



**CITY COUNCIL
WORK SESSION AGENDA
January 11, 2021, at 7:00 p.m.**

This meeting will occur 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 to join the video conference at: https://us02web.zoom.us/webinar/register/WN_5jUHZFbiRximFpCum69BpA.

A. CALL TO ORDER

B. DISCUSSION ITEMS

1. Accessory Dwelling Units

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 online meeting. Join the meeting at: https://us02web.zoom.us/webinar/register/WN_5jUHZFbiRximFpCum69BpA.

D. CITY MANAGER, COUNCIL, AND MAYOR REPORTS

E. ADJOURNMENT

UPCOMING SCHEDULE / FOR YOUR INFORMATION

City Offices Closed – January 18, 2021 - Martin Luther King Jr. Day

Next Regular Meeting – Tuesday, January 19, 2021, at 7:00 p.m. – Council Chambers

Next Work Session – January 25, 2021, at 7:00 p.m. – Council Chambers

Watch City Council sessions live on Charter Cable Channel 190 or online at the [Meetings on Demand](#) tab at www.kalispell.com.



Development Services Department

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Kalispell, MT 59901

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www.kalispell.com/planning

REPORT TO: Doug Russell, City Manager

FROM: PJ Sorensen, Senior Planner

SUBJECT: KZTA-20-02 – Zoning Text Amendment – Accessory Dwelling Units

MEETING DATE: January 11, 2021 Work Session

BACKGROUND: At the City Council meeting on September 14, 2020, there was interest expressed in allowing accessory dwelling units (ADUs) in the city. A Council work session was held on September 28 to discuss various related options and staff was asked to take the matter to the Planning Board for input. The Planning Board held a work session to discuss the matter on November 10 and directed staff to proceed with the proposed text amendment.

The Kalispell Planning Board held a duly noticed public hearing on December 15, 2020, to consider the request. Staff presented staff report KZTA-20-02 providing details of the proposal and evaluation. Staff recommended that the Planning Board adopt the staff report as findings of fact and recommend to the Council that the request be granted.

No public comments were received at the hearing, although several written comments were submitted to the Board prior to the hearing. The public hearing was closed, and a motion was presented to adopt staff report KZTA-20-02 as findings of fact and recommend to the Kalispell City Council that the zoning text amendment be approved. Board discussion concluded that the request was appropriate, and the motion was approved on a 6-1 vote.

Given that the proposal originated with a request and work session with the City Council, the matter is being reviewed at a follow-up work session prior to bringing the proposal to the Council for formal consideration at a regular Council meeting.

RECOMMENDATION: It is recommended that the Kalispell City Council direct staff to bring the proposal forward at the next Council meeting for consideration.

FISCAL EFFECTS: There are no anticipated fiscal impacts at this time.

ALTERNATIVES: Deny the request.

ATTACHMENTS: December 15, 2020, Kalispell Planning Board Minutes
Staff Report
Public Comments

c: Aimee Brunckhorst, Kalispell City Clerk

KALISPELL CITY PLANNING BOARD & ZONING COMMISSION
MINUTES OF REGULAR MEETING
December 15, 2020

CALL TO ORDER AND ROLL CALL	The regular meeting of the Kalispell City Planning Board and Zoning Commission was called to order at 6:00 p.m. Board members present were Chad Graham, Doug Kauffman, Kurt Vomfell, Rory Young, George Giavasis, Joshua Borgardt and Ronalee Skees via Zoom. PJ Sorensen and Jarod Nygren represented the Kalispell Planning Department.
APPROVAL OF MINUTES	Vomfell moved and Kauffman seconded a motion to approve the minutes of the October 13, 2020 meeting of the Kalispell City Planning Board and Zoning Commission.
VOTE BY ACCLAMATION	The motion passed unanimously on a vote of acclamation.
HEAR THE PUBLIC	None.
BOARD MEMBER SEATED	Young recused himself from KCU-20-06, KZC-20-02 and KPP-20-04, he is a representative for the applicants.
KZC-20-06 – NORTHWEST ENERGY CUP	A request from Northwestern Energy for a conditional use permit to allow the expansion of an existing non-conforming use at 890 North Meridian Road. The property is in a B-1 (Neighborhood Business) zone, and utility storage yards with associated offices are not currently an allowed use within that zone. Expansions of up to a cumulative increase of 50% are allowed with a conditional use permit. The proposal would add approximately 5305 square feet to the existing 13,975 square foot building.
STAFF REPORT	PJ Sorensen representing the Kalispell Planning Department reviewed Staff Report #KCU-20-06. Staff recommends that the Kalispell City Planning Board and Zoning Commission adopt Staff Report # KCU-20-06 as findings of fact and recommend to the Kalispell City Council that the conditional use permit be approved subject to the conditions listed in the staff report.
BOARD DISCUSSION	Vomfell asked what the existing non-conforming use is. Sorensen advised a utility storage yard.
PUBLIC HEARING	None.
MOTION	Vomfell moved and Kauffman seconded a motion that the Kalispell City Planning Board and Zoning Commission adopt Staff Report #KCU-20-06 as findings of fact and recommend to the Kalispell City Council that the conditional use permit be approved subject to the conditions listed in the staff report.
BOARD DISCUSSION	None.
ROLL CALL	Motion passed unanimously on a roll call vote.

