



Development Services

Department

201 1st Avenue East

Kalispell, MT 59901

Phone (406) 758-7940

PETITION FOR ANNEXATION AND INITIAL ZONING

Email: [planning@kalispell.com](mailto:planning@kalispell.com)

Website: [www.kalispell.com](http://www.kalispell.com)

Project Name Morning Star Community Property Address 1717 S Woodland Dr, Kalispell

NAME OF APPLICANT Morning Star Community, Inc Applicant Phone 4064076444

Applicant Address 1717 S Woodland # City, State, Zip Kalispell, MT 59901

Applicant Email Address dmaiden@nwmt.org

If not current owner, please attach a letter from the current owner authorizing the applicant to proceed with the application.

OWNER OF RECORD Morning Star Community, Inc Owner Phone 4067551102

Owner Address 1717 S Woodland #29 City, State, Zip Kalispell, MT 59901

Owner Email Address Laurie.westendorf@outlook.com

CONSULTANT (ARCHITECT/ENGINEER) Phone

Address City, State, Zip

Email Address

POINT OF CONTACT FOR REVIEW COMMENTS Danielle Maiden Phone 406-407-6444

Address 202 Fox Hill Dr City, State, Zip Kalispell, MT 59901

Email Address dmaiden@nwmt.org

List ALL owners (any individual or other entity with an ownership interest in the property):

Morning Star Community, Inc.

Legal Description (please provide a full legal description for the property and attach a copy of the most recent deed):

GREENACRES, S20, T28 N, R21 W, BLOCK 1, Lot 9, GREENACRES LOTS 23-24-9 N2

Please initial here indicating that you have verified the description with the Flathead County Clerk and Recorder and that the description provided is in a form acceptable to record at their office.



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1. Land in project (acres) 5.88

2. Current estimated market value \_\_\_\_\_  
Estimated market value of proposed development at 50% build out \$ \_\_\_\_\_  
Estimated market value of proposed development at 100% build out \$ \_\_\_\_\_

3. Is there a Rural Fire Dept RSID or Bond on this property?  YES  NO  
If yes, remaining balance is: \$ \_\_\_\_\_

4. Present zoning of property MH

5. Proposed zoning of property MH

6. State the changed or changing conditions that make the annexation necessary:  
The community needs to retire the existing 21 septic systems on the property and connect to the City's Sewer  
\_\_\_\_\_  
\_\_\_\_\_

HOW WILL THE PROPOSED ZONING DISTRICT ACCOMPLISH THE INTENT AND PURPOSE OF (attach separate sheet w/ answers):

- a. Promoting the Growth Policy
- b. Lessening congestion in the streets and providing safe access
- c. Promoting safety from fire, panic and other dangers
- d. Promoting the public interest, health, comfort, convenience, safety and general welfare
- e. Preventing the overcrowding of land
- f. Avoiding undue concentration of population
- g. Facilitating the adequate provision of transportation, water, sewage, schools, parks and other public facilities
- h. Giving reasonable consideration to the character of the district
- i. Giving consideration to the peculiar suitability of the property for particular uses
- j. Protecting and conserving the value of buildings
- k. Encouraging the most appropriate use of land by assuring orderly growth

I hereby certify under penalty of perjury and the laws of the State of Montana that the information submitted herein, on all other submitted forms, documents, plans or any other information submitted as a part of this application, to be true, complete, and accurate to the best of my knowledge. Should any information or representation submitted in connection with this application be incorrect or untrue, I understand that any approval based thereon may be rescinded, and other appropriate action taken. The signing of this application signifies approval for the Kalispell City staff to be present on the property for routine monitoring and inspection during the approval and development process.

Julie Mastonclay  
Applicant Signature

3-11-2022  
Date

### APPLICATION PROCESS

(application must be received and accepted by the  
Kalispell Planning Department 35 days prior to the  
Planning Board Hearing)

**A pre-application meeting with a member of the planning staff is required.**

#### Application Contents:

1. Completed application form & attachments
2. Completed Petition to Annex and Notice to Withdrawl from the Rural Fire District form (attached), including an Exhibit A, legal description of the property.
3. A bona fide legal description of the subject property and a map showing the location and boundaries of the property.  
\*Note - verify with the Flathead County Clerk & Recorder that the legal description submitted is accurate and recordable. They can be reached at (406) 758-5526.
4. Electronic copy of the application materials submitted. Either copied onto a disk or emailed to [planning@kalispell.com](mailto:planning@kalispell.com) (Please note the maximum file size to email is 20MB)
5. Application fee based on the schedule below, made payable to the City of Kalispell:

<b>Annexation</b>	<b>\$250</b>
(Includes initial zoning)	plus \$20 per acre

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Return to:  
Aimee Brunckhorst  
Kalispell City Clerk  
P.O. Box 1997  
Kalispell, MT 59903

PETITION TO ANNEX  
AND  
NOTICE OF WITHDRAWAL FROM RURAL FIRE DISTRICT

The undersigned hereinafter referred to as Petitioner(s) respectfully petition the City Council of the City of Kalispell for annexation of the real property described below into the City of Kalispell.

