a renewal requirement, so the administrative or special permit has to be renewed after an initial two-year period, and then based on a record of compliance, we can then renew that permit every five years after that. Since the ALU regulations went into effect in 2021, we've had 203 ALUs approved with an administrative permit, and this includes 134 that are currently in that approved status and another 69 that were previously approved, but they have since expired following that initial

[00:04:23] two-year approval period. Now, applicants are sent a notification advising them that their permit is about to expire and reminding them to renew if they want to do that. And then we have another 24 that have been approved by special permit. This includes 13 that are for interior units. So this is where they would be modifying the standards that apply to an administrative permit. And most of those have been for an increase in the size. And then we've had 11

[00:04:56] that were approved for detached units. So as part of our research, we have looked at the ALU regulations. And throughout our presentation, we're just going to keep calling them ALUs, although other jurisdictions sometimes call them accessory dwelling units, accessory dwellings, accessory apartments, a variety of terms.

[00:05:20] But we have reviewed the regulations for other jurisdictions, and the attachment one to the white paper that's posted online includes a summary of the regulations for our nearby jurisdictions. Now, as you can see on the chart on this slide, the trend is to allow for administrative approval for both interior and detached ALUs and with no minimum lot size for the detached units.

[00:05:49] Now, as you saw on the previous slide, Fairfax does not have very many detached ALUs. And this is at least in part going to be due to the minimum lot size requirement and the special permit requirement. And so Fairfax does seem to be the outlier in regard to those regulations.

[00:06:08] Other jurisdictions are also allowing for occupancy by more than two persons in the ALU. So some of them are allowing occupancy just based on building code, no specific number, or three to four persons.

[00:06:24] Or Montgomery County, they take the approach of limiting it to two persons, but then they only count persons who are 18 years and older. Other jurisdictions are also not requiring a renewal of their permit. and then some are allowing for ALUs in two-family or townhouse dwellings.

[00:06:45] Now, we have also reviewed the regulations for certain other jurisdictions across the country, and we're seeing similar approaches to our neighbors here. So overall, the implementation of the ALU regulations since 2021 has gone well.

[00:07:03] And a review of the complaints information from the Department of Code Compliance does indicate that they're, and we looked at complaints filed on properties with approved ALUs, and only one was investigated that related to a property with an ALU that was, you know, potentially related to the ALU, and that was a property maintenance issue that was quickly resolved. So really only one complaint, so that's not a lot. That isn't to say that we haven't identified certain challenges with the implementation of the regulations, and those were

[00:07:41] documented in the 2023 and 2024 status reports. So one of those challenges has been the need for case-by-case interpretations as to whether an ALU approval is needed. For example, there might be a building permit submitted for adding, for instance, a kitchen to an area of the dwelling, such as maybe the basement. And if that area already has a bedroom and a full bathroom, then that proposal may be referred for a zoning interpretation to determine whether or not that arrangement

[00:08:17] is creating a secondary dwelling unit that then requires the ALU approval. Or sometimes the second kitchen is just for entertaining purposes and used by the general household, And so then the approval, ALU approval, would not be needed.

[00:08:34] So we see an opportunity for additional clarification in the zoning ordinance to streamline the regulations and reduce the need for these case-by-case reviews. Now, we're also seeing situations where an applicant would like to have a semi-detached configuration, which isn't clearly defined in the regulations currently.

[00:08:57] Or sometimes they want to detach, but they don't have the minimum lot size, or they just want to avoid the special permit process. And so we see an opportunity to clarify the regulations there, and we're going to talk about that semi-detached concept in just a few slides.

[00:09:14] And then lastly, as part of the review of the regulations, some of the requirements could be revisited, specifically the date limit on the use of the entire basement. Also, the requirement for renewal and the requirement to record the approval in the land records.

[00:09:40] All right. So now we'll touch on a couple concepts we'd like to present to the board for consideration. So we do have some overarching goals of this amendment. We do think this aligns really nicely with the Housing Initiatives Board matter of September 9th. You know, of course, we think that ALUs are a great tool in the Housing Affordability Toolkit because they can help serve to increase the housing supply.

[00:10:03] They also provide options for older adults, young professionals, and caretakers that may want to be located in a certain neighborhood or be close to family. So again, just additional flexibility and housing options for different types of people. And then also we see ALUs in a role in supporting homeowners with rental income as well to help them with their mortgage or other costs that they may need to be paying.