BOARD MEMBER SEATED	Kauffman recused himself from KZC-20-02 & KPP-20-04, he is a representative for the applicant.
KZC-20-02 AUTUMN CREEK ZONE CHANGE KPP-20-04 – AUTUMN CREEK PRELIMINARY PLAT	A request from JAG Capital Investments, LLC for a zone change from R-2 (Residential) to R-4 (Residential) and major preliminary plat approval for Autumn Creek subdivision, with a total of 28 residential lots/sublots on approximately 8.41 acres of land, including 1.14 acres of parkland and 1.89 acres of open space.
STAFF REPORT	<p>PJ Sorensen representing the Kalispell Planning Department reviewed Staff Report # KZC-20-02 & #KPP-20-04.</p> <p>Staff recommends that the Kalispell City Planning Board and Zoning Commission adopt Staff Report #KZC-20-02 as findings of fact and recommend to the Kalispell City Council that the subject property currently zoned R-2 (Residential) be rezoned to R-4 (Residential).</p> <p>Staff recommends that the Kalispell City Planning Board and Zoning Commission adopt staff report #KPP-20-04 as findings of fact and recommend to the Kalispell City Council that the preliminary plat for Autumn Creek, including the variance request, be approved subject to the conditions listed in the staff report.</p>
BOARD DISCUSSION	<p>Board discussed condition #12 regarding the driveway that is not a part of the subject property and whether public comment has been received from the owner of the property. Sorensen advised they had not.</p> <p>Giavasis inquired about future road stub outs as opposed to cul-de-sacs. Staff advised there is no logical place for future roads off the subdivision.</p> <p>Skees asked staff to clarify condition #10 regarding the required upgrade with sidewalks, trees, etc. in front of the subject property in response to several public comments received via email.</p>
PUBLIC HEARING	Doug Peppmeier with TDH Engineering, representative for the owner, offered to answer any questions the board had. Graham asked if they had talked to the property owner of the driveway mentioned in condition #12. Peppmeier advised they had not but will as soon as they have an approved subdivision.
MOTION (KZC-20-02)	Giavasis moved and Vomfell seconded a motion that the Kalispell City Planning Board and Zoning Commission adopt Staff Report #KZC-20-02 as findings of fact and recommend to the Kalispell City Council that the subject property currently zoned R-2 (Residential) be rezoned to R-4 (Residential).
BOARD DISCUSSION	None.
ROLL CALL	Motion passed unanimously on a roll call vote.
MOTION (KPP-20-04)	Vomfell moved and Borgardt seconded a motion that the Kalispell City Planning Board and Zoning Commission adopt staff report #KPP-20-04 as findings of fact and recommend to the Kalispell City Council that the preliminary plat for Autumn Creek, including the variance request, be

