

Planning Board and Zoning Commission

City Hall Council Chambers at 5:30 PM on April 10, 2024

Virtual attendance: 2; In-person attendance: 8

1. Call to order – 5:30 p.m.
2. Roll call -
 - a. Bloomer chaired the meeting; DiBenedetto was absent
 - b. Westwood present and Marxer present virtually
 - c. All others present

Bloomer, President	DiBenedetto, Vice President (Absent)	Whistler	Foisy
Critelli	Olson	Conlee	

3. Minutes

The Board reviewed the draft minutes from the March 13, 2024, meeting. Whistler moved to approve the minutes and Foisy seconded the motion. Bloomer, Whistler, Foisy, Critelli, and Olson voted in favor; Conlee abstained (virtually attended only a portion of the meeting). Motion carried.
4. Communications from the Board
 - a. Urban Renewal Agency Update

Critelli: Summarized 4/2/24 meeting; agreed to request of Council the addition of two more members to the URA, bringing the total to seven (7) seats. Discussion followed regarding potential projects within the URD and outside of the URD.
 - b. City Council Representative Updates

Conlee: Provided updates from the 4/9/24 City Council meeting. Council approved Phases II-III of the stormwater project; may pursue grant funding for curb and gutter. Council is researching the potential annexation of three subdivisions outside of the City. Council voted to move forward abandoning a portion of Daly Avenue between lots 4 and 5. Mayor Westwood clarified that annexations go to Council for approval and the hearing for the Dale Avenue abandonment is scheduled for April 30 with Council.
 - c. County Representative Updates

Olson: No updates.
5. New Business
 - a. Planning Services RFP

Bloomer shared that three firms have submitted proposals for contract Planning Services, WWC Engineering, Interstate Engineering, and Stahly Engineering. The Committee has met with the

Mayor and provided input; next steps are with the Mayor and Council. Mayor Westwood stated that he heard loud and clear from the Committee that the Contract Planner needs to be in-person to provide services. Bloomer asked about a timeframe and the Mayor deferred to Marxer, who stated that the current contract expires April 14 but she will wrap up her services by the first of May.

b. Board Functioning

- i. Bloomer welcomed Pete Critelli to the Board for the duration of three years, citing his experience and involvement in the community as an asset to the Board.
- ii. Bloomer presented Polly Richter with a gift and acknowledgment of her service on the Planning Board.

6. Old Business

a. Beartooth Front Community Forum

Bloomer previewed the proposed May agenda for the Forum. Jerry Grebenc will facilitate/chair the event. All Board members requested to be present and facilitate different tabletop discussions. Discussion followed on potential topics.

The date of the Forum is May 11, 2024, from 9 am-1 pm.

The next Forum planning meeting is April 19th.

Whistler stated that they are looking at other co-facilitators, so Grebenc does not have to facilitate the entire event. Also looking at potentially eight tabletop discussions, running simultaneously. Olson asked if the tabletop discussions will include solution-based questions? Whistler responded that they will serve to open to the door to discussion. Grebenc will be guiding details of next steps and organize focus groups.

Bloomer stated that the tabletops will ask for input.

Conlee reminded the Board that the Growth Policy is a 5-year plan and should be open to all discussion.

Olson asked what is the focus of the event? Bloomer responded that the focus is how the City and County Growth Policies interface. Discussion followed about potential scenarios of how the Forum will flow and potential discussion questions/items.

Bloomer stated that the most important part of today's discussion is to confirm the Planning Board will have a presence at the event.

7. Written Correspondence

a. Staff Communication

Marxer provided an update on projects expected to come to the Board by the end of May.

b. Petitions and communications from the audience

Brent Moore- Hoping to work for the City as the Contract Planner.

8. Other Business

Mayor Westwood provided a history and summary discussion of Planning Board meeting minutes. He noted that there are many missing minutes, up to two years worth, and some of those have been drafted, some have been drafted but not approved, and some have not been drafted at all. Of the minutes that have been drafted, how or can we approve them at this point?

Bloomer stated that, as the Planning Board President, he takes some of the responsibility for not pushing to maintain the minutes, as he trusted they were being handled. Issues have

come up regarding specific projects that require referencing the minutes but many of the minutes do not exist. Open to ideas of how to handle the outstanding minutes.