[00:10:27] So another goal is to, like Carmen mentioned, clarify and update those regulations to reduce the number of interpretations that are required. We think that that would serve to, you know, increase consistency and predictability and help streamline, you know, getting the legally established ALUs permitted and approved.

[00:10:43] And again, also, we do want to look at the process. So are there ways that we can streamline that process and remove any impediments that really aren't helping our cause here for the accessory living units? So the first concept we want to talk about is considering revised options for administrative approval.

[00:11:00] So on the left-hand side of this table, you'll see there's some considerations for revising the administrative permit process that we currently have. So for those interior ALUs, we do have a separate administrative permit that somebody would have to go and apply for in PLUS. Now it can be processed concurrently with the building permit, and it often is.

[00:11:19] A lot of times we'll see, so somebody's coming in, they're renovating a basement, they're adding all those components, and they get flagged and, okay, hey, you need an ALU permit, So let's go into PLUS, apply for that separate permit. There is a separate fee, and our zoning permit staff is reviewing that permit to make sure they're complying with the zoning ordinance standards.

[00:11:38] So like Carmen mentioned earlier, too, we do have that renewal. So right now we're looking at do we want to revise this renewal, so either instead of two and then five years, is it just five years, or do we remove it entirely? You know, it's not something that we're seeing other jurisdictions have, and we saw I believe it was 69 have expired.

[00:11:56] So are they actually expired or are they still being used, you know, or was it just the renewal? They didn't come in for that renewal. So one of the benefits of having this administrative permit is that it does allow for easier tracking of ALUs. So we can tell how many permits we have out there.

[00:12:11] If there's a complaint, we can go out and investigate it, see what they had submitted with their permit application. So on the right-hand side, we do have some ideas for if we wanted to look at removing the separate administrative permit requirement. Now, that wouldn't mean that ALUs don't have standards.

[00:12:27] They would still be required to meet the standards, such as other, you know, uses in the zoning ordinance. But we could look at not having a separate ALU permit needed. One idea, we could look at a certification form similar to that second kitchen or wet bar, that kind of entertainment form that we have now. So basically, the homeowner would be looking at and certifying that they meet the ALU standards and submitting that as part of their building permit or as part of something standalone if a building permit is not required.

[00:12:53] So as part of this process, we would still have zoning permit staff reviewing the ALU standards to make sure that the ALU does comply with it. And then we would not have a renewal, of course, because it would not be a separate permit. We could look at either a reduced fee or no separate fee and it just be part of the building permit fee that is currently assessed as part of the proposed changes that they're making.

[00:13:15] And then some of the benefits of removing this administrative permit include reducing processing time. So, of course, you're taking away an additional permit that would be required. And also, we've seen this perceived regulatory barrier of the permit. So we'll have these perfect ALU example cases.

[00:13:30] We say, you are great. You're a perfect ALU. This is what the permit is for. And they say, I don't want another permit. How can I do it? Can I take a kitchen out? Can I remove a bedroom? How do I get around this? So, you know, this is one of the possibilities that we could avoid that and still establish and have ALUs in the county.

[00:13:47] So a couple other impediments that we've alluded to that we've identified is with ZMOD, we said you know what you can use the entire basement or cellar as an ALU so you're not subject to that 800 square foot requirement as long as that basement or cellar is existing as of May 10th 2023 because we didn't we weren't sure with ZMOD we had new standards we want to see how it played out and really this isn't a standard we see we see other jurisdictions allow the entirety of the use of the basement of cellar so we would like to remove that date and just allow it regardless of when the basement or cellar was constructed the next again is that renewal requirement do we look

[00:14:23] at removing it altogether, increasing it to five years. We feel a lot more comfortable now with the ALUs and the standards. So, you know, we don't really necessarily see the need to have that renewal requirement to continuously check in on the ALU to make sure it still meets the standards. And then also we do have a requirement that both the administrative permit and the special permits be recorded in the land records. ALUs do not transfer from owner to owner. So, you know, this could be confusing for a new buyer. And we're not, again, we don't see other permits have this requirements. So we would like to consider removing that as well. And then again, just to hit on,

[00:15:00] we do want to clarify what is an ALU. I know that's a fundamental question, but we think that we could help kind of clarify that, add some text to the definitions and the standards to really explain when is it an ALU versus when is it an accessory entertainment space that's just part of the home, like a second kitchen for football parties or something like that. We do want to look at adding graphics to help us with these definitions and with these standards. So there's one on the screen right now, maybe a little hard to see, but the blue is trying to show there's a principal unit, and then we've got this orange interior ALU.

