

**MDT ANNEXATION**

**ANNEXATION AND INITIAL ZONING OF RA-1 UPON ANNEXATION  
STAFF REPORT #KA-19-05**

**KALISPELL PLANNING DEPARTMENT  
February 11, 2020**

A report to the Kalispell City Planning Board and the Kalispell City Council regarding a request from the Montana Department of Transportation to annex a 9.4 acre parcel into the city limits with an initial zoning designation of RA-1 (Residential Apartment) upon annexation. A public hearing has been scheduled before the Planning Board for February 11, 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 request from the Montana Department of Transportation to annex a 9.4 acre parcel into the city and zone the land RA-1 (Residential Apartment) upon annexation. The subject property is currently within the county and zoned county R-1. The property is developed with two single-family residences and accessory structures. There are no specific development plans for the property 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:** Montana Department of Transportation  
PO Box 201001  
Helena, MT 59620
  
- B. Location and Legal Description of Properties:** The property is located at 672/680 Two Mile Drive. The property to be annexed can be described as Tract 1 of COS 21293 in the Northeast Quarter of the Southwest Quarter of Section 12, T28N, R22W, P.M.M., Flathead County, Montana.
  
- C. Existing Land Use and Zoning:** The subject property contains two single-family residences and accessory structures, although much of the property is not developed. The zoning of the area to be annexed is county R-1. The county R-1 Zoning District is intended to provide estate-style residential development in rural areas away from urban development and typically not served by water or sewer service.



**D. Proposed Zoning:** The proposed zoning is city RA-1 (Residential Apartment). The Kalispell Zoning Regulations state that the intent of the RA-1 zoning district is “to provide for urban areas for multi-family use and compatible non-residential uses of medium land use intensity. It should be served with all public utilities and be in close proximity to municipal services, parks, or shopping districts. This zoning district would typically be found in areas designated as urban residential or high density residential on the Kalispell Growth Policy Future Land Use Map.”

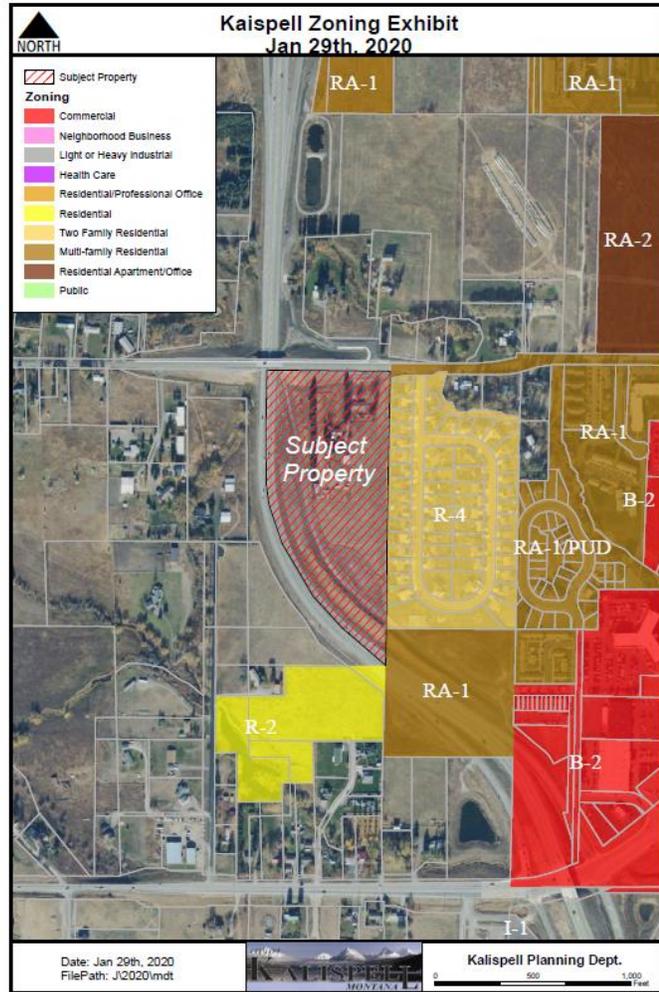
**E. Size:** The subject property is approximately 9.4 acres.

**F. Adjacent Zoning:**

North: County R-1  
East: City R-4 and RA-1  
West: Bypass/County R-1  
South: County R-1 and City R-2

**G. Adjacent Land Uses:**

North: Single-family (county)  
East: Single-family (city)  
West: Kalispell Alternate Route/By-pass  
South: Kalispell Alternate Route/By-pass



**H. General Land Use Character:**

The general land use of the area can be described as primarily single-family residential development in the immediate vicinity with a mix of multi-family developments. To the immediate east and north of the proposed annexation, there are existing single-family residences. Further to the east on Two Mile Drive are multi-family developments. The bypass borders the subject property along the west/southwest edge of the site. There are additional residential homes in the county to the west of the bypass.

**I. Utilities and Public Services:**

City water and sewer mains are both located near the intersection of Two Mile Drive and Greenbriar Drive, approximately 120 feet from the northeast corner of the subject property. After annexation, any future development 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: Private septic currently (city sewer upon development)  
Water: Private well currently (city water upon development)

Refuse:	Private
Electricity:	Flathead Electric Cooperative
Natural Gas:	Northwestern Energy
Telephone:	CenturyLink
Schools:	School District 5 – Peterson Elementary
Fire:	City of Kalispell if annexed
Police:	City of Kalispell if annexed

**I. ANNEXATION EVALUATION**

1. Compliance with the growth policy:

Two primary means for managing growth in the City of Kalispell are redevelopment/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, includes a goal to “make public water and sewer available to areas that are in close proximity to services,” and annexation allows for such extensions to happen.

