

## KOISTINEN ANNEXATION

### ANNEXATION AND INITIAL ZONING OF RA-1 UPON ANNEXATION STAFF REPORT #KA-22-01

#### KALISPELL PLANNING DEPARTMENT APRIL 6, 2022

This report to the Kalispell City Planning Board and the Kalispell City Council is regarding a request from Ryan Koistinen for annexation and initial zoning of RA-1 (Residential Apartment) for property located at 1801 and 1823 5<sup>th</sup> Avenue East, containing approximately 0.43 acres. A public hearing has been scheduled before the Planning Board for April 12, 2021, 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



The proposal involves two properties that will be subject to a boundary line adjustment (Assessors Tracts 8D and 8KA). The applicant owns Tract 8D (1823 5th Avenue East) which is partially in the city with a single-family residence on the front portion of the property that is already in the city. Flathead Electric Cooperative, Inc. owns Tract 8KA, which is also partially in the city. The boundary line adjustment would take approximately 0.256 acres of vacant land from Tract 8KA and add it

to Tract 8D. This request would annex the entirety of the expanded Tract 8D into the city with an RA-1 zoning designation, with a total of 0.43 acres to be annexed.

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.

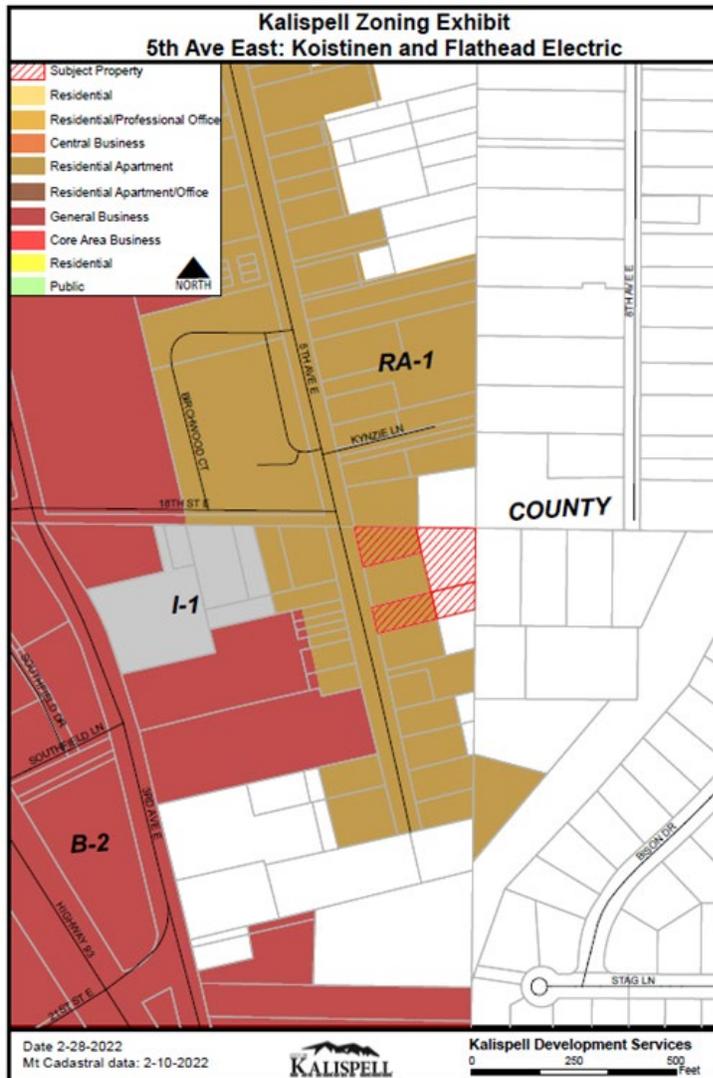
**A. Petitioner / Owner:** Ryan Koistinen  
1823 5<sup>th</sup> Avenue East  
Kalispell, MT 59901

**B. Location and Legal Description of Properties:** The property is located at 1801 and 1823 5<sup>th</sup> Avenue East and can be described as a tract of land situated, lying and being in northeast 1/4 of the northwest 1/4 of Section 20, Township 28 North, Range 21 West, P.M., M., City of Kalispell, Flathead County, Montana and being more particularly described as follows: Commencing at the north 1/4 corner of said Section 20; Thence S00°06'49"W, a distance of 27.97 feet to the true Point of Beginning; Thence S00°06'49"W, a distance of 176.47 feet; Thence S76°43'12"W, a distance of 88.75 feet; Thence N13°23'48"W, a distance of 171.63 feet; Thence N76°42'06"E, a distance of 129.97 feet to the Point of Beginning, containing 0.43 acres.



**C. Existing Land Use and Zoning:** The subject property itself is currently vacant, although the two properties involved include a single-family residence on one and a Flathead Electric substation on the other. The property to be annexed is zoned county R-4 (Two-Family Residential), which is “A district to provide lot areas for urban residential development. Development within the district will require all public utilities and all community facilities. A duplex is allowed in this district.”

**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 “a residential district intended 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.” The proposed RA-1 zone is substantially similar to the county R-4, with key differences being somewhat lesser setbacks and multi-family as a conditionally permitted use.



**E. Size:** The subject property is approximately 0.43 acres.

**F. Adjacent Zoning:**

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

**G. Adjacent Land Uses:**

North: Single-family  
 East: Single-family  
 West: Single-family; multi-family  
 South: Single-family

**H. General Land Use Character:** The general land use of the area is single-family residential with some multi-family residential. About a block to the west is the edge of a primary commercial area in the city, with offices, hotels, restaurants, and retail uses. 5<sup>th</sup> Avenue East is a dead-end road with its terminus about two blocks to the south of the subject property.