We see it in all sorts of configurations like additions. We see it in second levels. One of our favorites is the finished room over the garage

[00:15:39] or the frog arrangement, basements, and the semi-detached option Carmen's going to talk about in just another slide. So as Casey just mentioned, sometimes, you know, we do see a desire for a semi-detached configuration and so we've seen all kinds of connections and sometimes it's been a struggle with the zoning ordinance how to interpret whether or not it should be allowed as an interior or a detached so we've seen breezeways and skywalks we've seen it all and

[00:16:18] so this is where we do want that additional clarification and it's possible that it might makes sense to, if it's a short connection, then it could be approved administratively. If it's a longer connection, maybe it does go to the BZA. But we do want to just clarify the pathway for what we're calling these semi-detached configurations. Just for reference, the images on the slide, the one on the left has a 25 to 30 foot long connection that's 13 feet wide. And then the one

[00:16:50] on the right has a 36-foot-long connection that's 11 feet wide. So with respect to the detached ALUs, similar to the regulations for some of the other jurisdictions that we've looked at, the amendment could consider whether there are certain situations, such as maybe certain lot sizes, building sizes, bulk regulations, where a detached ALU could be approved administratively.

[00:17:21] And then the second bullet there is speaking to we have had some difficulties with the 1,200 square foot maximum size for a detached unit because currently there's no path forward to get a bigger size.

[00:17:38] And so the difficulties have mostly been when there have been an existing structure that's being remodeled and so it is that size. So, one of the options would be to change that standard maybe to something like allowing up to 50% of the size of the principal dwelling, and that is a benchmark that we use in the review of accessory structures generally.

[00:18:03] Another approach would be to keep the 1,200 square foot maximum, but allow the BZA to modify that. And the amendment could also consider whether to reduce the minimum lot size for detached ALUs down from the current two acres.

[00:18:21] And as part of the community outreach on this topic, we want to create a graphics portfolio to help explore the topics of lot size and bulk regulations. And then lastly, there are some additional considerations that come from our jurisdictional research and other sources, including previous general assembly bills.

[00:18:43] And so one of these is whether to allow an interior ALU with single-family attached dwellings. Another would be to explore allowing more than two persons to occupy an ALU. As mentioned previously, some jurisdictions are allowing three to four, or maybe just basing it on persons that are 18 years and older.

[00:19:07] or maybe it could even in part be based on a relationship as we do with our general occupancy standards. And then another consideration could be whether to remove the owner occupancy requirement. And so this would allow for renters to occupy both the principal and the accessory living part of the dwelling. This may be desirable for military and other families that maybe they they're here, they've created an ALU, now they're going to relocate, but they're planning to come back. And so while they're gone, they're renting out their dwelling that has this configuration,

[00:19:46] or maybe it's a family, like a military family, that they're coming here for a period of time and they're looking for a space with an ALU. So there are different scenarios where this could be desirable. We would want to balance this review with the concern for not incentivizing corporate ownership of dwellings. And then finally, consideration could be given to whether to revise or remove the requirement for an additional parking space. So later this week,

[00:20:23] on Thursday, we'll be presenting to the Planning Commission's Land Use Process Review Committee, and then we want to kick off community outreach on concepts in the new year and then following that put together draft amendment text that we want to bring back to the board and planning commission committees in the spring or summer follow that up with additional outreach and perhaps get it before you for authorization and public hearings by the end of the year thank you and we are happy to answer questions thank you very much i i think this is a perfect time for us to be looking at

[00:20:59] this again because we have all the experience. We see where the problems have been. And, you know, I think some of us, we were stricter when we started this because we didn't know what would happen, the two-year permit, because we wanted to see what was happening. And so I think there's things you're looking at that we probably can change. I, for me, I don't want to tell you what I like or don't like right now, because part of the process is to go out and do that community outreach. There's a lot that I do like that you're proposing, but there's probably things that we haven't thought of that we could do better with this.

[00:21:33] So I'm really looking forward to this process happening. And I'm going to turn to the chairman. Yeah, I kind of feel the same way. There's some things on here that I think aren't going to work. And then there's some other ones that seem simple enough that make sense to do. I think it probably goes too far from where I would ideally be.