Critelli asked if there are any pending issues that require past minutes? Bloomer responded yes but they have been mostly resolved. The Mayor added that ROD's have been located via different methods for most of these instances. Committed to hiring someone to go back and draft minutes, which may cost more for a firm to do this. But the bigger question is what to do with the drafts from almost two years ago, especially with a different Board membership? Discussion followed about challenges and ideas.

Critelli asked if there is a budget for this type of project? The Mayor responded that there is a budget. Critelli then asked if this would be overwhelming to a new Contract Planner? The Mayor responded that this would not be an assignment. Bloomer shared the concern for going back that far, as it relies on memory and there may be discrepancies in memory. Foisy expressed her concern is previous minutes from transcription were verbatim and lengthy. The Mayor stated that they do not need to be verbatim but instead legally sufficient. Foisy stated that she is leaning towards utilizing the recordings as the record but may need some minutes drafted for specific project reviews.

Whistler stated that she is also leaning towards using the recordings as the record.

Conlee suggested going through the agendas to prioritize which minutes need drafted. The Mayor responded that this has been done but the question remains what to do with the drafts once they are completed?

Olson asked if the minutes needed to be prioritized and instead could simply be drafted as needed or requested? Discussion followed.

Critelli stated that as long as the Board is acting in good faith, then drafting and providing minutes as requested should be sufficient.

Mayor Westwood reiterated that we are not recreating any documents, simply drafting or transcribing.

Board discussion suggested checking with the City Attorney about best way to move forward.

Whistler noted that it is important to inform the public, so they know where to look for recordings or where to ask. Mayor Westwood stated that the City is working toward making all recordings available online.

Discussion again followed about prioritizing agendas for drafting minutes vs drafting as issues arise. Mayor Westwood reiterated that he is committed to getting them done.

Bloomer suggested and the Board agreed that, moving forward, all minutes should be presented for review at the following Board meeting or no longer than 30 days after the meeting. Whistler asked if this should be added to the bylaws but Bloomer stated that this record should be sufficient.

9. Adjourned @ 6:18 p.m.

Ordinance NO. 917

An Ordinance establishing Title 12, Chapter 6 of the Red Lodge City Code concerning annexation of lands into the City of Red Lodge and modifying certain sections of Title 10 to be consistent with the new Title 12, Chapter 6

WHEREAS: Montana Code 7-2-42 establishes that local government has control over annexations of land to the City and the right to impose conditions upon such annexations, AND;

WHEREAS: The Red Lodge City Council recognizes that development just outside of the city limits can have significant impacts on the City, AND;

WHEREAS: The Red Lodge City Council has a responsibility to balance the benefits of expanded city limits with the costs of extending city services, AND;

WHEREAS: The Red Lodge City Council identified the need to develop a comprehensive and fair method for the consideration of proposed annexations to the City,

Now Therefore,

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF RED LODGE, MONTANA;

The previously existing Title 12, Chapter 6: Annexation is hereby repealed.

A new Title 12, Chapter 6: Annexation is hereby adopted as follows:

Chapter 6

Annexation

Section:

12-6-1: Purpose

12-6-2: Methods of Annexation

12-6-3: Goals

12-6-4: Implementation Policies and Criteria

12-6-5: Public Information

12-6-1: Purpose.

These annexation policies set forth a framework for phasing the growth of the City of Red Lodge. The primary goal of these policies is to ensure efficient delivery of adequate public services to new development as it occurs in a manner that is mutually beneficial to the City of Red Lodge, the citizens of the community, and the developers of land near the borders of the city. These policies aim to guide development outside, but near the City of Red Lodge, that is consistent with the values of this community. The Red Lodge Growth Policy, Red Lodge Zoning Regulations, Red Lodge Subdivision Regulations and Red Lodge Floodplain Regulations are the established documents.

