

**SCHOOL DISTRICT NO. 5**

**REQUEST FOR INITIAL ZONING OF P-1, UPON ANNEXATION  
STAFF REPORT #KA-16-04**

**KALISPELL PLANNING DEPARTMENT  
NOVEMBER 30, 2016**

A report to the Kalispell City Planning Board and the Kalispell City Council regarding a request from School District No. 5 to annex into the city limits with an initial zoning designation of P-1 upon annexation. A public hearing has been scheduled before the planning board for December 13, 2016, 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**

A request from School District No. 5 to annex a 24.88 acre parcel into the city and zone the land P-1 (Public) upon annexation. The property is located at the 2100 block of Airport Road. The property is currently undeveloped, however, upon annexation the applicant is proposing to build a new elementary school. Water and sanitary sewer service are in the vicinity of the property and upon annexation extension will be constructed to serve the property.

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.

**A. Petitioner / Owner:** School District No. 5  
223 1<sup>ST</sup> Avenue East  
Kalispell, MT 59901

**B. Location and Legal Description of Properties:**

The property under consideration is located along the east side of Airport Road at the 2100 block.

The property to be annexed can be described as Parcel B of Certificate of Survey #19901 in the Southwest  $\frac{1}{4}$  of Section 20, and Northwest  $\frac{1}{4}$  of Section 29, Township 28N, Range 21W, P.M.,M., Flathead County, Montana.



**Figure 1: Property Location**

**C. Existing Land Use and Zoning:**

The tract is currently undeveloped and is being used for agricultural purposes. The current county zoning on the property is SAG-10 (suburban agricultural). This district is defined as:

“A district to provide and preserve agricultural functions and to provide a buffer between urban and unlimited agricultural uses, encouraging separation of such uses in areas where potential conflict of uses will be minimized, and to provide areas of estate-type residential development.”

Permitted uses in this district are generally limited to agricultural and residential uses. The conditionally permitted uses allow some non-residential uses such as churches, daycare centers, bed and breakfasts, schools, and golf courses. The minimum lot size requirement of the County SAG-10 zoning district is 10 acres.

**D. Proposed Zoning:**

The City of Kalispell zoning proposed for the site is P-1 (Public) Zone. The Kalispell Zoning Regulations state that the P-1 Zone is as follows:

“A public district intended to provide and reserve areas for public uses in order to preserve and provide adequate land for a variety of community facilities which serve the public health, safety and general welfare. Such public uses would include schools, public buildings, parks, airports, jails, utilities, etc. The zoning district would typically be found in the public land use designation as shown on the Kalispell Growth Policy Future Land Use Map but can be applied to any land use designation.”

**E. Size:** The subject property is 24.88 acres.

**F. Adjacent Land Uses:**

North: County I-2  
East: County SAG-10  
West: County R-1, R-5 and I-1  
South: SAG-10

**G. Adjacent Land Uses:**

North: Single-family residences, meat packing plant and Ashley Creek.  
East: Vacant agriculture land.  
West: Single-family residence, Airport Road, salvage yard and Mobile Home Park.  
South: Vacant agriculture land.

**H. General Land Use Character:**

The general land use category of the area can be described as a mix of uses in transition. The primary uses within the area are agriculture and single-family. Additional uses within the vicinity include a meat processing plant, mobile home park, city wastewater treatment plant, city airport and salvage yard. Much of the area directly to the north of the subject property is located within FEMA Flood Zone adjacent to Ashley Creek. This area will likely not be developed.

**I. Utilities and Public Services:**

City water and sewer mains both terminate within the vicinity of the property to the south and west. Both utilities will need to be extended to the property. When annexed, the developer will be required to pay the cost for the utility extension. The design and sizing of these utilities will be reviewed and approved by the Kalispell Public Works Department.

Sewer: City of Kalispell if annexed  
Water: City of Kalispell if annexed  
Refuse: Private Refuse  
Electricity: Flathead Electric Cooperative  
Natural Gas: Northwestern Energy

Telephone: CenturyLink  
Schools: School District 5  
Fire: City of Kalispell if annexed  
Police: City of Kalispell if annexed

## **I. ANNEXATION EVALUATION**

### 1. Compliance with the growth policy:

Two primary mechanisms for managing growth in the City of Kalispell exist which are to rely on redevelopment and 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 2, Growth Management, contains the following goals that are relevant to this particular annexation request:

1. Implement a comprehensive, effective growth management program that recognizes and upholds the general welfare of the community as well as individual rights.
2. New urban and suburban development occurs in areas where public water and sewer are available.
3. Provide adequate areas for growth and expansion with regard to amount, timing and location.

In addition, to the three cited goals, 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 municipal services and annexation. The property proposed for annexation falls inside the city's direct annexation boundary.

### 2. Municipal Services:

Municipal sewer and water mains, are located within the vicinity of the property to the northwest and can be readily extended by the applicant to serve the site when the property undergoes development. The Kalispell Sewer treatment plant lies within ¼ mile of the site.

The site is currently protected by the South Kalispell 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 Fire Department. The site lies approximately 1 ½ miles of fire station 61 and is readily serviceable by the city fire, police and

ambulance services all of which now respond to the adjacent neighborhood of the Ashley Park Subdivision.