[00:21:53] But I think it makes sense that we tweak it because clearly people aren't taking advantage of of the fact that we have this tool that's out there now um i guess some of the questions that i have um are you going to put would the idea be to put together this whole menu and put that out for public comment or are you going to restrict it based on board feedback um or planning commission feedback i mean our thought in coming to you here today is to uh refine uh what we present to the public based on feedback that we receive. Okay. Because it's a lot to take in today. I mean,

[00:22:31] these are a lot of things that are being presented. I think we probably need to weigh in individually because we could probably spend the whole committee meeting day person by person talking about what we like and don't like. But I do, a fundamental question that I have with all of the things that were presented is the degree to which zoning enforcement can act. So we know we've had experiences where zoning enforcement's hands are pretty significantly tied and getting any meaningful enforcement can take a long time, not just because of the challenges zoning enforcement

[00:23:07] have, but frankly, just the challenges of going through the court system. And so help me understand which ones of these things make that job harder if we were to implement, because clearly on the permit front, I heard you say that it would create potentially a challenge with zoning enforcement where you don't have a permit. I'm not in favor of keeping the renewals. I think it's a step not worth taking. I think the reason behind the renewal was if you had problems at any of these, you could prevent the renewal from happening, if I remember correctly. So that tells me

[00:23:43] that we have some shortcomings in our code enforcement, because if we have problems with any of these, we shouldn't rely on whether or not there's a renewal. We should be able to look at our code and zoning ordinance and take action on it. So I'm very interested in understanding which ones of the tweaks make the job of our zoning enforcement department more difficult.

[00:24:06] That's a hard question. I think occupancy is one. We've had some issues with regard to that, although I do think, you know, we've seen people and we've allowed, you know, we've had one recent example where there was a rental for two people, but apparently they had a child. And it's two individuals. It doesn't matter whether you're a child. So I do think trying to accommodate that

[00:24:45] and address that would make it easier for enforcement on one aspect of it. I think having clearer standards for what's an ALU and is another thing, because as you saw from some of those photos, you know, you can have all sorts of different kinds of combo, like the 40-foot long, 10-foot wide living area. And we actually did go to court on that one and lost because it was part of the structure. And, you know, you can define a single family dwelling to kind of have all

[00:25:23] different shapes and sizes. So maybe having clearer definitions of what's semi-detached and, you know, we're never going to get away from interpretations. I mean, we operate on a complaint basis, and I will be honest with you, you know, if people don't complain if things are happening okay in the neighborhood and it's not an issue, they complain when there's parties, they complain when there's parking all over the street, they complain when people are coming and going all different, you know what I mean, all different hours of the

[00:25:58] night. And that's not really an ALU related issue per se, right? But that's kind of what can generate some of the concerns. I do know that owner occupancy from, I mean, that's easy to look up. So there's no issue with that. But that was a big deal when we went through the initial review during ZMOD was, we heard a lot about having one of the units be under-occupied. But, you know, we want to also look at ourselves in comparison with other jurisdictions. And,

[00:26:34] you know, as Carmen and Casey said, we're kind of at the, we're kind of behind compared to other jurisdictions. We're different, we're different, you know, than other jurisdictions, but. I guess, help me a little bit with the thought behind the original renewal.

[00:26:51] Was it as simple as that's an easier enforcement mechanism? And so we were already, in essence, admitting this was hard to enforce. Because what I'm concerned about is if it's hard to enforce to begin with and we had a renewal and I didn't get a renewal, why wouldn't I just take you to court and win the same way I would if you issued me a notice of violation?

[00:27:16] So we're not, there's not an automatic inspection with the renewal. So if complaints haven't been filed, and as I mentioned, we haven't been having complaints. Somebody wants to join the meeting? So we haven't been, there just haven't been complaints.

[00:27:36] Only one. So there just haven't been. So apparently, you know, they're existing such as they are, you know, and it's all right. But yeah, there's not an automatic inspection happening with the renewal process anyway. So I want to weigh in on this because, you know, I kind of let us all get into a place where we would agree.

[00:27:57] I think that part of the reason that we went to the two-year renewal is there was a lot of concern in certain parts of the community. And so we wanted a chance. I mean, I didn't think those

concerns maybe would be something that would happen, but We wanted to provide a chance that if all of a sudden there were all these concerns, we had a tool.

[00:28:17] And I think we've seen through the years of this going on, there haven't been complaints and there haven't been problems. I would note that prior to ZMOD, you know, when ALUs were a special permit across the board, there was a five-year administrative. So you had to get your special permit.

[00:28:33] And then after five years, there was a renewal. And we would send out letters letting them know that your special permit is about to expire. And it allowed the zoning administrator to provide for five years subsequent administrative.