12-6-2: Methods of Annexation

Montana Code provides five (5) general methods for the annexation of land into a municipality. (MCA Title 7 Chapter 2 Parts 42 – 47) MCA 7-2-42 establishes that the City Council of the City of Red Lodge has

control over annexations of land to the City and the right to impose conditions upon such annexations. The Council may in its discretion select one of the annexation procedures of parts 43 through 47, which is appropriate to the circumstances of the particular annexation. The Council must then follow procedures prescribed in the selected part. The Five (5) methods for annexation are:

1. Annexation of Contiguous Land (MCA 7-2-43)
2. Annexation of Contiguous Government Land (MCA 7-2-44)
3. Annexation of Wholly Surrounded Land (MCA 7-2-45)
4. Annexation by Petition (MCA 7-2-46)
5. Annexation With the Provision of Services (MCA 7-2-47)

12-6-3: Goals

Regardless of the method of annexation, the City shall pursue the following annexation goals when reviewing a proposed annexation. These goals are consistent with the Red Lodge Growth Policy.

1. Encourage the highest intensity of growth to locate within the City's corporate limits.
2. Encourage urban land development that is consistent with the Red Lodge Growth Policy and the existing zoning.
3. Ensure that adequate public services, facilities, parks, and publicly owned utilities are available to proposed and existing development with additional required infrastructure installed within a mutually agreed upon time period.
4. Encourage land use patterns that will increase the availability of appropriately priced housing for all economic segments of the Red Lodge population.
5. Supply sufficient, safe, suitable housing sites and housing supply to meet projected future housing needs for Red Lodge over the next ten (10) years.
6. Reduce impacts from flooding; encourage efficient stormwater management; and ensure the groundwater of Red Lodge is protected and preserved.
7. Ensure that the benefits provided to the newly annexed territory are consistent with the tax base received by the City to provide for those benefits and services.
8. Ensure the long-term availability of clean water supplies for the various needs of the City and its residents.
9. Ensure development patterns encourage efficient multi-modal transportation systems coordinated with regional, City and County transportation plans.
10. Inform the public of all annexation proceedings, in full accordance with state law.
11. Consider citizens' concerns during the annexation process.

12-6-4: Implementation Policies and Criteria

- A. Timing of annexation proposals will be determined based on what is most beneficial to the citizens of the community, including incorporated areas and unincorporated areas within reasonable distance or adjacent to corporate limits which are consistent with the Growth Policy and Zoning Regulations.
- B. **Required Material.** The annexation request shall include a description of the proposed area for annexation, a map depicting the proposed annexation area, a list of all property owners in the territory proposed for annexation including a mailing address for each, a legal description and/or geocode for every parcel within the proposed annexation area, a general description of proposed public improvements, and an application fee.
- C. **Fees.** A fee shall be charged for any petition for annexation. These fees must be paid at the time of petition. The fee schedule shall be established by resolution. No fees shall be charged for any annexation proceeding initiated by the City.
- D. **Municipal Boundaries**
 - 1. The City of Red Lodge will only approve annexations that are contiguous with the existing City boundaries or within ¼ mile of the existing contiguous boundaries of the City and which are consistent with the Growth Policy and Zoning Regulations.
 - 2. To maintain efficient provision of city services, Red Lodge will discourage annexations that would result in irregular city boundaries.
 - 3. **Unincorporated Islands (Wholly Surrounded Lands)**
 - a. The City of Red Lodge should actively pursue annexation of unincorporated islands within its urban growth and Planning Jurisdiction Boundaries.
 - b. To the extent possible, Red Lodge will not allow annexations that create new unincorporated islands or unincorporated areas substantially surrounded by annexed areas.
 - c. The City of Red Lodge will approve annexations that lessen the size of existing unincorporated islands if it is not feasible to annex the entire island.
 - 4. Annexations will include the largest reasonable area contiguous to city limits that still results in logical city boundaries.
- E. **Comprehensive Planning and Zoning**
 - 1. **Consolidation of Development Applications.** The applicant(s) for annexation may consolidate development applications, such as subdivision, planned unit development, design review, sign permits, conditional use permit(s), and amendment to the Red Lodge Growth Policy, with an application for annexation. Consolidated development applications shall include all application submittal

materials required by each development application and shall follow the strictest procedures and noticing requirements of the relevant applications. The total application fee for consolidated development applications shall be the sum of fees for each development application.

2. Lands developed outside of the City Limits in a manner inconsistent with the relevant zoning and / or the Red Lodge Growth Policy shall be required to bring such developments into compliance with Growth Policy Goals and the zoning before annexation may be approved.
3. Land use designations assigned at the time of annexation will be continued on annexed properties for at least one (1) year following annexation.

