

## **JAXON RIDGE**

### **ANNEXATION AND INITIAL ZONING OF R-4 UPON ANNEXATION**

#### **STAFF REPORT #KA-19-03**

#### **KALISPELL PLANNING DEPARTMENT SEPTEMBER 30, 2019**

A report to the Kalispell City Planning Board and the Kalispell City Council regarding a request from Siderius Construction, LLC to annex 3.9-acres of land into city limits with an initial zoning designation of R-4 upon annexation. A public hearing has been scheduled before the planning board for October 8, 2019, 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**

Siderius Construction, LLC is requesting permission to annex 3.9-acres into the City of Kalispell with an initial zoning of R-4. The 3.9-acre property will be annexed under the provisions of Sections 7-2-4601 through 7-2-4610, M.C.A., Annexation by Petition. Upon annexation by the city, the property will be served by city police, fire and have access to city sewer and water services. The initial city zoning classification will be reviewed in accordance with Section 27.03.010(4) of the Kalispell Zoning Ordinance and the itemized criteria described by 76-2-304, M.C.A.

This report evaluates the application in accordance with state and local regulations. The annexation request and initial city zoning classification will be reviewed in accordance with Section 27.03.010(4) of the Kalispell Zoning Ordinance. This property will be annexed under the provisions of Sections 7-2-4601 through 7-2-4610, M.C.A., Annexation by Petition. The statutory basis for reviewing a change in zoning is set forth by Section 27.29.020 of the Kalispell Zoning Ordinance and 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.

**A. Petitioner / Owner:** Siderius Construction, LLC  
737 Egan Road  
Kalispell, MT 59901

**B. Location and Legal Description of Properties:** The property is located at 1702 S. Woodland Drive. The property can be legally described as the south 286 feet of Lots 1-5, Block 4 of Greenacres North-West Subdivision Section 17, Township 28 North, Range 21 West, P.M.M., Flathead County, Montana.

**C. Existing Land Use and Zoning:** The subject property is developed with an old single-family ranch home with the remainder being undeveloped farmland and a wetland slough at the western boundary. The zoning of the area to be annexed is county R-2 (One family limited residential). This district is defined as “A district to provide for large-tract residential development. These areas will typically be found in suburban areas, generally served by either sewer or water lines.”

**D. Proposed Zoning:** The proposed zone for the subject property is city R-4. The R-4 Zoning District is defined as “Comprised of primarily single-family and duplex dwellings. Development within the district would require all public utilities, and community facilities. This zoning district would typically be found in areas designated as urban residential on the Kalispell Growth Policy Future Land Use Map.”

**E. Size:** The subject property is 3.9 acres.

**F. Adjacent Zoning:**

North:	City R-2, County R-2
East:	City R-2, County R-2
West:	County R-4
South:	County R-2

**G. Adjacent Land Uses:**

North:	Single-family
East:	Single-family and mobile home park
West:	Single-family and slough
South:	Single-family

**H. General Land Use Character:**

The general land use category of the area can be described as single-family residential. The area is a mix of county single-family development and city single-family development, of which much of the county development is served by city sewer. There is also a mobile home park located to the southeast of the subject property.

**I. Utilities and Public Services:**

City water and sewer mains are both located within South Woodland Drive immediately adjacent the subdivision to the east. When developed, the developer will be required to pay the cost for the utility extensions. The

design and sizing of water and sewer extensions will be reviewed and approved by the Kalispell Public Works Department prior to development of the site.

Sewer:	City of Kalispell if annexed
Water:	City of Kalispell if annexed
Refuse:	City of Kalispell if annexed
Electricity:	Flathead Electric Cooperative
Natural Gas:	Northwestern Energy
Telephone:	CenturyLink
Schools:	School District 5
Fire:	City of Kalispell if annexed
Police:	City of Kalispell if annexed

## **I. ANNEXATION EVALUATION**

### **1. Compliance with the growth policy:**

Two primary mechanisms for managing growth in the City of Kalispell exist which are to rely on redevelopment and infill within the current city limits or annexation of outlying areas. A goal of the growth policy is to provide a comprehensive, effective growth management plan that provides for all the needs of the community, is adaptable to changing trends and is attuned to the overall public welfare. Chapter 9, Public Infrastructure & Services, contains the following goal and policy that are relevant to this particular annexation request:

#### Goal:

Make public water and sewer available to areas that are in close proximity to services as directed by the extension of services plan.

#### Policy:

Annexation to the City of Kalispell should be required when water and sewer services are extended to an unincorporated area.

In addition to these cited goals, the city council adopted an annexation policy in 2011, with a corresponding map as an addendum to the city's growth policy document. The purpose of the annexation policy is to give the planning board, the council, and the development community direction when property owners outside of the city limits are requesting municipal services and annexation. The property proposed for annexation falls inside the city's direct annexation boundary.

### **2. Municipal Services:**

Municipal water and sewer mains are located within South Woodland Drive and can be readily extended by the applicant to serve the site.

The site is currently protected by the South Kalispell Fire District and the Flathead County Sheriff's office. The applicant has submitted a Notice of Withdrawal from Rural Fire District. At the time of annexation, the property will be served by the Kalispell Fire Department. The site lies approximately 1.5 miles from fire station 61 and is readily serviceable by the city fire, police and ambulance services, all of which now respond to the adjacent neighborhoods within the City of Kalispell.

Given the level of existing services available to and in place, annexation of the property will not overburden the municipal services.

3. Distance from current city limits:

The project site borders city limits to the north and east, thus annexation will serve to be a logical expansion of the existing city limits.