	approved subject to the conditions listed in the staff report.
BOARD DISCUSSION	Board discussed condition #12, they are concerned that the existing verbiage will prevent the developer from proceeding with the project if the property owner of the driveway does not want anything changed.
MOTION (AMEND CONDITION #12 OF KPP-20-04)	Vomfell moved and Skees seconded a motion to amend condition #12 to state: A driveway access off Summer Place shall be provided for the property to the north, which would be available for them to use if they so choose.
BOARD DISCUSSION	None.
ROLL CALL (CONDITION #12)	Motion passed unanimously on a roll call vote.
ROLL CALL (KPP-20-04 – ORIGINAL)	Motion passed unanimously on a roll call vote.
KZTA-20-02 – ADU’S	A request from the City of Kalispell for a zoning text amendment addressing accessory dwelling units (“ADUs”), which are second dwelling units on a property. The proposed amendment would allow a separate ADU as a permitted use on a lot in zones that allow duplexes (R-4, R-5, RA-1, RA-2, and H-1) in addition to those zones which already allow them.
STAFF REPORT	PJ Sorensen representing the Kalispell Planning Department reviewed Staff Report #KZTA-20-02. Staff recommends that the Kalispell City Planning Board adopt the findings in staff report KZTA-20-02 and recommend to the Kalispell City Council that the proposed amendment be adopted as provided herein.
BOARD DISCUSSION	Giavasis asked staff for clarification about the requirement of separate services on detached structures vs sharing on an attached structure. Staff advised it is a DEQ requirement and that we follow the state laws.
PUBLIC HEARING	None.
MOTION	Vomfell moved and Giavasis seconded a motion that the Kalispell City Planning Board and Zoning Commission adopt Staff Report #KZTA-20-02 as findings of fact and recommend to the Kalispell City Council that the proposed amendment be adopted as provided herein.
BOARD DISCUSSION	Board discussed their approval of the amendment. Graham, however, feels it is another vehicle to add density in a negative way and will change the fabric in a lot of the neighborhoods.
ROLL CALL	Motion passed on a 6-1 roll call vote. Chad Graham is opposed to the text amendment.
OLD BUSINESS	Nygren updated the board on the Pedestrian/Bike plan and Transportation Plan.

NEW BUSINESS	Nygren updated the board on the January 12 th agenda and the status of the Historic Design Standards.
ADJOURNMENT	The meeting adjourned at approximately 7:24pm.

Chad Graham
President

Kari Barnhart
Recording Secretary

APPROVED as submitted/amended:

DRAFT

CITY OF KALISPELL

**ZONING TEXT AMENDMENT
STAFF REPORT #KZTA-20-02**

**KALISPELL PLANNING DEPARTMENT
DECEMBER 2, 2020**

This is a report to the Kalispell City Planning Board and the Kalispell City Council regarding a request for a text amendment to the Kalispell Zoning Ordinance addressing accessory dwelling units (“ADUs”), which are second dwelling units on a property. A public hearing has been scheduled before the Planning Board for December 15, 2020, beginning at 6:00 PM in the Kalispell City Council Chambers. The Planning Board will forward a recommendation to the Kalispell City Council for final action.

BACKGROUND INFORMATION

- A: Applicant:** City of Kalispell
201 First Avenue East
Kalispell, MT 59901
- B. Area Effected by the Proposed Changes:** Any R-4, R-5, RA-1, RA-2, H-1, B-1, B-2, B-3, and B-4 zoned property within the jurisdictional boundaries of the City of Kalispell may be affected by the proposed changes.
- C. Proposed Amendment:** The proposed amendment would allow a separate ADU as a permitted use on a lot in zones that allow duplexes (R-4, R-5, RA-1, RA-2, and H-1) in addition to those zones which already allow them. It would include design requirements which would require (1) that an ADU meet setback requirements for a house unless going into a grandfathered structure, such as a garage; (2) that parking for the second unit would be one required space, for a total of three parking spaces for the two units, as well as reducing the required parking for a duplex to the same number; (3) that the height is limited to single-story and 18 feet high unless it meets the setbacks for a principal structure; and (4) that the size is limited to no more than 1000 square feet. The full text of the proposed amendment is attached as Exhibit A. Deletions are struck-out and additions are underlined.
- D. Staff Discussion:** At the City Council meeting on September 14, there was some interest expressed in allowing accessory dwelling units (ADUs) in the city. A Council work session was held on September 28 to discuss various options related to that issue, where they asked staff to take the matter to the Planning Board for input. The Planning Board held a work session to discuss the matter on November 10 and directed staff to proceed with the proposed text amendment.

An ADU 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.

Zoning maps are attached to this report showing (1) R-1, RA-1, RA-2, H-1, B-1, B-2, B-3, and B-4 zones, where ADUs are currently allowed; (2) R-4 and R-5 zones, where ADUs would be added under this proposal, and (3) R-2 and R-3 zones, where ADUs would not be allowed.

