

MUSSO ANNEXATION

**ANNEXATION AND INITIAL ZONING OF R-4 UPON ANNEXATION
STAFF REPORT #KA-20-03**

**KALISPELL PLANNING DEPARTMENT
September 2, 2020**

This report to the Kalispell City Planning Board and the Kalispell City Council is regarding a request from Sarah and Alexander Musso to annex a 0.17 acre parcel into the city limits with an initial zoning designation of R-4 (Residential) upon annexation. A public hearing has been scheduled before the Planning Board for September 9, 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.

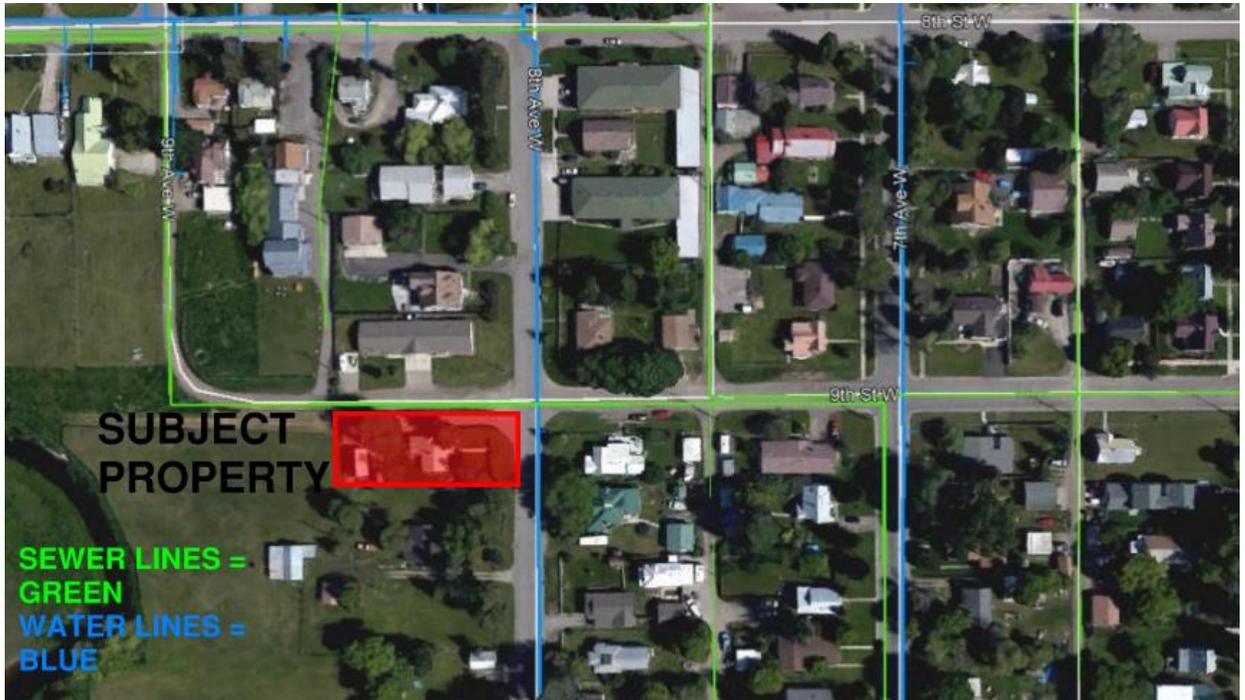
BACKGROUND INFORMATION

This application is a request from Sarah and Alexander Musso to annex an approximately 0.17 acre parcel into the city with an initial zoning designation of R-4 (Residential) upon annexation. The subject property is currently within the county and zoned county R-1. It is developed with a single-family residence. The annexation request is due to a failing septic system and their desire to connect to city sanitary sewer service.

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:** Sarah and Alexander Musso
904 8th Avenue West
Kalispell, MT 59901