The Petitioner(s) requesting City of Kalispell annexation of the property described herein and further described in Exhibit A hereby mutually agree with the City of Kalispell that immediately upon annexation of the land all City of Kalispell municipal services will be provided to the property described herein on substantially the same basis and in the same manner as such services are provided or made available to other properties within the rest of the municipality. Petitioner(s) hereby state that there is no need to prepare a Municipal Annexation Service Plan for this annexation pursuant to Section 7-2-4610, M.C.A. since the parties are in agreement as to the provision of municipal services to the property requested to be annexed.

The Petitioner(s) further herein express an intent to have the property as herein described withdrawn from the South Kalispell Rural Fire District under the provisions of Section 7-33-2127, Montana Code Annotated; and that incorporated into this Petition to Annex is the Notice requirement pursuant to said Section; and that upon proper adoption of an ordinance or resolution of annexation by the City Council of the City of Kalispell, the property shall be detracted from said district.

In the event the property is not immediately annexed, the Petitioner(s) further agree(s) that this covenant shall run to, with, and be binding upon the title of the said real property, and shall be binding upon our heirs, assigns, successors in interest, purchasers, and any and all subsequent holders or owners of the above described property.

This City hereby agrees to allow Petitioner(s) to connect and receive the utilities from the City of Kalispell.

This City hereby agrees to allow Petitioner(s) to connect and receive all available utilities from the City of Kalispell excluding solid waste services. MCA 7-2-4736 prohibits the city from providing solid waste services to this property for a minimum of 5 years from date of annexation.

Laurie Westendorf 3.11.2022  
Petitioner/Owner Date

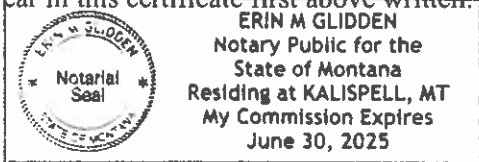
\_\_\_\_\_  
Petitioner/Owner Date

**NOTE: You must attach an Exhibit A that provides a bona fide legal description of the property to be annexed.**

STATE OF MONTANA )  
: ss  
County of Flathead County

On this 17<sup>th</sup> day of March, 2022, before me, the undersigned, a Notary Public for the State of Montana, personally appeared Laurie Ann Westendorf known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notary Seal the day and year in this certificate first above written.



Erin M Glidden  
Notary Public, State of Montana  
Printed Name Erin M Glidden  
Residing at Kalispell Montana  
My Commission expires: June 30, 2025

STATE OF MONTANA )  
: ss  
County of Flathead County

On this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, before me, the undersigned, a Notary Public for the State of Montana, personally appeared \_\_\_\_\_ known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notary Seal the day and year in this certificate first above written.

\_\_\_\_\_  
Notary Public, State of Montana  
Printed Name \_\_\_\_\_  
Residing at \_\_\_\_\_  
My Commission expires: \_\_\_\_\_

March 11, 2022

The Honorable Mayor Mark Johnson  
City of Kalispell  
PO Box 1997  
Kalispell, MT 59903

Please accept this letter as an official request to the City of Kalispell to serve as a host for the submittal of a Department of Natural Resources (DNRC) Renewable Resource Grant Loan Program (RRGL) Grant and Montana Coal Endowment Program (MCEP) application to assist with the connection of Morning Star Community, Inc. to the City's Waste-Water System.

Morning Star Community, Inc. is a 41-unit manufactured home community that is resident owned. The community is located at 1717 S Woodland, Kalispell. The community has been a resident owned community (ROC) since June 2017, they are providing residents with rent stability and permanently affordable housing.

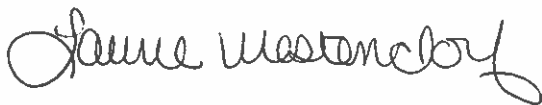
Currently, Morning Star Community operates 21 septic and drain field systems that were installed in 1973 (49 years old) and are at the end of their useful life. As part of this request, Morning Star Community, Inc is requesting to be annexed into the City of Kalispell and connect to public facilities for wastewater.

NeighborWorks Montana (NWMT) provides technical assistance to the community and is working in conjunction with the DNRC and Department of Commerce on predevelopment activities to be completed for the project and produce a Preliminary Engineering Report (PER) by May 1<sup>st</sup> for the grant deadlines. NWMT will assist in the writing and management of the RRGL & MCEP grants, if approved, and continue to provide technical assistance oversight through the project.

Please let us know what we can do to further explore the possibility of this request. NWMT Staff previously met with the City Community Development and Planning and Public Works Staff to discuss the conceptual plans and funding requirements for the project. We are excited for the next conversations to move the project forward in concert with the City of Kalispell.

Thank you in advance for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Laurie Westendorf". The signature is written in a cursive, flowing style.

Laurie Westendorf, Morning Star Community, Inc. Board President