F. Extension of Services

1. Red Lodge will support extensions of public water and sewer services only to areas annexed into the city. Such services shall not be provided beyond the city limits. This ordinance shall have no impact upon agreements for services beyond the city limits established and filed before the passage of this ordinance.
2. Owners of unincorporated properties must annex to receive City water or sewer service if the properties are contiguous to city limits and are configured in a manner that conforms to annexation policies.
3. Red Lodge will consider the existing boundaries of special purpose districts when reviewing annexation proposals. Affected districts will be notified and provided the opportunity to comment on annexation proposals.
4. Annexation proposals that include property proposed for development that will require connection to City Utilities such as water, wastewater, or stormwater shall include engineering plans for such connection for City approval at the time of annexation petition.

G. Public Hearing

1. The Planning Board and the City Council shall both hold public hearings on the proposed annexation and development. The City Council shall hold final decision making authority on the annexation. All other related permits and approvals shall be determined by the entities that normally have those authorities. All annexation proceedings will be conducted in full accordance with state law and 12-4.9 of the Red Lodge Zoning Regulations
2. **Coordinated Zoning Hearing.** In accordance with MCA § 76-2-303(3), the City may conduct an annexation hearing in conjunction with a hearing on the zoning of the proposed annexation, provided that the proposed municipal zoning regulations for the annexed property are consistent with the Red Lodge Growth Policy.

3. **Coordinated Hearings.** In accordance with MCA § 76-3-601(2)(d), when a proposed subdivision in the County is also proposed for annexation to Red Lodge, the Council, by and through the administrator and the Planning Board, shall coordinate the subdivision review and annexation procedures as well as any other related applications to minimize duplication of hearings, reports, and other requirements whenever possible.

H. Approval

1. The Planning Board shall make a recommendation and the City Council may approve, deny, or approve with conditions any proposed annexation.
2. At the public hearings, the following criteria shall be evaluated by both the Planning Board and the City Council. Conditions of approval may be imposed based on the criteria, the goals stated in 12-6-3, or other circumstances / impacts that warrant mitigation.
 - a. Does the proposal encourage the highest intensity of growth to locate within the City's corporate limits? If the highest intensity of growth is just outside the City, the corporate limits may be expanded to bring that growth within the jurisdiction of the City.
 - b. Does the proposal compliment urban growth within the city limits with appropriate development of land already within the City based on the existing zoning? Proposals that include development of lands on the edges of the City while vacating existing parts of the City should be discouraged.
 - c. Does the proposal ensure that adequate public services, facilities, parks, and publicly owned utilities are available to proposed and existing development with additional required infrastructure installed within a mutually agreed upon time period? Any park lands within the proposed annexation area must be deeded to either the City or the County. Bonds for the satisfactory completion of infrastructure, Special Improvement Districts (SIDs) for the installation or improvement of infrastructure, or waivers of the right to protest SIDs for such improvements may be required. Such SIDs may not be removed until all associated infrastructure is satisfactorily completed.
 - d. Does the proposal encourage land use patterns that will increase the availability of appropriately priced housing for all economic segments of the Red Lodge population?
 - e. Does the proposal help to supply sufficient, safe, suitable housing sites and housing supply to meet projected future housing needs for Red Lodge over the next ten (10) years?

- f. Does the proposal reduce impacts from flooding; provide efficient stormwater management; and ensure the groundwater of Red Lodge is protected and preserved?
 - g. Does the proposal provide for a reasonable balance of required services and new tax revenue to pay for those services? The Planning Board and the City Council shall consider a cost/benefit analysis to ensure that the City is not taking on unfunded liabilities or over-extending its infrastructure. New liabilities and extensions of infrastructure must be accompanied by a reasonable expectation of new revenue to pay for such expenses including not only construction but also ongoing operations and maintenance. Such a cost/benefit analysis should be primarily for the purpose of determining appropriate annexation boundaries and timing, and may analyze several alternatives to provide a range of options.
 - h. Does the proposal place demands upon the City's water supply that cannot be provided? If the proposed annexation creates demands for water that cannot be provided, the petition may be denied. Any water rights associated with any land proposed for annexation that may be potentially suitable for use within the city's public water system shall be transferred to the City as a condition of approval. This determination shall be made by the City Council with advice from the Public Works Director.
 - i. Does the proposal provide development patterns that will encourage efficient multi-modal transportation systems are coordinated with regional, City and County transportation plans?
3. All conditions of approval of the annexation must be met before either a final plat may be filed or a building permit may be issued, unless other timelines are stipulated within the condition of approval.

