

## **MORNING STAR ANNEXATION**

### **ANNEXATION AND INITIAL ZONING OF R-4 UPON ANNEXATION STAFF REPORT #KA-22-04**

#### **KALISPELL PLANNING DEPARTMENT MAY 4, 2022**

This report to the Kalispell City Planning Board and the Kalispell City Council is regarding a request from Morning Star Community, Inc. for annexation and initial zoning of R-4 (Residential) for property located at 1717 South Woodland Drive, containing approximately 5.88 acres. A public hearing has been scheduled before the Planning Board for May 10, 2022, 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**

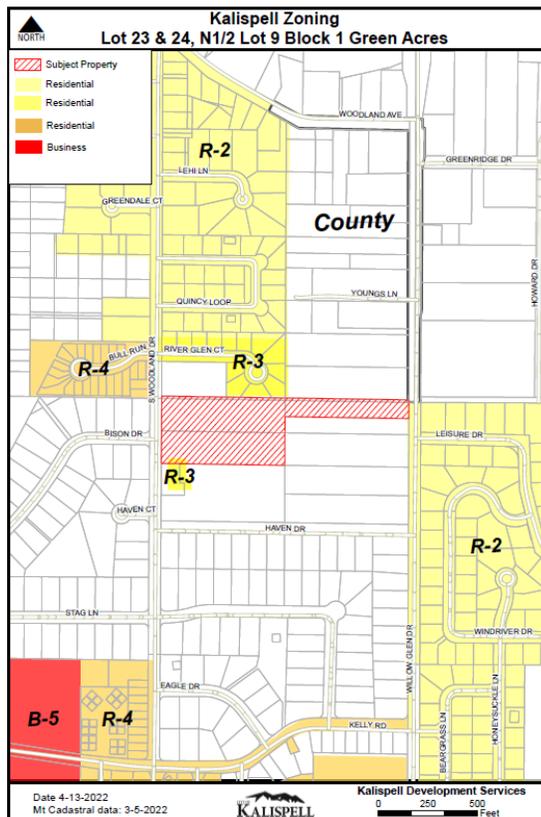
Morning Star Community, Inc. has submitted an application for annexation and initial zoning of R-4 (Residential) for property located at 1717 South Woodland Drive containing 5.88 acres. The proposal would annex an existing 41-unit mobile home park to allow for the units to connect to city sanitary sewer, which is located within the South Woodland Drive right-of-way. NeighborWorks Montana, on behalf of Morning Star Community, Inc., requested that the City of Kalispell serve as a host for the submittal of a Department of Natural Resources (DNRC) Renewable Resources Grant Loan Program (RRGL) Grant and Montana Coal Endowment Program (MCEP) Grant application for the purpose of building the required infrastructure to connect to city sewer. Currently, there are 21 septic and drain field systems that were installed in 1973 and are at the end of their useful lifetime. At the April 18 City Council meeting, the Council agreed to host the application and authorized NeighborWorks Montana to submit applications.

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:** Morning Star Community, Inc  
1717 S Woodland Dr #29  
Kalispell, MT 59901
- B. Location and Legal Description of Properties:** The property can be described as Lots 23, 24, and the North Half of Lot 9 of Block 1 of Greenacres, 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 itself is developed as a mobile home park. The property to be annexed is zoned county R-5 (Two-Family Residential), which according to the Flathead County Zoning Ordinance is “A residential district with minimum lot areas. 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 R-4 (Residential). The Kalispell Zoning Regulations state that the intent of the district is one that is “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.” Mobile home parks are a conditionally permitted use in the district, and the proposed zoning is similar to the current county zone.