[00:28:49] And again, to Carmen's point, we didn't, unless we knew there was an issue or there was a complaint or something, we didn't send out inspectors to do that. But we, you know, we, and we had people who forgot and then had to go through the special permit process all over again.

[00:29:08] it like any other zoning enforcement complaint. So I guess the other question I have is with the recordation and land records, what are the pros and cons? Are there any direct ties back to enforcement that we should be concerned about with that? Not necessarily. You know, I would say I don't really see many pros to it. You know, our thought was that was, again, something that we brought forward from the special permit and just kind of brought it forward and applied it to the administrative permit. But again, in practice, we've seen it be quite difficult for people to actually get it recorded. And our staff, Catherine, actually led a really great job to come up with a

[00:29:47] form to help the recordation process. But we wanted to let people know that there was an ALU if a new purchaser came and purchased it. But it doesn't say anywhere that, well, then you're going to need to go get your new ALU permit. So it seems like it was maybe okay in theory, and then in practice that's not panning out to be an effective tool. Okay. I think it was an attempt to let people know when they're purchasing a unit that had an ALU in it, it didn't automatically transfer to them. But once you put it in the land records, I think the people believe that it does. Do you

[00:30:24] know? So I think there is conflicting information that perhaps, and it's just, to be honest with you, I think it was a pain for people to go down to the courthouse because they have to go in person and they have to, you know, record it or go through a process to do that and a fee.

[00:30:41] And I have one last question, and then, because I'm not going to go through. I think each of us should send in our comments, and I think you should come back to us with generally this is what we heard and then come with a program of things that we want to advertise. But I do have a question about the multifamily because this one gives me a lot of pause, mainly because I have never represented a townhome community in my entire political career that ever said we have so much extra parking, this would be great.

[00:31:11] And so to me, you know, there is a common wall piece of this that concerns me a little bit too where, you know, you're potentially even on a zero lot line development, you at least are in a separate structure. There's a common wall piece of this, but the main thing that concerns me is the lack of parking that almost exists in every townhome community.

[00:31:32] And, by the way, this intersects with our environmental goals because if we overpark these communities, then we're taking down more trees and putting the whole impervious surface equation changes. And so I am really concerned about that. And so to that point, what I would like to see is these

other jurisdictions that allow this multifamily or townhome, if there are similar jurisdictions to Fairfax, how that experience has gone.

[00:32:00] Are they, because once you allow this, it's a really hard thing to claw back because then you have people grandfathered in and then that's an even harder thing to deal with when it comes to zoning enforcement and to explain. And so certainly before I would take that step, I would want to get a lot of confidence that other jurisdictions are doing, not just doing this, but they're doing it without any issues that are arising.

[00:32:22] Because to me, on all that's been presented, to me, the starkest line is on the multifamily townhome community piece and maybe the minimum lot size piece. But I think some of the administrative stuff I'm there on making this easier for folks to do it.

[00:32:37] I think it really comes down to not if we allow people to do this, but where. And I think the bureaucracy pieces of this, we probably should shift out. And if I'm hearing that, you know, we haven't had many complaints and we put these standards in because we were concerned about that, then we probably should be pulling those back.

[00:32:57] But I am a little bit leery about townhome and multifamily. Okay. So you hear I kind of came to this with an open mind. I will make my comments at the end. and I know you're going to be going to the PC. So I'm going to make the recommendation that if you guys have a sticking point, get it out right now, okay?

[00:33:18] I just did. You did. I know, and I'm like, oh, no. Now I'm going to go back and say how much I love all these ideas, except the parking with the townhouses. Shall I just go down the line? Okay, Pat? Yeah, I'm going to kind of be, some of this might make sense.

[00:33:35] In total, it's way too far, and I would echo the townhomes, so I'm not going to go back through that. I mean, this is clearly the need to balance the character of our suburban neighborhoods, which I don't want to see changed, with the need for affordable options for people to live.

[00:33:52] I mean, and that's what it comes down to me. And certainly in a townhome community, you create a lot of problems if you allow these because parking is part of that character. It is in most residential neighborhoods, too, or suburban neighborhoods.

[00:34:07] There is no change here to four unrelated people living in the same house, correct? That's correct. Okay, good. And I need to think through the whole permit, but I'm kind of pretty much a no on the townhomes and multifamily.