12-6-5: Public Information

The City of Red Lodge will make available to any interested person annexation information sheets that explain the process and benefits of annexing into the City of Red Lodge.

The following sections of Title 10 of the City Code are hereby modified as indicated below to maintain consistency with the new Title 12, Chapter 6:

10-3-5 Service Application Prerequisites.

An application to establish an account for City water/wastewater service shall be accepted by the utility only for property that:

- A. Is located within the utility's water and/or wastewater service area;
- B. Fronts and abuts a public water line and/or public sanitary sewer;
- C. Has a water/wastewater service line stubbed to the property line of the property to be served;

- D. Has building and yard plumbing meeting the requirements of the latest edition of the uniform plumbing code;
- E. Has filed with the County Clerk and Recorder an annexation agreement if the property to be served is located outside the City limits and has provided evidence of such filing to the utility (Only annexation agreements for the extension of water or sewer established before 2015 apply, In accordance with 12-6-4 (F-1), the city shall not provide additional services beyond the city limits); and
- F. Has paid to the utility all applicable construction fees, impact fees, and permit fees. (Ord. 835, 5-12-1998)

10-14-3 Annexation Requirements.

- A. Annexation Required: As required in 12-6-4(F-1), all properties to be included within the water and/or wastewater service areas shall be annexed.
- B. Petition: A prospective applicant shall first petition the City to annex the property involved prior to submission of a water and/or wastewater service area enlargement application. The City Council shall then consider such petition.
- C. Notice of City Action: The City shall notify, in writing, the prospective applicant of denial of annexation and approval or denial of enlargement of the service area. If approved the applicant shall be notified as to when the requirements set forth in this section have been satisfactorily completed and when said applicant is authorized to proceed with the service area enlargement application. (Ord. 835, 5-12-1998)

10-14-5 Prerequisites to Application.

The following conditions shall be met prior to making application for enlargement of the water and/or wastewater service areas:

- A. The property at the time the application is filed:
 - 1. Shall be contiguous to the boundary of the water and/or wastewater service areas as same exists;
 - 2. Shall entirely fall under the City’s Growth Policy.
- B. Applicant shall complete annexation requirements.
- C. Provided, that should a state or federal governmental entity, as a condition of providing funds or grants, require that service be extended to other areas outside the scope of this section, the City Council may, upon receipt of application for waiver and upon a proper showing, waive the requirements of this section.

Information concerning the prerequisite conditions set forth in this section may be obtained from the City Clerk during normal working hours at the City Hall. (Ord. 835, 5-12-1998)

10-14-7 Public Hearing.

At the time of completion of annexation, the annexed territory shall automatically be included in the service area. Public hearings for such annexation shall be held as defined in 12-6-4 (G)

10-15-19 (RESERVED)

Effective Date.

This ordinance shall be effective 30-days after approval of second reading by the Red Lodge City Council.


Be It Ordained By the Council Members of the City of Red Lodge.


First Reading by the Council on the 26th day of May 2015.

Second Reading by the Council on the 9th day of June 2015

PASSED AND APPROVED BY NO LESS THAN FOUR MEMBERS OF THE RED LODGE CITY COUNCIL THIS 9th DAY OF JUNE 2015.

The City of Red Lodge

By: 
Ed Williams, Mayor

Attest: 
Loni Hanson, City Clerk

Annexation by Petition, 7-2-46

Governing Body adopts Resolution for Extension of Services Plan per MCA 7-2-4732



Preapplication Conference

Petition must have signatures of at least 1/3 of residents in annex per MCA 7-2-4601



Petition Recieved at City

Review Criteria:
Compliance with Extension of Services Plan
Initial Zoning Review
Recommend Approval or Denial

Preliminary Plat or Site Plan Review



No Proceedings for One Year

NO

> 50% Owners Vote in Favor?

YES

Notice an Election of Residents

NO

> 50% Owner Signatures?

