

SCHWAGER ANNEXATION

**ANNEXATION AND INITIAL ZONING OF R-2 UPON ANNEXATION
STAFF REPORT #KA-19-04**

**KALISPELL PLANNING DEPARTMENT
DECEMBER 10, 2019**

A report to the Kalispell City Planning Board and the Kalispell City Council regarding a request from Mark Schwager to annex 10-acres into the city limits with an initial zoning designation of R-2 upon annexation. A public hearing has been scheduled before the planning board for December 10, 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

A request from Mark Schwager to annex 10-acres of land into the city and zone the land City R-2 (Residential) upon annexation. The subject property is currently within the county and zoned county SAG-10. The property is undeveloped grasslands and no development is proposed at this time. Water and Sanitary sewer service are in the vicinity of the property and upon annexation extensions can be constructed to serve the property.

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: Mark Schwager
P.O. Box 7635
Kalispell, MT 59904

B. Location and Legal Description of Properties:

The property is located at 155 Tronstad Road. The property to be annexed can be legally described as Parcel 3 of COS 1500 in the Section 18, Township 29 North, Range 22 West, P.M.M., Flathead County, Montana.

C. Existing Land Use and Zoning:

The subject property is undeveloped grasslands. The zoning of the area to be annexed is county SAG-10. The SAG-10 Zoning District is intended to “provide and preserve agricultural functions and to provide a buffer between urban and unlimited agricultural uses, encouraging separation of such uses in areas where potential conflict of uses will be minimized, and to provide areas of estate-type residential development.”

D. Proposed Zoning:

The proposed zoning is city R-2 (Residential). The Kalispell Zoning Regulations state that the intent of the R-2 Zoning District is “to provide adequate lot areas for lower density residential development; should have good thoroughfare access, and be in proximity to neighborhood facilities, i.e., schools, parks, shopping areas, etc. This development will normally require all public utilities. This zoning district would typically be found in areas designated as suburban residential on the Kalispell Growth Policy Future Land Use Map.”

E. Size:

The subject property is 10 acres.

F. Adjacent Zoning:

| | |
|--------|---------------|
| North: | County SAG-10 |
| East: | County SAG-5 |
| West: | County SAG-10 |
| South: | County SAG-10 |

G. Adjacent Land Uses:

| | |
|--------|--------------------------------------|
| North: | Well house |
| East: | Single-family and farmland |
| West: | Mild Fence Company and Single-family |
| South: | Single-family |

H. General Land Use Character:

The general land use category of the area can be described as large tract County residential and commercial development with some intermittent farmland. The commercial development is located along U.S. 93 North with the residential development primarily located off of the highway. Although a majority of the land in the vicinity is tract land there has also been a few county residential subdivisions in the area that has set the stage for future residential development.

I. Utilities and Public Services:

City water and sewer mains are both located within Tronstad Road just west of the subject property. When annexed, the developer will be required to pay the cost for the utility extensions to the property. The design of water and sewer extensions will be reviewed and approved by the Kalispell Public Works Department prior to development.

| | |
|--------------|----------------------------------|
| Sewer: | City of Kalispell when developed |
| Water: | City of Kalispell when developed |
| Refuse: | Private |
| Electricity: | Flathead Electric Cooperative |
| Natural Gas: | Northwestern Energy |

Telephone: CenturyLink
Schools: School District 5, Edgerton Elementary
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 and Services, contains the following goal and policy that are relevant to this particular annexation request:

Goal:

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

Policy:

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

In addition, to this 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 Tronstad Road a short distance west of the subject property and can be readily extended by the applicant to serve the site. The site is currently protected by the West Valley Kalispell Rural 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 3 miles from fire station 62 and is readily serviceable by the city fire, police and ambulance services, all of which now respond to the neighboring Silverbrook development 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 in place.

3. Distance from current city limits:

The subject property is 850 feet east from city limits (Silverbrook) and within the city annexation policy boundary, 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.

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. The property is currently undeveloped grasslands so the cost of services is estimated to be \$0 per year. Based on the city's taxation and assessment policies, the property will generate approximately \$3,929 per year in total annual revenue to the city (\$1,641 in taxes and \$2,288 in assessments).

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 SAG-10. The applicants are requesting city R-2. The Kalispell Zoning Regulations state that the R-2 Zoning District is "to provide adequate lot areas for lower density residential development; should have good thoroughfare access, and be in proximity to neighborhood facilities, i.e., schools, parks, shopping areas, etc. This development will normally require all public utilities. This zoning district would typically be found in areas designated as Suburban 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 Suburban Residential. As mentioned above, the R-2 Zoning District would typically be found in areas designated as Suburban Residential on the Kalispell Growth Policy Future Land Use Map, thus the proposed zoning district of R-2 is anticipated and the appropriate designation for the subject property.

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

The requested zone will have a minor effect on the motorized and non-motorized traffic, as the city R-2 Zoning District allows for higher density than the current county SAG-10 Zone. Although a small increase in traffic would be anticipated, it is not anticipated the development of the site will negatively impact the transportation system as only a few additional single-family lots could be created.

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 classification of R-2 will promote the health and general welfare by restricting land uses to those that would be 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 R-2 Zoning District maintains and is compatible with the established land use pattern in this area, which is primarily large-lot single-family residential development.

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. Upon annexation the property will not require any city services. The provision of public services will be defined when a development proposal is crafted for the property.

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

The proposed R-2 Zoning District is consistent with the surrounding urban development of the area. The R-2 Zone also gives due consideration of the suitability of this property for the permitted uses in the zoning district, which in this area is single-family development.

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

The proposed R-2 Zone is a low density residential zone and is consistent with the character of the area which has developed with single-family residences.

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

The requested R-2 Zone is consistent with the growth policy of Suburban Residential and is an anticipated density for the subject property. The R-2 Zoning District has a maximum density of 10,000 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?

Value of the buildings in the area will be conserved because the R-2 Zoning District will promote compatible and like uses on this property as are found on other properties in the area.

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

Urban scale residential development should be encouraged in areas where services and facilities are available. In this case water and sewer lines are located in proximity to the property to the west. The proposed zoning is consistent with the growth policy future land use designation and is compatible with current zoning in the immediate area.

RECOMMENDATION:

Staff recommends that the Kalispell City Planning Board and Zoning Commission adopt Staff Report #KA-19-04 as findings of fact and recommend to the Kalispell City Council that the property be annexed and the zoning for the entire property be city R-2 (Residential).