Given the level of existing services available to and in place, annexation of the property will not overburden the municipal services in place.

3. Distance from current city limits:

The project site is adjacent city limits at the northwest corner (Ashely Park Subdivision), thus annexation will serve to be a logical expansion of the existing city limits.

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. If annexed, the property owner will be extending and connecting to city sewer and water at the time of development.

The attached cost of services analysis prepared for this property is for commercial annexations. 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. As the property is vacant and the school has not been designed it is not possible to calculate the impact fees and cost of services for a new elementary school. Additionally, the property will be tax exempt, however assessment fees can be charged. The total cost of services is estimated to be \$0 at this time since there is no development. Based on the city's taxation and assessment policies, the property will generate approximately \$26,832.90 in total annual revenue to the city (\$0 in taxes and \$26,832.90 in assessments). Based on this analysis, the annexation will be net gain to the city of approximately \$26,832.90.

**II. INITIAL ZONING 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 SAG-10. The applicants are requesting city P-1 (Public) to accommodate the proposed elementary school use for the entire 24.88 acres. The Kalispell Zoning Regulations state that the P-1 zone is intended to be "A public district intended to provide and reserve areas for public uses in order to preserve and provide adequate land for a variety of community facilities which serve the public health, safety and general welfare. Such public uses would include schools, public buildings, parks, airports, jails,

utilities, etc. The zoning district would typically be found in the public land use designation as shown on the Kalispell Growth Policy Future Land Use Map but can be applied to any land use designation.”

1. Does the requested zone comply with the growth policy?

The property is designated by the Kalispell Growth Policy future land use map as “Urban Residential” which anticipates a P-1 Zoning District. The P-1 Zoning District states that the P-1 Zone “can be applied to any land use designation.”

Additionally, the “Urban Residential” land use category states that “these areas should have convenient access to neighborhood business districts, parks and elementary schools.” The subject property will be developed by School District No. 5 as an elementary school.

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

It can be anticipated that the proposed zone change of the property will increase traffic impacts in the area due to the relatively low density of the area currently and the higher density that will come with uses provided for within the P-1 Zone, specifically a new elementary school. The subject property is located along Airport Road. Airport Road is on the City of Kalispell urban system and is designated as a minor arterial, which is intended to carry significant volumes of traffic. The site also has immediate access to the Kalispell Bypass.

Prior to development of the project site a traffic impact study will be required. The traffic impact study will identify any mitigation measures that need to be implemented in order to mitigate level of service issues that may be caused by the development of the property.

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 and fire protection, water, and sewer service will be made available to the area. The site is approximately 1 ½ miles from fire station 61 with good response time.

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

The requested zoning classification of P-1 will promote the health and general welfare by restricting land uses to those that would be compatible with the adjoining properties. Additionally, the P-1 Zone provides for community facilities; such as, schools, public buildings and parks that will serve the public health, safety and general welfare of the public.

5. Will the requested zone provide for adequate light and air?

The proposed zoning designation of P-1 with associated development standards, in tandem with the required landscaping and parking requirements give due consideration for adequate light and air.

6. Will the requested zone promote compatible urban growth?

The requested P-1 Zoning District allows the property to be developed as an elementary school. The P-1 Zoning District is compatible with the established land use pattern in this area, which is primarily agriculture and single-family residential. Once the new elementary school is constructed new residential development in the area is expected. There is adequate infrastructure and land in the vicinity of the subject property to provide for future development needs when those demands arise.

7. Will the requested zone facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements?

Public services and facilities are available or will need to be extended to the property. The site has direct access to Airport Road which is designated and designed to arterial standards. A traffic impact study will identify any mitigation measures that need to be implemented in order to mitigate level of service issues that may be caused by the project. The P-1 Zone itself is intended to provide schools and parks.

8. Does the requested zone give consideration to the particular suitability of the property for particular uses?

The requested P-1 Zone gives due consideration of the suitability of this property for the permitted uses in the zoning district, specifically a new elementary school. A bond was recently passed that allows for the construction of a new elementary school and the P-1 Zone provides for that use.

9. Does the requested zone give reasonable consideration to the character of the district?

The proposed zoning is consistent with the city growth policy future land use designation and is compatible with surrounding development. The general character of the area is a mix of agricultural and low-density-residential which is slowly transitioning to a more dense residential character. All of these uses are compatible uses adjacent a P-1 Zone that is to be developed as an elementary school.

10. Will the requested zone avoid undue concentration of people?

An increase in the number and concentration of people in the area will likely result after this land has been converted to the P-1 Zoning District. The increase in the number and concentration of people will come when the property is developed as an elementary school, which the P-1 Zone provides for as a permitted use. However, the intensity of the uses of the property would be in direct relationship to the availability of public services, utilities and facilities as well as compliance with established design standards. The design standards and

availability of utilities would provide the infrastructure needed to insure that there will not be an overcrowding of the land or undue concentration of people.