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.

At the City Council and Planning Board work sessions, there were a mix of opinions on ADUs, ranging from allowing them everywhere to restricting them to very limited areas. Taking the discussions as a whole, it seems that there is a willingness to consider ADUs as an option in some zones, but not all, and with certain design parameters. The proposed ordinance resulting from those discussions allows a separate ADU as a permitted use on a lot in zones that allow duplexes (R-4, R-5, RA-1, RA-2, and H-1) in addition to those zones which already allow them. Since these zones already allow for two or more units on a lot, the proposal does not increase allowable density. Instead, it allows a method to more efficiently utilize density that is already allowed. As for design requirements:

- It requires that an ADU meet setback requirements for a house unless going into a grandfathered structure, such as a garage.

- Parking for the second unit would be one required space, for a total of three parking spaces for the two units. It also reduces the required parking for a duplex to the same number.
- Height is limited to single-story and 18 feet high unless it meets the setbacks for a principal structure.
- Size is limited to no more than 1000 square feet.

EVALUATION BASED ON STATUTORY CRITERIA

The statutory basis for reviewing a change in zoning is set forth by 76-2-303, M.C.A. Findings of Fact for the zone change request are discussed relative to the itemized criteria described by 76-2-304, M.C.A.

1. Is the zoning regulation made in accordance with the growth policy?

The proposal is consistent with the growth policy. Chapter 3, Community Growth and Design, Goal 3 and Recommendation 4 encourages “housing types that provide housing for all sectors and income levels within the community,” which would include “infill housing where public services are available by allowing guest cottages, garage apartments and accessory dwellings when feasible.”

Also, Chapter 4A, Land Use: Housing, Policy 14 states that “A variety of housing types and compatible land uses are encouraged in residential areas and should be designed to fit scale and character of the neighborhood.” Providing for a mix of housing options, including areas with ADUs, is consistent with the growth policy. Allowing for ADUs in only those zones which currently allow duplex uses and not in single-family based zones helps maintain an appropriate mix of housing types.

2. Does the zoning regulation consider the effect on motorized and nonmotorized transportation systems?

The proposed amendment has a positive effect on transportation systems. By providing for more efficient use of existing allowed density, there is less stress on the existing transportation infrastructure by reducing travel distances.

3. Is the zoning regulation designed to secure safety from fire and other dangers?

ADUs will be required to meet building, fire, and health codes. Building permit review and construction inspections will help reduce those dangers.

4. Is the zoning regulation designed to promote public health, public safety, and the general welfare?

The general health, safety, and welfare of the public will be promoted by allowing for more options for affordable housing within the existing density limits in the city. The creation of an ADU is subject to a building permit, so building, fire and health codes would help promote public health, safety and welfare.

5. Does the zoning regulation consider the reasonable provision of adequate light and air?

The development standards within the zoning ordinance help provide for appropriate interaction between developed properties, including light and air. This proposal includes specific provisions for size, setbacks and height of an ADU in addition to general site development standards.

6. Is the zoning regulation designed to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements?

The zoning ordinance creates a more predictable, orderly, and consistent development pattern. That pattern allows for a more efficient allocation of public resources and better provision of public services. More efficient utilization of currently allowable density helps to better facilitate the adequate provision of public services.

7. Does the zoning regulation consider the character of the district and its peculiar suitability for particular uses?

The amendment reflects the character of the districts in which it would apply. It applies in zones that include duplexes (i.e. two-family) as a permitted use, so it does not change the general character of the zones as two-family-based residential zones. Furthermore, generally applicable property development standards such as setbacks, lot coverage, and height are maintained.

8. Does the zoning regulation consider conserving the value of buildings?

Building values are conserved by providing reasonable standards within zoning districts and through development standards under city regulations including building and fire codes.

9. Does the zoning regulation encourage the most appropriate use of land throughout the municipality and promote compatible urban growth?

The amendment helps create consistency throughout comparable zones, which promotes compatible urban growth. It provides a method to more efficiently utilize density that is already allowed under existing city regulations.

RECOMMENDATION

Staff recommends that the Kalispell City Planning Board adopt the findings in staff report KZTA-20-02 and recommend to the Kalispell City Council that the proposed amendment be adopted as provided herein.