In addition, 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 annexation. The property proposed for annexation falls well inside the city’s direct annexation boundary.

2. Municipal Services:

The City of Kalispell has an extension of services plan that details how services would be extended to the annexed property.

Municipal water and sewer mains are located near the intersection of Two Mile Drive and Greenbriar Drive. They can be readily extended by a future development 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 1.64 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 the property, annexation will not overburden the municipal services in place.

3. Distance from current city limits:

The subject property borders the city along its eastern property line, 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.

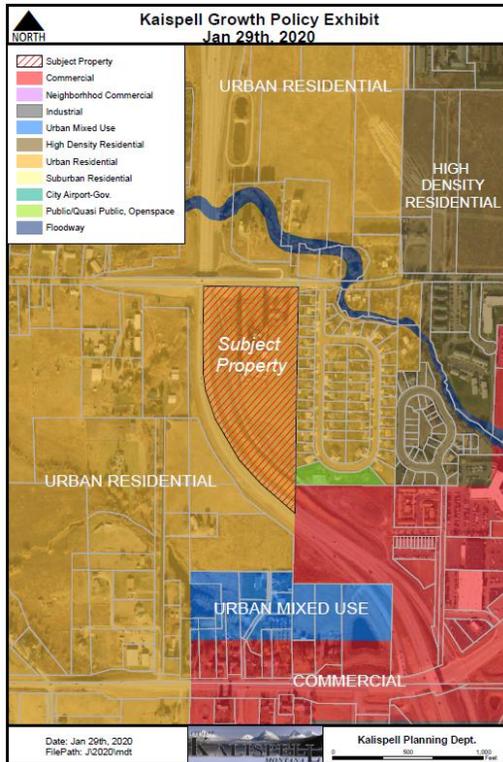
The analysis is only an estimate based on a variety of assumptions. The analysis does not take into consideration changes in methods of assessment and estimated costs associated with services. The information can only be used as a general estimate of the anticipated cost of services and revenue.

The cost to serve the land proposed for annexation is shown in the attached cost of service analysis – Initial Annexation. The property is currently developed with two single-family residences. The total cost of services is estimated to be \$1,076 per year. Based on the city's taxation and assessment policies, the property will generate approximately \$2,823 per year in total annual revenue to the city (\$1,133 in taxes and \$1,689 in assessments). Based on this analysis, the annexation will be net gain to the city of \$1,747 once sold. It should be noted that MDT, as the current owner, would not pay general revenue taxes on the property (only assessments) and the full revenue projections would be reflective of taxes and assessments paid once the property is transferred. The net gain to the city in that situation would be \$613.

**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-1. The applicants are requesting city RA-1.

The Kalispell Zoning Regulations state that the RA-1 Zoning District is “to provide for urban areas for multi-family use and compatible non-residential uses of medium land use intensity. It should be served with all public utilities and be in close proximity to municipal services, parks, or shopping districts. This zoning district would typically be found in areas designated as urban residential or high density residential on the Kalispell Growth Policy Future Land Use Map.”



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

The Kaispell Growth Policy Future Land Use Map designates the subject property as Urban Residential. As mentioned above, the RA-1 Zoning District would typically be found in areas designated as Urban Residential on the Kaispell Growth Policy Future Land Use Map. The Growth Policy also states that “If the City of Kaispell is to prosper, it is essential to address residential housing. It is important that current and future residents of the community, who come from varying backgrounds, have adequate and quality housing available to them.” As the City grows, the demand for housing will increase. It is therefore a policy that we should “encourage the development of urban residential neighborhoods as the primary residential land use pattern in the Growth Policy area,” which the RA-1 zoning can provide.

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

The requested zone will potentially have some effect on the motorized and non-motorized traffic, as the city RA-1 Zoning District allows for higher density than the current county R-1 Zone. Upon annexation, there will be no change in use on the property and no impact on transportation. If and when the property develops, traffic impacts would be reviewed as part of a subdivision or conditional use permit.

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?

As with safety from fire and other dangers, the general health, safety, and welfare of the public will be promoted through general city regulations designed to regulate allowable uses when the property is developed. In this case, the requested zoning classification of RA-1 will promote the health and general welfare by restricting land uses to those that would be compatible with the adjoining properties and those in the vicinity.

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 ensure adequate light and air is provided.

6. 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 utility services. The specifics regarding provision of public services will be determined upon development of the property.

7. Will the requested zone promote compatible urban growth?

The requested city RA-1 Zoning District is similar zoning as the city residential development adjacent to the property to the east as well as multi-family developments in the RA-1 and RA-2 (Residential Apartment/Office) zones further to the east on Two Mile Drive. This zoning district maintains and is compatible with the established land use pattern in this area and would establish an area of higher density between the bypass and the established residential area immediately to the east.

8. Does the requested zone give consideration to the character of the district and its particular suitability for particular uses?

The proposed RA-1 Zoning District is consistent with the surrounding urban development of the area, which includes a mix of single-family and multi-family dwellings. It also gives due consideration of the suitability of this property for the allowed uses in the zoning district, such as proximity of city services. Specific aspects of future development on the property will be reviewed at the time of development consistent with regulations then in effect.

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

Value of the buildings in the area will be conserved because the RA-1 Zoning District will promote compatible and like uses on this property as are found on other properties in the area. 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.

10. 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 within the public right-of-way a short distance to the east. 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-19-05 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 RA-1 (Residential Apartment).