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

Value of the buildings in the area will be conserved because the annexation will allow the current owner access to municipal services and fully develop this lot. Additionally, the P-1 Zone requested will increase property values, as it provides for the construction of a new elementary school which will also increase property values. The zoning requirements stipulated within the P-1 Zoning District outline uses and standards that will protect the investment of the subject property, as well as neighboring properties in the vicinity.

12. Will the requested zone encourage the most appropriate use of the land throughout the municipality?

The requested zone of P-1 is an appropriate use of the land, as it provides for an elementary school which is an essential component to the growth of the city. The proposed zoning is consistent with the city growth policy future land use designation and is compatible with surrounding development. Additionally, development should be encouraged in areas where services and facilities are reasonably available. In this case water and sewer lines are located within a short distance of the property.

**RECOMMENDATION:**

Staff recommends that the Kalispell City Planning Board and Zoning Commission adopt Staff Report #KA-16-04 as findings of fact and recommend to the Kalispell City Council that the property be annexed and the initial zoning for this property upon annexation be P-1 (Public).

**ESTIMATED COST OF SERVICES ANALYSIS (Developed Property at Annexation)**

Project Name: School District No. 5

Date 12/6/2016

Calculated By: Kalispell Planning Department

Number of acres proposed to be annexed: 24.88  
 Number of commercial lots to be annexed: 1  
 Average square foot per lot: 1,083,772  
 Estimated market value of properties to be annexed: \$455,000

1. COST OF SERVICES	UNDEVELOPED ACRES	DEVELOPED ACRES	COST/ACRE	TOTAL
Fire (FY15 budget \$2,675,306)	25	0.00	(\$107.37)	\$0.00
Police (FY15 budget \$4,218,219)	25	0.00	(\$173.33)	\$0.00
General Gov't Services (FY budget \$5,249,874)	25	0.00	(\$167.50)	\$0.00
<b>Subtotal</b>				<b>\$0.00</b>
<b>SERVICE</b>				
		NO. OF UNITS	COST/UNIT	TOTAL
Roads (Lineal feet of road to be maintained)		0.00	(\$5.05)	\$0.00
Water (based on number of ERUs)		0.00	(\$185.51)	\$0.00
Sewer (based on number of ERUs)		0.00	(\$168.51)	\$0.00
Wastewater Treatment (based on number of ERUs)		0.00	(\$227.38)	\$0.00
Stormwater		0.00	(\$67.97)	\$0.00
<b>Subtotal</b>				<b>\$0.00</b>
<b>TOTAL ANTICIPATED COST OF SERVICE =</b>				<b>\$0.00</b>

2. ANTICIPATED CITY ASSESSMENT REVENUE GENERATED				
Total square foot to be annexed:				1,083,772
Number of lots:				1
<b>ASSESSMENT</b>		AVE SQ FT	FY15/16 ASSESSMENT	TOTAL
Storm sewer assessment (Capped at \$250.9) (Res. 5644):		1,083,772	0.00999	\$ 250.90
Street maintenance assessment(Res. 5643):		1,083,772	0.02233	\$ 24,200.63
Urban forestry assessment (capped \$300 per lot)(Res. 5641):		1,083,772	0.00171	\$ 300.00
Light maintenance assessment:		1,083,772	0.00165	\$ 1,788.22
Average annual water and sewer usage charge				\$ 293.15
<b>TOTAL ANTICIPATED REVENUE FROM ASSESSMENTS and USAGE CHARGES =</b>				<b>\$ 26,832.90</b>

3. TAX REVENUE				
Assessed value per property:				\$ 455,000.00
		NO. OF UNITS	PROPERTY VALUE	TOTAL
<b>Total assessed value:</b>		1	\$ 455,000.00	\$ 455,000.00
		TAXABLE MARKET VALUE	REAL ESTATE TAX	TAXABLE VALUE
<b>Total taxable value:</b>		\$ 455,000.00	0	\$ -
			MILLS LEVIED	TOTAL
<b>Total tax revenue based on 713.7 mill levy:</b>			0.7137	\$ -
<b>TOTAL CITY TAX REVENUE (based on 205.6 mill levy) =</b>				<b>\$0.00</b>

4. IMPACT FEES				
	UNIT	QUANTITY	COST PER UNIT	
Total Sewer Impact Fee:	ERU	0	\$ 5,757.00	\$0.00
Total Water Impact Fee:	ERU	0	\$ 6,418.00	\$0.00
Total Storm Impact Fee:	ERU	0	\$ 1,121.00	\$0.00
Total Police Impact Fee:	Comm. Sq. Footage	0	\$ 16,000	\$0.00
Total Fire Impact Fee:	Comm. Sq. Footage	0	\$ 350.00	\$0.00
<b>Total Project Impact Fee =</b>				<b>\$0.00</b>

5. TOTAL ANTICIPATED REVENUE GENERATED TO THE CITY (ITEMS 2 AND 3) **\$26,832.90**

6. ONE TIME IMPACT FEE PAYMENT TO THE CITY (ITEM 4) **\$0.00**

7. ANTICIPATED COST OF SERVICE (ITEM 1) **\$0.00**

8. NET (COST) or REVENUE TO THE CITY PER YEAR (ITEM 2 AND 3 - ITEM 1) **\$26,832.90**