4. Cost of services:

Once annexed to the city, full city services will be made available to the property owner. Any necessary infrastructure associated with this development will be required to be constructed in accordance with the City of Kalispell's Design and Construction standards and any other development policies, regulations or ordinances that may apply. If annexed, the property owner will be extending and connecting to city sewer and water at the time of development.

A cost of services analysis has been prepared for this property. The analysis is only an estimate based on a variety of assumptions. The analysis does not take into consideration changes in methods of assessment and estimated costs associated with services. The information can only be used as a general estimate of the anticipated cost of services and revenue.

The cost to serve the land proposed for annexation is shown in the attached cost of service analysis – Initial Annexation. Currently, the subject property is vacant land and there will be no services provided to the property. Based on the city's taxation and assessment policies, the property will generate approximately \$1,094 in taxes and \$3,748 in assessments. Based on this analysis, the annexation will be net gain to the city of \$4,842.00.

The cost to serve the development of the project is shown in the attached cost of service analysis – 100% buildout (24-Lot townhouse subdivision). This scenario is based off the major subdivision application submitted along with the annexation request. Based on the city's taxation and assessment policies, the property will generate approximately \$19,738 in

taxes and \$3,748 in assessments. Cost of services for the property is approximately \$18,042. Based on this analysis, the project will be a net gain to the city of \$5,444.00. In addition, the city will collect \$328,656.00 in one-time impact fees.

## **II. INITIAL ZONING AND ZONE CHANGE 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. and Section 27.29.020, Kalispell Zoning Ordinance. The site is currently zoned county R-2. The applicants are requesting the city R-4 Zone. The Kalispell Zoning Regulations state that the R-4 Zoning District is “Comprised of primarily single-family and duplex dwellings. Development within the district would require all public utilities, and community facilities. This zoning district would typically be found in areas designated as Urban Residential on the Kalispell Growth Policy Future Land Use Map.”

1. Does the requested zone comply with the growth policy?

The Kalispell Growth Policy Future Land Use Map designates the subject property as Urban Residential. As stated above, the R-4 Zoning District would typically be found in areas designated as Urban Residential on the Kalispell Growth Policy Future Land Use Map. Therefore, the requested R-4 Zoning District complies with the growth policy, which anticipates the R-4 Zone.

2. Will the requested zone have an effect on motorized and non-motorized transportation systems?

The requested zones will have a small effect on motorized and non-motorized transportation systems if the property is developed, as the R-4 Zoning District allows for higher density than the current county R-2 Zoning District. Although a small increase in traffic would be anticipated, it is not anticipated the development of the site will negatively impact the transportation system. Because of the scale of the project (less than 300 vehicle trips a day) a separate Traffic Impact Study is not required.

3. Will the requested zone secure safety from fire, panic, and other dangers?

Adequate access and public facilities are available to the site in the case of an emergency. There are no features related to the property which would compromise the safety of the public. All municipal services including police and fire protection, water, and sewer service are available to the area.

4. Will the requested zone promote the public health, safety and general welfare?

The requested zoning classifications will promote the health and general welfare by restricting land uses. The land uses permitted by the requested R-4 Zone is compatible with the adjoining properties.

5. Will the requested zone provide for adequate light and air?

Setback, height, and lot coverage standards for development occurring on this site are established in the Kalispell Zoning Ordinance to insure adequate light and air is provided.

6. Will the requested zone promote compatible urban growth?

The requested R-4 Zoning District is the appropriate zone given the Urban Residential land use designation of the Kalispell Growth Policy Future Land Use Map. The R-4 Zone will allow the property to be developed to an urban standard, similarly to the neighboring city developments. The R-4 Zone will permit attached townhome development vs. detached single-family development, which is the normal in the neighborhood. Although townhome development would be permitted, it is not uncommon to have a mix of attached townhomes and detached single-family homes in the same neighborhood, often immediately adjacent one another.

7. Will the requested zone facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements?

All public services and facilities are currently available to the property. The provision of public services will be defined when a development proposal is crafted for the property and reviewed by the applicable city departments.

8. Does the requested zone give consideration to the particular suitability of the property for particular uses?

The proposed R-4 Zoning District is consistent with the surrounding urban development of the area in that it would allow for single-family development. The R-4 Zone gives due consideration of the suitability of this property for the permitted uses in the zoning district.

9. Does the requested zone give reasonable consideration to the character of the district?

The proposed zoning is consistent with the character of the area, which has transitioned into an urban area with city services. The proposed zone would allow for the infill development of single-family housing in an area where city services are available.

10. Will the requested zone avoid undue concentration of people?

The requested zone is consistent with the growth policy land use designation of Urban Residential. The R-4 Zoning District has a maximum density of 3,000 square feet per unit, which is an anticipated amount of density within this area of the city.

11. Will the proposed zone conserve the value of buildings?

Future development in the area will be reviewed for compliance with the dimensional standards and design review criteria, to ensure its appropriateness for the area and compatibility with the surrounding neighborhoods. The conservation of values of the existing buildings in the vicinity depends largely on the design and construction quality of the potential development in the area of the zone change, as opposed to the change of the zoning or potential use of the property.

12. Will the requested zone encourage the most appropriate use of the land throughout the municipality?

The most appropriate land uses throughout the jurisdiction are promoted by encouraging complementary and compatible uses which promote the general well-being of all citizens of the community. Urban-scale residential development should be encouraged in areas where services and facilities are available. In this case water and sewer lines are located immediately east of the property.

**RECOMMENDATION:**

Staff recommends that the Kalispell City Planning Board adopt Staff Report #KA-19-03 as findings of fact and recommend to the Kalispell City Council that the property be annexed and the zoning for the property be City R-4 (Residential).