



**CITY COUNCIL
WORK SESSION AGENDA
September 28, 2020, at 7:00 p.m.**

This meeting will take place via video conferencing to provide an environment that will comply with the Governor's Phase II COVID-19 Directive. Public comment can be provided via email to publiccomment@kalispell.com or verbally during the video conference. Register at: https://us02web.zoom.us/webinar/register/WN_kMmsr1tsQfSAXixIJoFKUg.

A. CALL TO ORDER

B. DISCUSSION ITEMS

1. Accessory Dwelling Units
2. Legislative Platform

C. PUBLIC COMMENT

Persons wishing to address the council are asked to provide public comment via email to publiccomment@kalispell.com or verbally during the video conference. Register at: https://us02web.zoom.us/webinar/register/WN_kMmsr1tsQfSAXixIJoFKUg. Please provide your name and address for the record.

D. CITY MANAGER, COUNCIL, AND MAYOR REPORTS

E. ADJOURNMENT

UPCOMING SCHEDULE / FOR YOUR INFORMATION

Next Regular Meeting – October 5, 2020, at 7:00 p.m. – Council Chambers

Next Work Session – October 12, 2020, at 7:00 p.m. – Council Chambers

Reasonable accommodations will be made to enable individuals with disabilities to attend this meeting. Please notify the City Clerk at 758-7756.



Planning Department

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REPORT TO: Doug Russell, City Manager

FROM: PJ Sorensen, Senior Planner

SUBJECT: Accessory Dwelling Units

MEETING DATE: September 28, 2020 (work session)

BACKGROUND: At the City Council meeting on September 14, there was some interest expressed in allowing accessory dwelling units in the city. A work session was scheduled to discuss various options related to that issue. An accessory dwelling unit is a second dwelling unit on a property, typically in a separate structure such as a converted garage or a detached garage with a unit above. Sometimes they are called backyard cottages, granny flats, or mother-in-law apartments. The bottom line is that they are a second detached residential unit on the property. Although ADU's have certain impacts (parking, traffic, congestion, increased demand for services, etc.), they also generally have several benefits including the following:

- Creates additional housing options for the city.
- Creates a secondary rental income for property owners.
- Increases the occupancy of a given plot of land.
- Creates more communal living, while still providing autonomy and privacy for both homes.
- People who may have once needed a large home—e.g. parents whose children have moved out—can move into the ADU and rent out the main home.

The current zoning ordinance allows for that type of dwelling in several different zones in the city. Single-family and duplex residential zones (R-1, R-2, R-3, R-4, and R-5) would not allow a separate dwelling unit on the same parcel, although a “guest house” is allowed with a CUP in the R-1 and duplexes (attached units/basement apartments) are allowed in the R-4 and R-5. In the RA-1, RA-2, H-1, B-1, B-2, B-3 and B-4 zones, two homes would be allowed on a single parcel, subject to a conditional use permit (“CUP”) in any RA or H zone. Additional homes beyond two would normally be reviewed as multi-family and would typically need a CUP. They would be subject to certain density limitations depending upon the zone. It is only the R-2 and R-3 zones, which are the primary single-family residential zones in the city, and industrial zones where a second unit would not be allowed in any case.

Zone	Second Attached Unit Allowed	Second Detached Unit Allowed	Multiple Units allowed
R-1 (Residential)	No	Yes (guest house)	No
R-2 (Residential)	No	No	No
R-3 (Residential)	No	No	No
R-4 (Residential)	Yes	No	No
R-5 (Residential/Professional Office)	Yes	No	No
RA-1 (Residential Apartment)	Yes	Yes (CUP)	Yes (CUP)
RA-2 (Residential Apartment/Office)	Yes	Yes (CUP)	Yes (CUP)
H-1 (Health Care)	Yes	Yes (CUP)	Yes (CUP)
B-1 (Neighborhood Business)	Yes	Yes	Yes (CUP)
B-2 (General Business)	Yes	Yes	Yes (CUP)
B-3 (Core Area – Business)	Yes	Yes	Yes
B-4 (Central Business)	Yes	Yes	Yes (CUP)
B-5 (Industrial – Business)	No	No	No
I-1 (Light Industrial)	No	No	No
I-2 (Heavy Industrial)	No	No	No
P-1 (Public)	No	No	No

Under current rules, if there is a second dwelling unit on the property, it is subject to all of the same rules as the first house. Setbacks, height, required parking, building codes, and any other city regulation would apply, including impact fees. Meeting those standards is not too difficult to design around with a vacant lot or empty back yards. They can be more difficult when there are garages in place. Adding an additional building can be problematic space-wise.