[00:34:25] That one may not need to get advertised. The others, I'm going to kind of go back to where you started, and I need to hear from people. And I think the big thing is make sure we don't change the character of our neighborhoods. Supervisor Alcorn.

[00:34:43] Thank you. So a few questions. Well, first of all, a suggestion. I think for the public outreach, I would definitely include some of the numbers that are in the white paper. I mean, just for context, you know, the white paper talks about total number of administrative requests, countywide, 366, over three years.

[00:35:10] You know, I mean, in Hunter Mill, 29 total. And, you know, in 100 mil, we're adding between 500 and 1,000 new regular dwelling units every year. So I think it's going to be important to basically show

this in context.

[00:35:29] The numbers, I think, are going to be really useful. And in that regard, I think it would also help good information about what other jurisdictions are requiring, what their standards are, but also how many ALUs are they seeing? And I know it's in some of the updates that we've seen, but including that I think would be helpful, again, with the outreach and probably for us too, but in terms of context.

[00:35:57] I did have a question about the 69 that were expired. Do we know if they all got built, or could it be that they didn't get built and they didn't bother, you know?

[00:36:13] That's a great question. We will look into that. Okay. Yeah, just curious, because I'm thinking some of them may just not have gotten. built because i don't think we track that do we we track permits but do we for alus well we can certainly look into if they were getting the alu permit alongside a building permit for an addition or renovations and there would be inspection reports and we could see whether that building permit was finaled yeah okay all right great thank you supervisor alcorn i was just talking to katherine lunsford who does all our permitting and we don't really we don't issue the alu if

[00:36:50] there's an associated building permit, we do not issue the ALU permit until after the building permit has been final to make sure people aren't occupying a space that doesn't have its inspection. Oh, that's helpful. So those 69 are probably more than likely they got their permits, but they just decided they didn't want to come back for the renewal.

[00:37:12] Got it. And there is a cost for that renewal, right? So there is a fee associated. Yes. Yes. Okay. I did, Leslie, I think this one's probably for you. In terms of the interpretations challenge with the existing structure, what kind of interpretations are you seeing mostly?

[00:37:34] I mean, I guess what's confusing? Because people, they don't want to come in and get an ALU permit. So we've seen situations, one of the bigger ones is that the, and Carmen and Casey can jump in, where you have to have conditioned space.

[00:37:55] And so people wanted, they have a garage, right? And then they want to maybe put the ALU either on top of the garage, which we pretty much allow, but, or maybe an addition behind the garage. And so the only way to get to it is through the garage.

[00:38:11] And is that a correct pathway to allow people to, you know, for another unit? And so we're, cause we're trying to make these integrated and coordinated so that it, looks like a single structure to the extent that we can. Am I correct on that? I would also add that a lot of the interpretations are people trying to get it documented that they're not an ALU.

[00:38:36] So they apply for that permit, you know, building permit, and then they're flagged and say, hey, you need to get an ALU permit. And they say, I'm not an ALU. And so we want to document it in writing. And they're going to change their permit. And they're going to say, no one's going to sleep peer. It's just a guest room. And, you know, and then we have that on the record that you committed to this not being an ALU and you're not an ALU. So if we get a complaint, someone's living there, we can point to that interpretation. Okay. That's... And I just want to add on to that that, you know, some of that really is we see in the conversations that we have on these

[00:39:11] interpretations, but when Casey was doing the slide that showed the two sides of how to maybe modified the administrative permit, that the perceived regulatory barrier is strong. I mean, you know, we

feel like this is a really friendly administrative permit process. It's easy. You can do this. But, you know, they're not always seeing it that way. So if there's ways to reduce that, I think it would really help. Okay. All right. That's great. And my last thought, I guess, suggestion or question um you know there's been a certain case in the springfield district recently

[00:39:50] that's been and and and so what i was going to suggest and it's specific to this ordinance proposal is that we're talking about maybe a 50 percent uh square footage limitation possibly for the ALU, should we also be thinking about height?

[00:40:11] Yes. Because, all right. And I agree on the parking and townhouses, so I'll throw my hat in on that one. Thank you. Supervisor Storr. Thank you, Madam Chair. I'm going to start with just the enforcement side of it.

[00:40:28] I think we all need to have confidence that something can be done quickly enough to matter. So I think that's a key part of having to be more credible. But the other side of it I'm going to give is that there is that perception of I have to go through this step to do this.