YES

Pass Resolution

File Resolution with Clerk and Recorder



Montana Code Annotated 2023

TITLE 7. LOCAL GOVERNMENT

CHAPTER 2. CREATION, ALTERATION, AND ABANDONMENT OF LOCAL GOVERNMENTS

Part 47. Annexation With the Provision of Services

- [7-2-4701 Short title](#)
- [7-2-4702 Findings](#)
- [7-2-4703 Purpose](#)
- [7-2-4704 Definitions](#)
- [7-2-4705 Annexation by municipalities providing services](#)
- [7-2-4706 Appeal if municipal governing body fails to act on petition](#)
- [7-2-4707 Resolution of intention to annex](#)
- [7-2-4708 Notice of hearing](#)
- [7-2-4709 Hearing on question of annexation](#)
- [7-2-4710 Protest](#)
- [7-2-4711 Ordinance of annexation](#)
- [7-2-4712 Contents of ordinance of annexation](#)
- [7-2-4713 Effective date of annexation](#)
- [7-2-4714 Filing of annexation order](#)
- [7-2-4715 Simultaneous proceedings for several areas](#)
- [7-2-4716 Effect of annexation](#)
- [7-2-4717 Certain expenditures authorized](#)
- [7-2-4718 Construction](#)
- [7-2-4719 through 7-2-4730 reserved](#)
- [7-2-4731 Plans and report on extension of services required -- consultation with county](#)
- [7-2-4732 Contents of plan for extension of services](#)
- [7-2-4733 Vote required on proposed capital improvements](#)
- [7-2-4734 Standards to be met before annexation can occur](#)
- [7-2-4735 Guidelines for new boundaries of municipality](#)
- [7-2-4736 Preservation of existing garbage or solid waste service in event of annexation](#)
- [7-2-4737 through 7-2-4740 reserved](#)
- [7-2-4741 Right to court review when area annexed](#)
- [7-2-4742 Court review and decision when area annexed](#)
- [7-2-4743 Presumption that municipal actions lawful](#)
- [7-2-4744 Appeal from district court](#)
- [7-2-4745 Effect of appeal on effective date of annexation](#)
- [7-2-4746 Appeal provisions exclusive](#)
- [7-2-4747 through 7-2-4750 reserved](#)
- [7-2-4751 Right to court review when area not annexed](#)
- [7-2-4752 Court review and decision when area not annexed](#)
- [7-2-4753 through 7-2-4760 reserved](#)
- [7-2-4761 When land conclusively presumed to be annexed](#)

Annexation By Municipalities Providing Services

7-2-4705. Annexation by municipalities providing services. (1) The governing body of any municipality may extend the corporate limits of the municipality under the procedure set forth in this part upon the initiation of the procedure by the governing body itself.

(2) Whenever the owners of real property situated outside the corporate boundaries of any municipality, but contiguous to the municipality, desire to have real estate annexed to the municipality, they shall file with the governing body of the municipality a petition bearing the signatures of 51% of the real property owners of the area sought to be annexed and requesting a resolution stating that the municipality intends to consider annexation. Upon passage of the resolution, the governing body shall follow the procedure in **7-2-4707** through **7-2-4713** and **7-2-4731**(3).

Resolution Of Intention To Annex

7-2-4707. Resolution of intention to annex. The governing body of any municipality desiring to annex territory under the provisions of this part shall first pass a resolution stating the intent of the municipality to consider annexation. Such resolution shall describe the boundaries of the area under consideration and fix a date for a public hearing on the question of annexation, the date for such public hearing to be not less than 30 days and not more than 60 days following passage of the resolution.

Notice Of Hearing

7-2-4708. Notice of hearing. The notice of public hearing must:

(1) be published as provided in **7-1-4127**;

(2) describe clearly the boundaries of the area under consideration; and

(3) state that the report required in **7-2-4731** will be available in the office of the municipal official designated by the governing body at least 14 days prior to the date of the public hearing.

Hearing On Question Of Annexation

7-2-4709. Hearing on question of annexation. (1) At the public hearing, a representative of the municipality as designated by the governing body shall first make an explanation of the report required in **7-2-4731**.

(2) Following such explanation, all persons resident or owning property in the territory described in the notice of public hearing and all residents of the municipality shall be given an opportunity to be heard.