EXHIBIT A

CHAPTER 27.20 SUPPLEMENTARY REGULATIONS

27.20.080: Principal Structures. In any “B”, “P”, or “I” district, more than one structure housing a permitted and customary principal use may be erected on a single lot or tract of land, provided that yard and other requirements of this code shall be met for each structure as though it were on an individual lot. This provision shall not apply to any lot within an “R” district where only one principal structure is permitted, except as provided in Section 27.20.082. Multiple structures proposed in an “RA” or “H” district shall be subject to approval as a conditional use, except as provided in Section 27.20.082.

27.20.082: Accessory Dwelling Units. In the R-4, R-5, RA-1, RA-2, H-1, B-1, B-2, B-3, and B-4 zones, two dwelling units are permitted on a single lot. The dwelling units may be provided either as a duplex or as two separate single-family structures (i.e. a principal structure and an accessory dwelling unit) as a permitted use subject to the following conditions:

- (1) An accessory dwelling unit shall meet the setbacks required for a principal structure unless an existing conforming or non-conforming accessory structure is converted into the accessory dwelling unit. In that event, the existing setbacks may be maintained. Any enlargement or alteration of the structure shall be governed by Section 27.23.202(2) relating to changes to non-conforming structures.
- (2) The limitation on repairs and maintenance for non-conforming structures contained in Section 27.23.020(3) shall not apply to a conversion of an existing accessory structure to an accessory dwelling unit.
- (3) One additional parking space is required for the accessory dwelling unit, however, in no case shall more parking be required than otherwise required under Chapter 27.24 relating to off-street parking design standards.
- (4) The maximum height is limited a single story with a height of no more than 18 feet unless the setbacks for a principal structure are met, in which case the maximum building height for the district would apply.
- (5) The accessory dwelling unit shall be limited to no more than 1000 square feet in size.

CHAPTER 27.23
NONCONFORMING LOTS, USES AND STRUCTURES

27.23.020: Nonconforming Structures. If a structure was lawfully constructed (conforming to zoning regulations then in effect) prior to the effective date of adoption or amendment of this code and does not conform with the current standards of this code, the structure may remain as long as it remains otherwise lawful and subject to other conditions set forth herein.

- (1) Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
- (2) Changes to Nonconforming Structures. A structure conforming with respect to use but nonconforming with respect to other standards may be enlarged or altered provided that the enlargement or alteration does not further deviate from these regulations. For example, an extension, whether horizontal along a property line or vertical with additional height, of a structure within a setback area creates a further deviation beyond the existing nonconformity. Enlargements or alterations of nonconforming structures up to 50% of the length and/or height of the existing nonconformity may be allowed subject to an administrative conditional use permit.
- (3) Repairs and Maintenance.
 - (a) On any nonconforming structure, work may be done on ordinary repairs, maintenance, and remodeling to an extent not exceeding 25% of the replacement value of the building in any one year, except as provided for in Section 27.20.082 relating to accessory dwelling units. The repair or replacement of bearing walls and foundations is permitted.
 - (b) Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any building or portion thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official. Such work may exceed 25% of the replacement value of the building in any one year.

**CHAPTER 27.24
OFF-STREET PARKING DESIGN STANDARDS**

27.24.050: Minimum Standards By Use.

Minimum Parking Standards By Use

Residential:	<p>Single Family Residence (including townhouses), Accessory Single Family, and Duplex: 2 spaces per unit.</p> <p><u>Duplex and Accessory Dwelling Unit:</u> 2 spaces for the first unit and 1 space for the second unit (3 total for 2 units)</p> <p>Multi-family: 1 space per efficiency unit and 1.5 spaces per units with one or more bedrooms.</p> <p>Bed and Breakfast: 2 spaces plus .5 per sleeping room.</p> <p>Rooming Houses and Dormitories: Minimum of 1 space per sleeping room (more may be required under the conditional use permit process).</p> <p>Shelters, Public and Private: 1 space per 5 occupants.</p> <p>Convalescent or Nursing Homes for Aged, Disable or Handicapped: 1 space per 8 beds plus 1 space per employee/maximum shift.</p> <p>Elderly Housing (projects qualifying under federal regulations) and Assisted Living Complexes: 1 space per 2 dwelling units.</p>
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[EXTERNAL] Kalispell planning board ADU discussion - public comment