**E. Size:** The subject property is approximately 5.88 acres.

**F. Adjacent Zoning:**

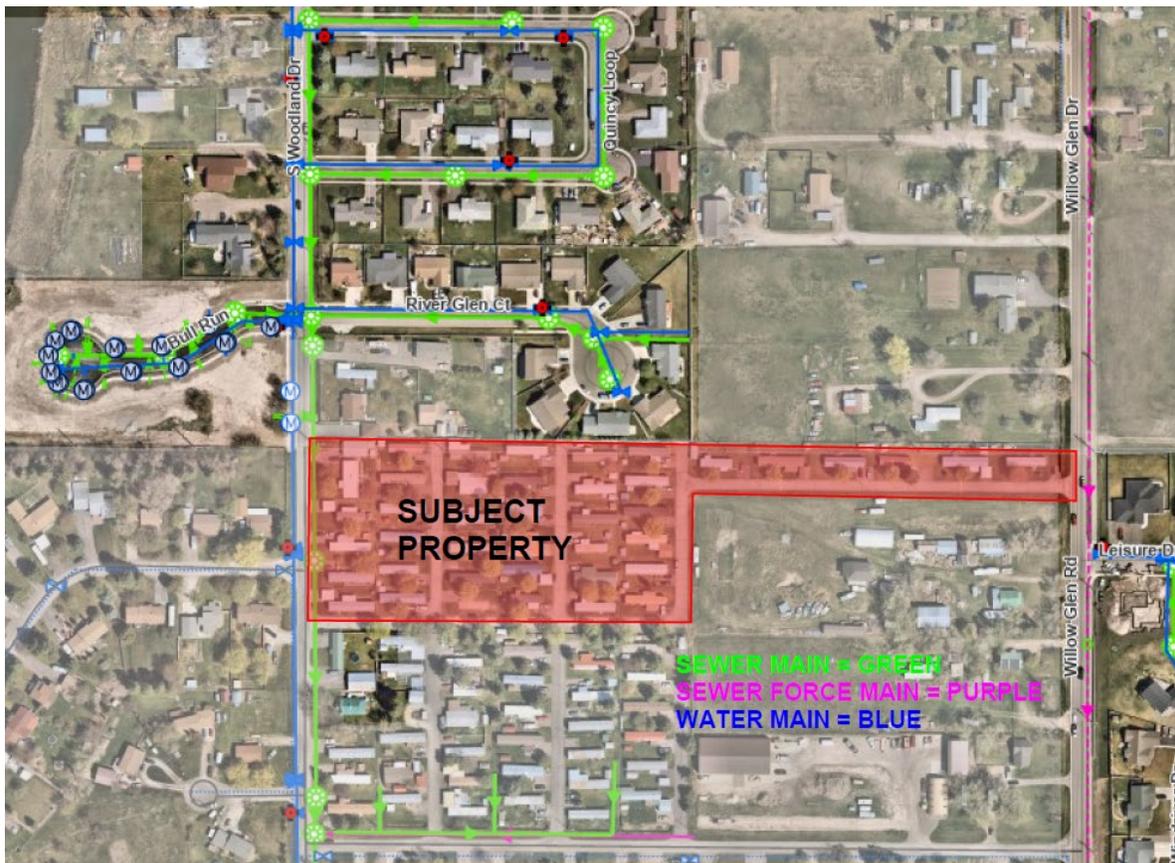
- North: City R-3/ County R-2
- East: City R-3/County R-2
- West: City R-2/County R-5
- South: City R-3/County R-2

**G. Adjacent Land Uses:**

- North: Single-family
- East: Single-family
- West: Single-family
- South: Mobile home park/  
Single-family

**H. General Land Use Character:** The general land use of the area is single-family residential along with an adjoining mobile home park. Most of the area developed as county subdivisions with septic. Over time, there were a number of city subdivisions developed in the area with water and sewer service, as well as areas that needed city sewer and were later annexed into the city. The general area is a mix of urban and rural standards, but the immediate area is distinctly residential.

**I. Utilities and Public Services:** Water and sewer service are available within the South Woodland Drive right-of-way adjacent to the property. 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:	Private/City of Kalispell available upon annexation
Water:	Private/City of Kalispell available upon annexation
Refuse:	Private/City of Kalispell available upon annexation
Electricity:	Flathead Electric Cooperative
Natural Gas:	Northwestern Energy
Telephone:	CenturyLink
Schools:	School District 5 – Rankin 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 and adjacent to the current city limits.