Converting garages poses challenges as well. Garages are treated as accessory structures under zoning. Accessory structures are things such as sheds, greenhouses, carports, and detached garages that exist to serve the principal use on the property, usually a single-family residence. They have reduced setbacks, lower height limits, and are limited to single story construction. The different standards reflect a different scale and usage with those types of structures as opposed to a home.

Converting a garage to a residential house can work under zoning, but typically has two main challenges. First, converting it to a house means it is no longer an accessory structure and the reduced setbacks would no longer apply, meaning that it can only be converted if it happens to meet the greater principal setbacks. Second, losing the parking spaces in the garage while increasing the parking need with a second dwelling unit means that additional parking needs to be found on-site.

There are also building/fire/life safety codes to consider. A garage would likely not have been built to the same standards as a house, and there are safety concerns to address when adding a separate unit. While some upgrades are relatively simple, some can be difficult or expensive to complete. A second detached dwelling unit also raises issues related to how city water and sewer service would be provided. Depending upon the specific situation, a separate service line may be required which would necessitate connecting to the main within the street and/or alley. Impact fees would also need to be paid.

QUESTIONS TO CONSIDER

- (1) Are second dwelling units on a single property an appropriate use of the land? If so, should it be limited to zones where multiple dwelling units are currently allowed and keep at least the R-2 and R-3 zones as more traditional single-family neighborhoods?
- (2) If allowed, should zoning treat the second structure as a second principal use on the property? In other words, should a second house have the same setbacks, parking, etc. as a single house or should there be reductions in those standards?
- (3) If allowed, should the second unit be a permitted use or should it require a conditional use permit, with notice to neighbors and a public hearing?

Recommendation: It is recommended that the Council discuss the prospect of accessory dwelling units in the city and direct staff accordingly. Should there be a desire to move forward following initial discussion at the work session, the next step is to present potential code changes to the planning board for incorporation into regulations.

Alternatives: As suggested by Council.

Fiscal Effects: None at this time.



City of Kalispell

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MEMORANDUM

To: Mayor and City Council
From: Doug Russell, City Manager
Re: Legislative Priorities
Meeting Date: September 28, 2020

BACKGROUND: Prior to legislative sessions, the City Council adopts a set of legislative priorities to provide guidance for attempts to initiate legislation and to respond to proposed legislation. Adopting these priorities provides a unified platform for members of council and municipal staff to use when addressing our representatives for and during the upcoming legislative session.

The initial set of legislative priorities includes the following priorities that were established for the last legislative session: 1) support of a local option sales tax, 2) support for maintaining tax increment financing as an economic development tool, 3) support for streamlining special district legislation, 4) support for legislation that mitigates the economic impact for increasing regulatory standards for municipalities, 5) support for legislation that addresses infrastructure needs associated with rapid growth and 6) support for legislation that provides options to enhance or improve service delivery for the City of Kalispell.

RECOMMENDATION: It is recommended that City Council review the presented priorities and modify as necessary for potential adoption at a future meeting.

City of Kalispell

Montana Legislative Priorities

October 2020

The City of Kalispell is supportive of efforts to improve financial options related to all areas of municipal operations where local control and decision-making can be effectively applied. While this list of priorities does not single out any specific proposed bill, in general the City of Kalispell has identified these areas of policy interest.

- **Local Option Sales Tax:** The City of Kalispell supports legislation that would provide local communities the option of enacting a voter approved sales tax (or increasing the population limit of the current resort tax) within municipal limits that would provide an opportunity to maintain infrastructure and services for our community that is impacted by a large number of people that do not reside within the City of Kalispell.
- **Tax Increment Financing:** The City of Kalispell supports existing or more expansive legislation that provides municipalities the opportunity to use Tax Increment Districts as part of an Effective Economic Development Strategy, and opposes legislation that would limit the effectiveness of the options currently present in state statutes.
- **Special District Legislation:** The City of Kalispell supports legislation enhancing the opportunity for the creation of special districts. The City of Kalispell feels the current requirements place unnecessary financial and procedural burdens on special district creation.
- **Environmental Quality:** The City of Kalispell supports legislation that would mitigate the economic impacts of the unfunded liability caused by increased regulatory standards on municipal operations such as water production, wastewater treatment, solid waste, and storm water management.
- **Public Infrastructure Assistance:** The City of Kalispell supports legislation that would assist in the local infrastructure costs associated with our rapid growth. The City of Kalispell also opposes legislation that decreases or removes current revenue streams.
- **Service Delivery:** The City of Kalispell supports legislation that enhances the opportunities for expanding service delivery options throughout all areas of municipal operations, including revising legislation that limits the options available to communities to take advantage of alternative and innovative service delivery methods.