**I. Utilities and Public Services:** Water and sewer service are available within the 5<sup>th</sup> Avenue East right-of-way adjacent to the property, and the single-family home currently has water service. If any extensions were necessary to provide service, they would need to be designed and installed by the property owner subject to review and approval by the Kalispell Public Works Department under the City of Kalispell Standards for Design and Construction.



Sewer:	City of Kalispell
Water:	City of Kalispell
Refuse:	City of Kalispell
Electricity:	Flathead Electric Cooperative
Natural Gas:	Northwestern Energy
Telephone:	CenturyLink
Schools:	School District 5 – Elrod Elementary/Flathead High School
Fire:	South Kalispell Rural Fire/City of Kalispell upon annexation
Police:	Flathead County Sheriff/City of Kalispell upon annexation

## I. ANNEXATION EVALUATION

- A. **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.

- B. Municipal Services:** The City of Kalispell has an extension of services plan that details how services would be extended to the annexed property and services were recently extended to the existing lots pursuant to that policy. Both sanitary sewer and water service are available within the right-of-way adjacent to the property. The home on the portion of the property already within the city currently has water service. Any additional extensions necessary to provide service will need to be designed and installed by the property owner subject to review and approval by the Kalispell Public Works Department under the City of Kalispell Standards for Design and Construction.

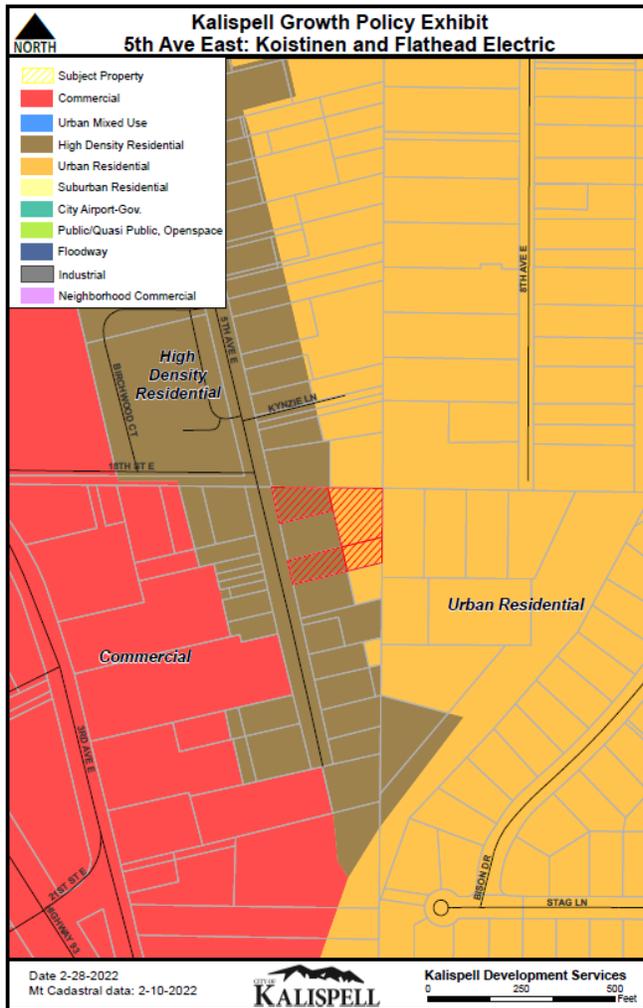
The existing tract being expanded is currently within the city and is protected by the City of Kalispell Fire and Police Departments, although the 0.43-acre area being annexed is currently under the jurisdiction of the South Kalispell Rural Fire District and the Flathead County Sheriff's office. The 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 1.1 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.

- C. Distance from current city limits:** The subject property is immediately adjacent to the existing city limits line.
- D. Cost of services:** The typical cost of service analysis used by the City does not work well within this situation. The tract that is expanding is already mostly within the city limits with all necessary infrastructure in place. The added size does not change the number of dwelling units or the likely use of the property upon annexation. It is possible that an additional structure, such as an accessory dwelling unit ("ADU"), may be located on the rear of the property at some point in the future. The potential increase in property size would have no discernable impact on the cost of services but would generate an increase in revenue for the city. If an ADU is added, no additional infrastructure would be required. Impact fees and an increase in taxes would be paid to the city reflecting a proportionate increase in the level of service.

## **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-4 (Two Family Residential). The applicants are requesting city RA-1 (Residential Apartment).



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. The zoning ordinance contemplates RA-1 as an appropriate zone within that land use designation and the adjoining land within the city limits is also zoned RA-1. The requested zone complies with the growth policy.

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

The access for the property is onto 5<sup>th</sup> Avenue East. Since the existing property has already been developed with infrastructure in place, annexation and zoning of the additional area would not change the impact on the transportation systems. The potential future addition of an ADU or other structure would be limited in scope and would be reviewed according to city regulations as part of any future development. The proposed zone will not have a significant impact on the transportation systems.

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/fire protection, water and sewer service will be available upon annexation.

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

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 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 any 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.

7. Will the requested zone promote compatible urban growth?

The requested zoning is consistent with the type of growth projected for this area and is consistent with the current zoning in both the city and the county in the vicinity. The proposed 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 RA-1 Zoning District is consistent with the surrounding residential development in the immediate and general area. The proposed zone fits into that overall pattern and 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 RA-1 Zoning District will promote compatible and like uses on this property as are found on other properties in the area. Potential future development on the property will be reviewed for compliance with zoning 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 development should be encouraged in areas where services and facilities are available. In this case, water and sanitary sewer are located within the public right-of-way adjacent to the property. The proposed zoning is consistent with the growth policy 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-22-01 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).