Ben Johnson <ben.johnson.mt@gmail.com>

Mon 11/30/2020 3:28 PM

To: Kari Barnhart <kbarnhart@kalispell.com>

Hello planning board members,

It's my understanding you will be discussing Kalispell zoning as it pertains to ADUs on December 15th. While I'm not sure if I will be able to attend the meeting, I'd love to provide some public comment in advance:

As a wage earner in Kalispell who is currently exploring options of purchasing a home for the first time, the attractiveness of having an opportunity such as an ADU to ease the burden of a mortgage is something I (as well as many peers in similar situations) am searching for in a property. The reality of rapidly increasing home costs (far outpacing any increase in local wages) is that having the opportunity to utilize or develop an ADU is the most viable way for me as a future homeowner to offset the significant (and significantly increasing) burden of a mortgage.

I currently reside in an ADU (outside of city limits, North of Kalispell). It has been an opportunity for me as a renter to live in an affordably-priced and autonomous unit while putting money away for a down payment, while also supporting the mortgage payment of my friends and landlords, who have an easier time making their monthly payment. It's a win-win situation - for both them as homeowners and me as a tenant.

I see ADUs are a creative solution to ease the burdens on both renters and homeowners, while reducing the negative impacts of sprawl with thoughtful in-fill.

I appreciate your consideration of creative ways to ease the cost of living in this community as we tackle the challenges that come along with growth. I also appreciate the work you all do!

Ben Johnson
(406) 381-1794
lensofbenjohnson.com



To: The Kalispell City Council
From: Citizens for a Better Flathead
Re: Discussion of Accessory Dwelling Units

Thank you for the opportunity to provide comment. In general we want to offer support of the consideration of adding to some districts the option for accessory dwelling units with the following conditions:

- Accessory dwellings should be considered a tool to encourage more affordable housing within the city where close access to jobs and transportation alternatives help to reduce the cost to renters. For this reason we would urge the city to include a policy that would prevent these units or the main house on the lot from being rented as short-term rentals.
- To ensure neighborhood compatibility we would encourage you to make accessory dwelling units a CUP and not a permitted use. Given the diversity of lot layouts and existing homes a CUP allows neighbors to address site specific issues that may need to be mitigated in site specific conditions for approval. Examples I have seen with such units proposed in Whitefish and elsewhere may include concerns with location of windows or decks or lighting that impact the privacy of a neighboring residential unit, impacts of where snow from an adjoining roof would likely impact an adjoining property, impacts where the addition of another structure may result in significant vegetation that impacts the character of the neighborhood, impacts that may impact existing solar installations, and impacts to parking that are unique to that location or neighborhood.

We look forward to following your development of this policy and to providing additional comment as you proceed.

Sincerely, Mayre Flowers on behalf of CBF

FW: [EXTERNAL] R3 Zoning

Aimee Brunckhorst <abrunckhorst@kalispell.com>

Thu 12/3/2020 9:48 AM

To: Kari Barnhart <kbarnhart@kalispell.com>; Jarod Nygren <jnygren@kalispell.com>; PJ Sorensen <psorensen@kalispell.com>

Aimee Brunckhorst, CMC, APR
City Clerk & Communications Manager
City of Kalispell, Montana
Office: (406) 758-7756
Cell: (406) 223-1187

From: James Malone <jimmaloneusa@gmail.com>
Sent: Wednesday, December 2, 2020 12:41 PM
To: Kalispell City Council <citycouncil@kalispell.com>
Subject: [EXTERNAL] R3 Zoning

11-31-2020

City Council
City of Kalispell
201 1st Ave. E/
Kalispell, MT 59901

Please consider my comments on making changes to the zoning of R3-Single Family Residential in the area currently zoned R3, East of Highway 93, south of Center Street, North of 14th Street and West of Woodland Ave.

This area is home to a large number of families that have lived in the area for a long period of time and take pride in living in this residential area. Many of these homes date back to the early 1920's and ownership of homes in this area represents a large investment of money, investments of improvements labor, and maintenance efforts to us. We choose to live in this area of Kalispell as a safe neighborhood that is not in a state of disrepair.

This zoning, R3 Single Family Residential, should be maintained without significant modification. The proposed modification of permitted uses to allow multiple accessory structures that can be used for residential occupation by renters will result in increased occupancy density and lower levels of home maintenance and yard maintenance. The overall long term effect will lower home monetary values, increase crime, and lower "pride of ownership" The Kalispell City Council should not make modifications to permitted usage under the guise of "Affordable Housing". Actions by the "Council" should not be at the expense of existing home owners such as myself that have chosen to consider this a desirable area to spend my remaining years of retirement living in.