Protest

7-2-4710. Protest. (1) For a period of 45 days after the public hearing provided for in **7-2-4707** through **7-2-4709**, the governing body of the municipality shall accept written comments approving or disapproving the proposed annexation from real property owners of the area proposed to be annexed.

(2) If a majority of the real property owners disapprove of the proposed annexation in writing, further proceedings under this part relating to the area or any part of the area proposed to be annexed may not be considered or acted upon by the governing body on its own initiative, without petition, for a period of 1 year from the date of disapproval.

Ordinance Of Annexation

7-2-4711. Ordinance of annexation. The municipal governing body shall take into consideration facts presented at the public hearing and shall have authority to amend the report required by **7-2-4731** and to make changes in the plans for serving the area proposed to be annexed so long as such changes meet the requirements of **7-2-4731** through **7-2-4733**. At any regular or special meeting held no sooner than 7 days and no later than 60 days

following such public hearing, the governing body shall have authority to adopt an ordinance extending the corporate limits of the municipality to include all or such part of the area described in the notice of public hearing which meets the requirements of **7-2-4734** and **7-2-4735** and which the governing body has concluded should be annexed.

Contents Of Ordinance Of Annexation

7-2-4712. Contents of ordinance of annexation. (1) The ordinance shall:

(a) contain specific findings showing that the area to be annexed meets the requirements of **7-2-4734** and **7-2-4735**;

(b) contain a statement of the intent of the municipality to provide services to the area being annexed as set forth in the report required by **7-2-4731**; and

(c) fix the effective date of annexation.

(2) The external boundaries of the area to be annexed shall be described by metes and bounds.

Effective Date Of Annexation

7-2-4713. Effective date of annexation. The effective date of annexation may be fixed for any date within 12 months from the date of passage of the ordinance.

Plans And Report On Extension Of Services Required -- Consultation With County

7-2-4731. Plans and report on extension of services required -- consultation with county. (1) A municipality exercising authority under this part shall make plans for the extension of services to the area proposed to be annexed and shall, prior to the public hearing provided for in **7-2-4707** through **7-2-4709**, prepare a report setting forth its plans to provide services to the area proposed to be annexed. The report must include:

(a) a map or maps of the municipality and adjacent territory to show the following information:

(i) the present and proposed boundaries of the municipality;

(ii) the present streets, major trunk water mains, sewer interceptors and outfalls, and other utility lines and the proposed extension of the streets and utility lines as required in subsection (1)(c); and

(iii) the general land use pattern in the areas to be annexed;

(b) a statement showing that the area to be annexed meets the requirements of **7-2-4734** and **7-2-4735**;

(c) a statement setting forth the plans of the municipality for extending to the area to be annexed each major municipal service performed within the municipality at the time of annexation.

(2) Prior to making plans for the extension of services pursuant to subsection (1), the municipality shall provide notice of its decision to exercise its authority under this part to the county. If requested by the county, the municipality shall consult with the county governing body or its representatives to coordinate the orderly transfer of services.

(3) At least 14 days before the date of the public hearing provided for in **7-2-4707** through **7-2-4709**, the governing body of the municipality shall approve the report and make the report available to the public at the office of the municipal official designated by the governing body. In addition, the municipality may prepare a summary of the full report for public distribution.

Contents Of Plan For Extension Of Services

7-2-4732. Contents of plan for extension of services. (1) The plans for the extension of services must provide a long-range plan for extension of services and the acquisition of properties outside the corporate limits. This plan

must show anticipated development a minimum of 5 years into the future, showing on a yearly basis how the municipality plans to extend services and develop and add sections to the city.

(2) The plans must:

(a) provide for extending police protection, fire protection, garbage collection, and streets and street maintenance services to the area to be annexed on substantially the same basis and in the same manner as those services are provided within the rest of the municipality prior to annexation;

(b) provide for future extension of streets and major trunk water mains, sewer outfall lines, and other utility services into the area to be annexed, so that when the streets and utility lines become necessary and are constructed, property owners in the area to be annexed will be able to secure the services, according to the policies in effect in the municipality for extending the services to individual lots or subdivisions;

(c) if extension of streets and water, sewer, or other utility lines into the area to be annexed is necessary, set forth a proposed timetable for construction of the streets and utility lines.