- 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. 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. In this instance, connection to sewer is important with 21 septic systems on the property serving 41 units. The septic systems are failing and connecting to city sewer would be critical for public health. Annexation would allow for the connection to happen.

The site is currently protected by the South Kalispell Rural Fire District and the Flathead County Sheriff’s office. The applicant has submitted a Notice of Withdrawal from the Rural Fire District. At the time of annexation, the property will be served by the Kalispell Police and Fire Departments. The site lies approximately 1.25 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:** 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. If annexed, the property owner will be extending and connecting to city sewer.

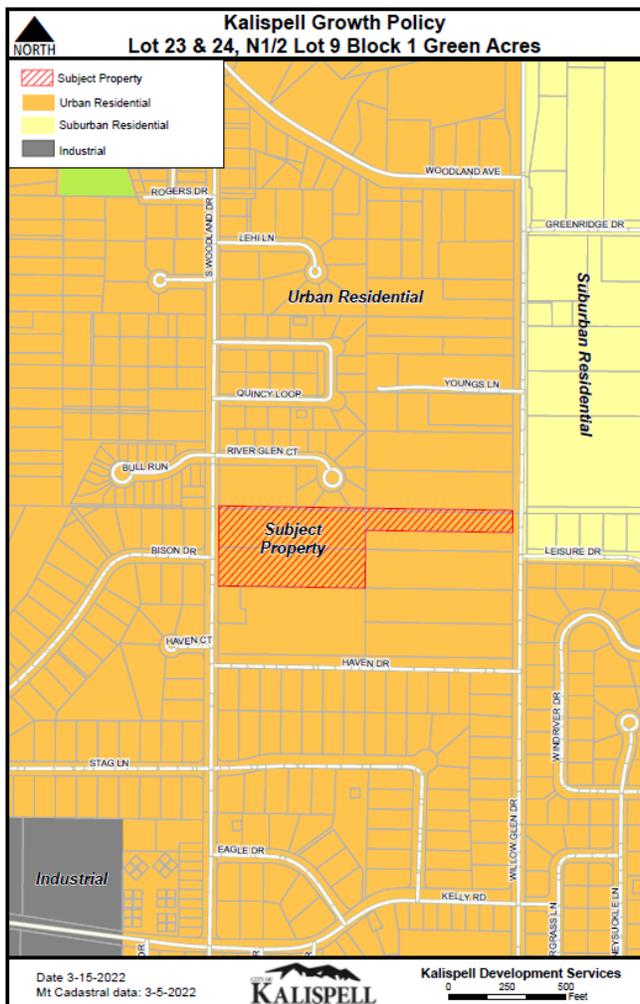
The analysis is only an estimate based on a variety of assumptions. The analysis does not take into consideration changes in methods of assessment and estimated costs associated

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. To serve the existing mobile home park with sewer service the cost is estimated at \$15,62.61. Based on the city’s taxation and assessment policies, the property will generate approximately \$16,004.15 in total annual revenue to the city (\$2,114.44 in taxes and \$13,889.71 in assessments). Based on this analysis, the annexation will be net gain to the city of approximately \$383.54. Annexation of the mobile home park will also generate a one-time sewer impact fee of \$97,252.00.

## 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-5 (Two Family Residential). The applicants are requesting city R-4 (Residential).



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 R-4 as an appropriate zone within that land use designation. The R-4 zone is similar to both the current county zoning and city zoning in the surrounding area. Furthermore, the R-4 zone is the only zoning district which allows new mobile home parks, although, in this case, it would be considered an existing allowed use. 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 South Woodland Drive and Willow Glen. 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.

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 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 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. The connection to city sewer is particularly important in this situation. The mobile home park has 21 existing septic systems that are failing. Annexation with the requested zoning would allow the units to connect to the sewer main.

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 R-4 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 R-4 zoning district will promote compatible and like uses on this property as are found on other properties in the area. Any 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-22-04 as findings of fact and recommend to the Kalispell City Council that the property be annexed and the zoning for the property be city R-4 (Residential).