

BEHE ANNEXATION

**ANNEXATION AND INITIAL ZONING OF R-2 UPON ANNEXATION
STAFF REPORT #KA-20-02**

**KALISPELL PLANNING DEPARTMENT
May 6, 2020**

This report to the Kalispell City Planning Board and the Kalispell City Council is regarding a request from Connie Behe to annex a 0.5 acre parcel into the city limits with an initial zoning designation of R-2 (Residential) upon annexation. A public hearing has been scheduled before the Planning Board for May 12, 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

This application is a request from Connie Behe to annex an approximately 0.5 acre parcel into the city with an initial zoning designation of R-2 (Residential) upon annexation. The subject property is currently within the county and zoned county R-2. It is developed with a single-family residence. The annexation request is due to an existing septic field which is failing. City sanitary sewer service is adjacent to the property as the Westside Interceptor sanitary sewer line was recently installed within the Two Mile Drive right-of-way.

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:** Connie Behe
1100 Two Mile Dr
Kalispell, MT 59901

- B. Location and Legal Description of Properties:** The property is located at 1100 Two Mile Drive. It can be described as Assessors Tract 3ACB in the NE1/4 of the SE1/4 of Section 11, T28N, R22W, M.P.M, Flathead County, Montana.

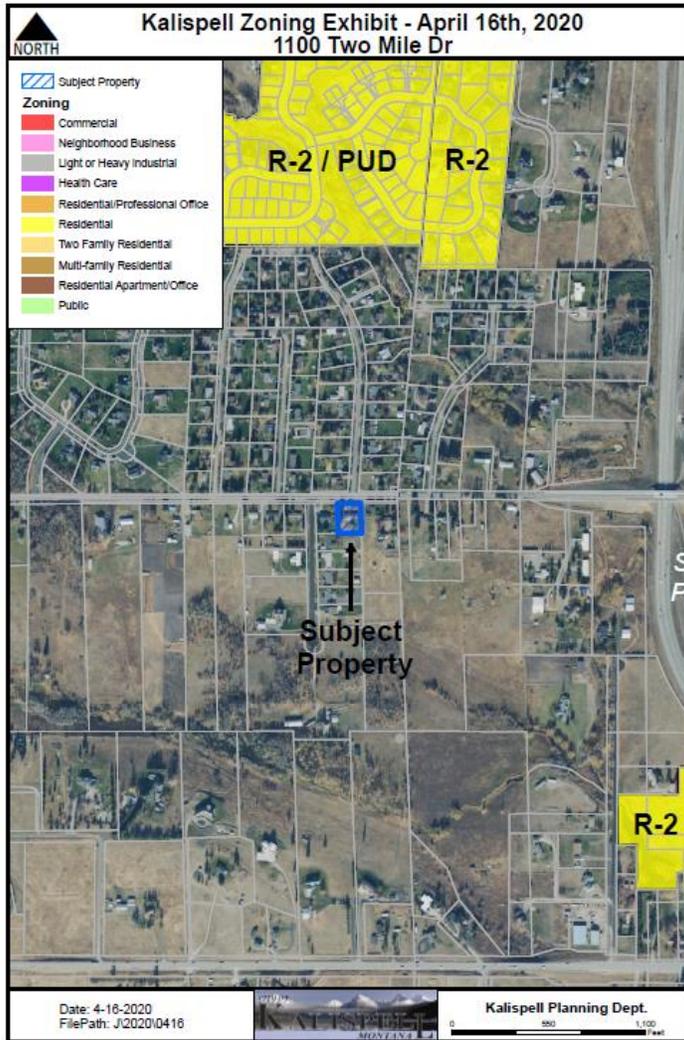


C. Existing Land Use and Zoning: The subject property contains one single-family residence. The zoning of the area to be annexed is county R-2. The county R-2 Zoning District is intended to provide large tract residential development in suburban areas and typically served by water or sewer service.