[00:40:49] I think that's always going to make it much more difficult because homeowners don't understand or really don't want to work through that. In Mount Vernon District, we have a bunch of what I would call ALUs. Not that they would call them that, but we have properties that were built on two or three lots and property gets bought.

[00:41:09] And then they build three houses on it, which in general is what they can do, all legal. And it generally works as long as they're building two houses on maybe that lot because that's still comparable and compatible with the neighborhood.

[00:41:24] But when you get to that third lot, then you're cutting down far more trees and the set-asides and the setbacks, all that, get more problematic, et cetera. So I think we need to make it easier, but we need to make sure that we have some mechanism for enforcement.

[00:41:42] I don't think it can just be complaint-based because there's, I don't know, my experience is that people don't really want to complain about their neighbors for a lot of reasons. I've got some stuff on my own, and I don't want to complain because they may say something about me. And I can think of some egregious situations that went on and on and on, and people didn't complain until it finally got bad, and then it took a long, long time to fix it.

[00:42:04] And some of them are still being fixed. And then the other point I would make is, in some ways, make it easy and make it more flexible, At the same time, keep the same look and feel, the neighborhood being a key part of that, and the enforcement goes along with that.

[00:42:20] I don't see any of these as being the significant driver of the kind of housing, the kind of increase in housing that we need. So I come back to we have to, I think, look for increased density along our major arterials, and we have to more aggressively create incentives or other ways to make those simpler and easier for people to do.

[00:42:43] And the last part of this is, so those are really, that's the opportunity side of it. It's not per se ALUs, but it's ways of increasing housing. And the last point is absolutely very critical, focused on the engagement part of that.

[00:42:59] I know that a lot of the traditional single-family home community is not going to be comfortable with this. I think they could be more comfortable with this if they understood that it was truly going to be monitored and people couldn't just do something.

[00:43:16] It's going to increase. The only question is how quickly. I mean, unless we change the prices of housing, we're going to continue to have more and more use like this. And we have to find a way to get starter homes, own our own homes for people here.

[00:43:34] When my staff, my young staff can go out and buy a home, then I'll feel like we've gotten closer to doing that. But when, you know, you have to have at least half a million or \$600,000, \$700,000 to do that. And they're making, at best, \$70,000 to \$100,000 if the numbers don't work.

[00:43:53] And we need more housing to change those numbers. Okay, thank you very much, Madam Chairman. I'll start by saying I'm very supportive and appreciate the work that the staff has done to bring forward some of these streamlined ideas.

[00:44:14] And the thing that we recognize is that we continue to have issues with affordable housing. So we've got to come up with better solutions. And I can hear the comments from the previous speaker, but I'd say this program can do better and we can make it so that it achieves more affordable units in this county.

[00:44:35] I'll say I'm not as opposed to looking at ADUs, ALUs in the single attached dwellings. I think the point that we probably need to clarify is how has it worked in comparably situated counties like ours.

[00:44:55] Loudoun County makes sense to me to look at what's happened there and any other counties that are more similar. Even Montgomery County, I guess, would be a good example. I'd also say, you know, thinking about the 69 administrative permits that we saw were expired, Did we reach out to them, have any conversations with any of those applicants to determine what would happen?

[00:45:26] I don't know that we – we did send a letter letting them know that they were ready for renewal and what the process was. But I don't believe we followed up and talked to them individually or, you know, whether we got any phone calls from folks.

[00:45:44] I mean, it might be interesting to hear kind of why they didn't renew. I mean, I'm just trying to get a sense of what happened. And they may still have an ALU. Well, that too. Didn't renew because I still have one. But there might be other reasons as well.

[00:46:01] So just thinking through that. And do we anticipate that there would be risks by not having the renewals? Are there any concerns that we could think of in advance around this issue? You know, I don't know.

[00:46:20] I think the two-year is problematic. I think it's too soon, to be honest with you. And could there be a five-year? And that was one of the options on the table. Right. And not to have any renewal. I mean, again, you know, historically we've done complaint-based only.

[00:46:39] Yeah. But to Supervisor Stork's issue, you know, is there a different way to do that? I don't know. And we could talk to DCC. I mean, are you talking about more of a proactive inspection kind of thing? And that has some issues also, so I'm not sure.

[00:46:56] I'll just also add, we have a whole slew of administrative permits for other things like home-based businesses. You know, there's a lot of different zoning permits we have that don't have a renewal

requirement. They still have to meet the zoning ordinance whether there's a renewal or not. So I think, you know, we still have mechanisms to enforce on any complaints we get.