I am writing this from firsthand experience, having purchased and moved into the area two years ago. Unknown to me at the time I purchased and moved into my home on 7th Ave E. the house next door was owner/occupied with rooms being rented out to non family adult men and women that had no stake in the home ownership or maintenance. The men were extremely foul mouthed, continually yelling vulgar language, and committed criminal acts of climbing over my fence and cutting telephone and internet lines in the middle of the night. They also threw raw eggs at my house in the middle of

the night on several occasions including Christmas Eve. I reported these acts to the Kalispell City Police and had them out to investigate many times. These non owners/renters also knifed holes in the tires of my truck which was inside of a locked garage costing me over \$1000 to replace the new ruined tires. Unfortunately, since these acts were committed quietly in the middle of the night we were never able to prove that they were the persons responsible. The City police were not able to take any enforcement actions because all acts were committed on private property. The City Police were very courteous and attempted to help us but their hands were tied by not having proof that would stand up in court. The City Police did assist us by installing a video camera on the front of the garage in an attempt to gather proof of identity of the person committing these criminal acts. Fortunately for us, the person owning the house next door sold it and a nice couple moved in sending the "low life persons" down the road where they are undoubtedly continuing their crimes. Some of my neighbors have had similar problems.

The "Single Family Residence" concept and definition should be maintained and strengthened to enforce the concept of Single Family occupancy. I wouldn't wish on my worst enemy the problems and issues I have endured during the period of room rental next door.

I welcome the opportunity to discuss this zoning request with any and all City Council Members.

Respectfully
James Malone
1211 7th Ave. E
Kalispell, Mt. 59901



September 28, 2020

PUBLIC COMMENT: KALISPELL CITY COUNCIL WORK SESSION

RE: ACCESSORY DWELLING UNITS PROPOSAL

Dear Planning Board members;

As representative of the NW MT Association of Realtors (NMAR), I would like to **express support for the proposal to add Accessory Dwelling Units into the Kalispell Zoning Code in all of the residential/commercial/mixed-use zones as a permitted use.** Not only do backyard cottages or garage apartments provide additional units of affordable housing into a community, they also provide a revenue stream for the existing homeowner that might ease a financial burden allowing them to stay in their home.

Examples of wonderful social relationships that have developed between renters and homeowners are abundant. Young college students can shovel sidewalks or help carry groceries for more elderly landlords. Babysitting or childcare can be provided while a single mom runs out for an errand. In many cases, the landowner might move to the smaller ADU and rent out the larger (main) house. Families can move their aging parents onto their property perhaps delaying a move into an expensive assisted living facility.

The National Association of REALTORS (NAR) states that ADU's are growing in popularity across the country, but especially in Western cities. "It is an excellent way to provide affordable housing in increasingly unaffordable neighborhoods...but the number of ADU's being built is pitifully short of what is needed."

To address the concerns that ADU's may alter the fabric of existing neighborhoods, or that parking/traffic may be an unpleasant side effect of in-fill housing, it is prudent to point out that Portland OR has the most ADUs of any jurisdiction in the country, but it is only ONE percent of the housing supply. My point being that not every homeowner decides to take advantage of having an ADU. National stats show that ADUs typically are an under-utilized option.

AARP is making support for ADU's a pillar of its plan to dramatically increase the supply of affordable housing for seniors. AARP and the American Planning Association (APA) are joining forces to update an ADU report they first released in 2000. AARP recognizes that by 2035 there will be more people over the age of 65 than under the age of 18. Both organizations recognize that the trend is for more and more cities to open up their code/regulations to allow ADU's.



The median sales price for the City of Kalispell at the end of August was \$365,500 and the average tax bill for a \$400,000 home is over \$3500. There has to be some options for relief for our residents and ADU's might be that answer. Flathead County adopted ADU's into their zoning code several years ago as a permitted use in most all residential zones. There has been no way to track the number of units that may have been created but it is important to note that there have been no complaints registered either.

Thank you for your consideration of my comments and should you have any questions, please do not hesitate to reach out to me.

Erica Wirtala, Public Affairs Director
NW MT Association of Realtors
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