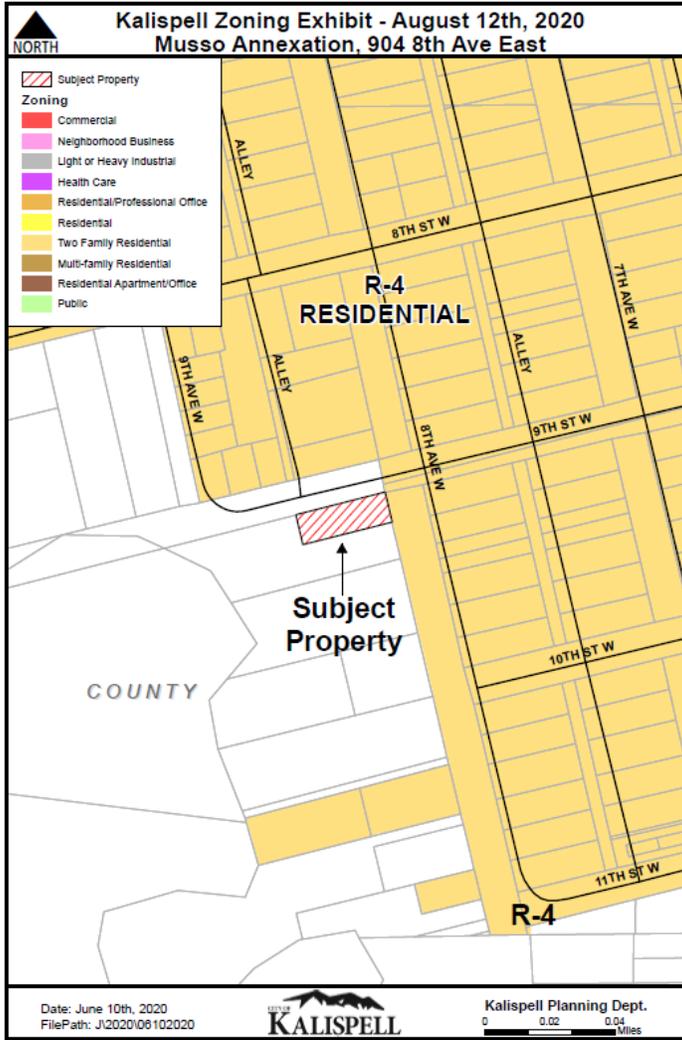
- B. Location and Legal Description of Properties:** The property is located at 904 8th Avenue West and can be described as a portion of Lot 1 of Block 13 of High School Addition to Kalispell, Montana, according to the map or plat thereof on file and of record in the office of the Clerk and Recorder of 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-1. The county R-1 Zoning District is intended to provide estate-type development away from concentrated urban development and typically not served by water or sewer service.



D. Proposed Zoning: The proposed zoning is city R-4 (Residential). The Kalispell Zoning Regulations state that the intent of the R-4 zoning district is a district “comprised of primarily single-family and duplex dwellings. Development within the district will require all public utilities, and all 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 approximately 0.17 acres.

F. Adjacent Zoning:

North: County R-1/City R-4
 East: City R-4
 West: County R-1
 South: County R-1/City R-4

G. Adjacent Land Uses:

North: Single-family/Multi-family residential
 East: Single-family
 West: Single-family and undeveloped
 South: Single-family

H. General Land Use Character:

The general land use of the area is primarily single-family residential development with some multi-family residential dwellings. Much of the property to the west of the subject parcel is undeveloped grasslands.

I. Utilities and Public Services:

The primary motivation for this annexation is a failing septic system. The new Westside Interceptor sanitary sewer main was recently installed in the adjacent right-of-way along the north side of the property and can provide service to the home upon annexation. The property currently is connected to city water.

Sewer:	Private septic (city sewer available upon annexation)
Water:	City of Kalispell
Refuse:	Private (city collection available upon annexation)
Electricity:	Flathead Electric Cooperative
Natural Gas:	Northwestern Energy
Telephone:	CenturyLink
Schools:	School District 5 – Peterson Elementary/Flathead High School
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 sanitary sewer main was recently installed in the adjacent right-of-way along the north side of the property and can provide service to the home upon annexation. The applicant has discussed the connection with Public Works and determined that the property can connect to the sewer line, although specific details of the connection will be determined. Water service is currently provided by the City of Kalispell.

The site is currently protected by the Smith Valley 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 0.75 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 immediately adjacent to the existing city limits line.

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 \$472 per year. Based on the city's taxation and assessment policies, the property will generate approximately \$2,160 per year in total annual revenue to the city (\$1,027 in assessments and \$1,133 in taxes). Based on this analysis, the annexation will be net gain to the city of \$1,688.

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-4.

The Kalispell Zoning Regulations state that the intent of the R-4 zoning zone is a district "comprised of primarily single-family and duplex dwellings. Development within the district will require all public utilities, and all 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 mentioned 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.

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.

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. The property is

currently served by city water service, and all municipal services including police/fire protection, solid waste collection and sewer service are currently 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. In this case, the requested zoning classification of R-4 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. The home is already connected to city water service and utilizes city streets for access to the home.

7. Will the requested zone promote compatible urban growth?

The requested R-4 Zoning District is the same zoning as the surrounding city 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-4 Zoning District is consistent with the surrounding residential development of the area, which is primarily single-family houses on standard sized city lots. 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.

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

Value of the buildings in the area will be conserved because the R-4 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 neighborhood.

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-20-03 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-4 (Residential).