[00:47:14] Yeah, and I'll just close by saying I just think looking at more flexibility and trying to ensure ways for us to get more ALUs is going to be the objective here. So I'm looking forward to the public process. I'm looking forward to sending in some of my additional comments around this item.

[00:47:31] So thank you. Anyone else? We're good. Can I make a couple of comments? And I'd like to call on Jen Miller. Is that okay?

[00:47:48] So I was going to just sit here and keep an open mind because I think staff is going to go after a lot of great things. But now I am going to say what I believe. I am very open to this idea of maybe we don't need a permit because, as you said, there's other ways to get to this. I really appreciated that the chairman brought forward his housing board matter. And I think we are in a place where we need to be proactive. We need to be brave. We need to look at things differently. The whole basement, absolutely. Get rid of that date.

[00:48:23] The renewal requirement is all a piece of whether we just get rid of the permit altogether. I don't see why we put it in the land records. I do think you need to have better definitions because it's hard when you're just doing interpretation after interpretation.

[00:48:41] And we don't want people to back away from these because of the process and just say they're putting it in a wet bar. And I do think when you get into the semi-detached, we need a definition there. I am open to allowing people to have a bigger size, especially when you gave the example they're taking an existing structure and they're changing it.

[00:49:02] I am very open to the idea that we look at less than two acres. I don't know what that size should be. We should look at it. You should come up with some examples. We should talk to the community. But then we'll get to a point where it's a decision of this board to decide what we should do for our community to provide housing that people need.

[00:49:24] I think the chairman and some of my colleagues brought up real concerns about if you allow these in townhouses because we hear from parking with people that live there already. And so I think we need to work out through that stuff. There are other things that I didn't think of until we had the prep meeting and started having discussions.

[00:49:41] And it's, you know, we did owner-occupied because, as you said, we wanted to keep this looking like a neighborhood. We don't want it to be investment properties. But then, until our conversations, I didn't think about this piece. Well, what if I have an ALU, and, you know, I'm going to go live in New Jersey for a couple years, and I'm going to rent out my house, right?

[00:50:03] How does this work? It's no longer owner-occupied. And I am curious to what the answer is to that because I don't want to create investment properties, but I want this ability that my house can be used the way it was designed to be used, which when I was speaking to somebody that was here watching earlier, they brought up the idea, can a builder put an ALU in a house that they are building, right?

[00:50:29] Because they haven't sold the house yet, maybe. And so do we have restrictions against that because that could be a good selling point? don't know the answers to that. So to me, we need to go into this very open-minded, have community conversations, do the research, and then come back to the

Planning Commission and the board with what's possible. So I'm going to be quiet and call on Jen. Thank you. And Jennifer Miller, Deputy County Executive. And just as a heads up, you know that we've been working on the board matter of the Housing Task Force really hard with a lot of cross-counting inputs. And just a little preview on that while i know that some of these can be like challenging and stretching a little

[00:51:08] bit on the way that we think the really only big things that move the needle is density and additional supply there's there's nothing else that really significantly moves the needle in housing and we'll be coming forward with more information on that but what i would hope is that in conjunction with the housing matter that we can have as many tools as we can to at least present and then if we can show you know there are communities and i've met with them from long Beach, which over 5% of all of its housing is ALUs. They're the leader in California. I'm not saying we want to be a Long Beach, but I'm saying there are jurisdictions that have done it successfully. So I think doing it thoughtfully in the way that you all have pointed out, but if you can allow as much flexibility as we work through the housing task force so we can

[00:51:48] really look at what we think could move the needle in a way that we can do it that still protects existing communities. I think that is a great way for us to end. Perfect. Great. I really want to thank staff for all the work on this. I know you've been working on it for years, and your experience will help us move forward. So thank you very much. Mr. Chairman? Before we wrap up, you do have a schedule here, and so I'm just wondering, for us who are letting this sink in and want to give you additional feedback, can you give us an idea of what a cutoff date is that would be helpful to you for us to provide more feedback than we might have today?

[00:52:26] So we do hope to kick off our outreach in the new year, so if we could get some thoughts before the holidays, that would be really great so we can tweak our presentation and make sure we're not going out with anything too crazy and we're all on a similar page. That's why I asked. Thank you. We don't want to slow you down, but we also don't want to send you into a beehive. Okay. Thank you. And are there any corrections or additions to our minutes from the last meeting? Okay. So we have those as accepted.

[00:52:56] Thank you very much. And this meeting is adjourned.



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