

# Whitefish council looks at Lion Mountain annexation

By LYNNETTE HINTZE/Daily Inter Lake | Posted: Monday, May 2, 2016 6:15 am

Annexation is back on the agenda tonight as the Whitefish City Council considers its options for bringing areas around Whitefish Lake into the city.

The council will review and discuss a memorandum from the city attorney that outlines options for annexing areas near the lake, including Lion Mountain, with demonstrated septic leaching problems.

Whitefish's current annexation policy was discussed at an April 4 work session during which Lion Mountain homeowners strongly opposed annexation.

At the council meeting later that evening, the council directed staff to research whether the city can equitably and legally extend the option of deferred annexations to areas that have a direct link to water quality degradation in order to incentivize property owners to connect to city sewer while preserving the right not to extend that option to other areas that don't have a connection to water quality degradation.

The annexation discussion comes on the heels of a preliminary engineering report by Carver Engineering that stated the preferred alternative to address wastewater management in the Lion Mountain area is to extend city sewer to Lion Mountain and install individual packaged grinder pump systems at each residence.

Carver's report estimated the cost of extending sewer to Lion Mountain at \$2.9 million, plus about \$86,877 per year for operation and maintenance.

City Attorney Angie Jacobs outlined three annexation options to require or incentivize the Lion Mountain area to connect to city sewer.

n The city could conceivably annex the area using the annexation of contiguous land method cited in state law. That method allows property owners to protest annexation, however, and if a majority of property owners protest, the city can't move forward with annexation.

n A second option is deferred annexation with no trigger date, Jacobs' memo advised. The city could agree to refrain from annexing Lion Mountain for a period of time — 10 or 20 years — similar to what was done with the Big Mountain area. The deferral period would begin upon creation of a rural special improvement district, and would give residents of the affected area relief from increased property taxes for a guaranteed period of time during which they are paying the capital costs associated with the new sewer improvements, Jacobs explained.

The downside of deferred annexation is that while it might provide incentive to annex in the long run, there's no incentive to annex in a timely manner. Homes could remain on septic systems for years before petitioning for a rural special improvement district and exercising deferred annexation.

Also, Jacobs said, given the city's current policy to require property owners to consent to immediate annexation prior to connecting to city services, the city must articulate a valid reason for declining to follow its general policy with respect to Lion Mountain.

"Preventing further degradation of the water quality of Whitefish Lake would likely qualify as a valid reason," Jacobs said.

n A third option is deferred annexation with a trigger date of two to three years to help ensure a project is put together before the 2018 deadline for the next cycle of state grants.

"It provides an endpoint for connection rather than allowing the option of deferred annexation years in the future," Jacobs said.

n Finally, the city could agree to provide monetary reimbursement to Lion Mountain property owners for a limited time in exchange for their agreement to connect to city sewer.

In other business tonight, the council has three public hearings scheduled.

The first hearing is a conditional-use permit request from VFW Lion Mountain Post 276 for five new gaming machines.

A second hearing deals with the rezoning of 1.2 acres at 6232 U.S. 93 from county suburban agricultural to city agricultural zoning.

The final hearing will consider a six-lot subdivision at Haugen Heights proposed by Triple S Landgroup and Daniel Sheffer. The subdivision would contain four single-family homes and two townhouses.

A resolution to adopt the final environmental assessment for wastewater treatment plant improvements will be considered.

The council meets at 7:10 p.m. at the interim City Hall, 1005 Baker Ave. in Whitefish.

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