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 for adequate lot areas for lower density residential development, should have good throughfare access, and be in proximity to community and 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 approximately 0.5 acres.



F. Adjacent Zoning:

- North: County R-2
- East: County R-1 and R-2
- West: County R-2
- South: County R-1 and R-2

G. Adjacent Land Uses:

- North: Single-family (county)
- East: Single-family (county)
- West: Single-family (county)
- South: Single-family (county)

H. General Land Use Character:

The general land use of the area can be described as primarily single-family residential development. On the north side of Two Mile Drive, there are somewhat higher density single-family residential subdivisions. On the south side of Two Mile Drive, there tends to be larger tract parcels with single-family residences.

I. Utilities and Public Services:

The primary motivation for this annexation is a failing septic system. The new Westside Interceptor sewer line is immediately adjacent to the property within the Two Mile Drive right-of-way. The applicant has met with Public Works and determined that the property can connect to the sewer line. Water service is not currently in the vicinity, however, the Water Facility Update Plan indicates a new water main within Two Mile Drive adjacent the property. Also, potential development along Two Mile may bring city water mains into the area. After annexation, any future development of the site 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 (city sewer available upon annexation)
Water:	Private well
Refuse:	Private (city collection available upon annexation)
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 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.

The new Westside Interceptor sewer line is immediately adjacent to the property within the Two Mile Drive right-of-way. The applicant has met with Public Works and determined that the property can connect to the sewer line. Water service is not currently in the vicinity, although it is within the Potential Utility Service area under the Water Facility Update Plan and is available if the applicant or any other property owner in the area wanted to extend existing water mains.

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

Police and Fire Departments. The site lies approximately 2.0 miles from fire station 61 and is readily serviceable by the city fire, police and ambulance services.

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 is not immediately adjacent to the existing city limits line. However, it lies between properties to the east and west along Two Mile Drive that are within the city. About 1800 ft to the east is a recently annexed property along the bypass which is adjacent to the Greenbriar subdivision. About 2100 ft to the west is the southern portion of Rockwood Ranch, a residential development with 229 single-family and townhome units that was approved in 2018 and has yet to be developed. Staff has also had multiple conversations with property owners in the vicinity that have explored their option to annex into the city for similar reasons as the applicant.

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 cost to serve the land proposed for annexation is shown in the attached cost of service analysis – Initial Annexation. 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 property is currently developed with one single-family residence. The total cost of services is estimated to be \$620 per year. Based on the city's taxation and assessment policies, the property will generate approximately \$2,184 per year in total annual revenue to the city (\$1,133 in taxes and \$1,051 in assessments). Based on this analysis, the annexation will be net gain to the city of \$1,564.

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 R-2.

The Kalispell Zoning Regulations state that the intent of the R-2 zoning district is “to provide for adequate lot areas for lower density residential development, should have good throughfare access, and be in proximity to community and 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.

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

Upon annexation, there will be no change in use on the property and no impact on transportation. If and when the property redevelops, 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. Most municipal services including police/fire protection, solid waste collection and sewer service are currently available to the area. Water service is not currently extended to the area, although the fire department has access to water tender equipment. The Kalispell Fire Chief has reviewed the site and believes that, if annexed, the property can be adequately protected from fire.

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 R-2 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 available to the property, although water is not in the immediate vicinity and would require a significant extension of the existing main. The home is currently served by a private well and would continue to use it after annexation.

7. Will the requested zone promote compatible urban growth?

The requested city R-2 Zoning District is similar zoning as the surrounding county properties and is consistent with the type of growth projected for this area in the Growth Policy. This zoning district maintains and is compatible with the established land use pattern in this area.

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

The proposed R-2 Zoning District is consistent with the surrounding residential development of the area, which includes a mix of single-family residences on various sized tracts. 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 any 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 R-2 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, sanitary sewer is located within the public right-of-way adjacent to the property. 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-20-02 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).