(3) A method must be set forth by which the municipality plans to finance extension of services into the area to be annexed. If the area is serviced currently by adequate water and sewage services, streets, curbs, and gutters and capital improvements are not needed to provide adequate services stipulated by this section and **7-2-4731**, the municipality shall provide the area to be annexed with a plan of how they plan to finance other services to be included within the district--mainly, police protection, fire protection, garbage collection, street, and street maintenance services, as well as continued utility service.

(4) In this annexation plan, it must be clearly stated that the entire municipality tends to share the tax burden for these services, and if so, the area may be annexed without a bond issue under the provisions of this part.

(5) If a county, special district, or improvement district currently provides services to the area to be annexed, the plan must provide specific steps for the orderly transfer of those services, including police protection, fire protection, garbage collection, street and street maintenance services, and utility services. The plan for the transfer of services must be developed in consultation with the governing body of the county and with any other departments of the county, special districts, or improvement districts that have been providing services to the area proposed to be annexed.

Standards To Be Met Before Annexation Can Occur

7-2-4734. Standards to be met before annexation can occur. A municipal governing body may extend the municipal corporate limits to include any area that meets the following standards:

(1) The area must be contiguous to the municipality's boundaries at the time the annexation proceeding is begun.

(2) No part of the area may be included within the boundary of another incorporated municipality.

(3) The area must be included within and the proposed annexation must conform to a growth policy adopted pursuant to Title 76, chapter 1.

(4) (a) If fire protection services in the area to be annexed have been provided by a fire district organized under Title 7, chapter 33, part 21, the plan must:

(i) include provisions for coordinating the transfer of fire protection services to the municipality and compensating the district, if necessary, for equipment and district expenses; or

(ii) describe the municipality's plans to annex to the rural fire district pursuant to **7-33-4115**.

(b) Upon transfer of fire protection services to a municipality under subsection (4)(a)(i), the existing boundaries of a rural fire district may be altered or the fire district may be dissolved as provided in **7-33-2401**.

Montana Code Annotated 2023

TITLE 7. LOCAL GOVERNMENT

CHAPTER 2. CREATION, ALTERATION, AND ABANDONMENT OF LOCAL GOVERNMENTS

Part 48. Exclusion of Land

- [7-2-4801 Use of terms contiguous and adjacent](#)
- [7-2-4802 Exclusion of land from municipalities](#)
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- [7-2-4809 Liability of excluded territory for existing indebtedness](#)
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Exclusion Of Land From Municipalities

7-2-4802. Exclusion of land from municipalities. The boundaries of any incorporated city or town of this state may be altered and a portion of the territory thereof excluded therefrom, and the councils of such cities and towns are hereby granted power to enact resolutions for that purpose after proceedings had as required in this part.

Petition To Exclude Land

7-2-4803. Petition to exclude land. (1) A petition in writing, signed by a number of the qualified electors residing within the corporate limits of such city or town equal to a majority of the votes cast at the last city election held therein or by the owners of not less than three-fourths in value of the territory sought to be excluded, shall be filed with the clerk of such city or town.

(2) Such petition shall be presented to the council of such city or town at the next regular meeting after the filing thereof.

Contents Of Petition

7-2-4804. Contents of petition. (1) Such petition shall set out and describe the territory to be excluded from the corporate limits, which territory must be on the border of such city or town, and the alteration of the boundaries desired by the petitioners, together with the boundaries of the city or town as it will exist after such change is made. Said petition shall also describe the streets, avenues, alleys, and public places, if any, in the territory sought to be excluded and shall distinctly specify which of said streets, avenues, alleys, or public places are to be retained for the use of the public after the territory has been excluded from the corporate limits of such city or town.

(2) Such petition shall pray that the council of such city or town shall enact a resolution altering the boundaries of such city or town and excluding therefrom the territory therein described.

Resolution Of Intent To Exclude Land -- Notice

7-2-4805. Resolution of intent to exclude land -- notice. If the council by resolution finds that the petition is signed by the requisite number of qualified electors of the city or town or by the owners of not less than three-fourths in value of the territory to be excluded, that the territory petitioned to be excluded is within the corporate limits and on the border of the corporate limits, and that the granting of the petition is in the best interest of the city or town and the inhabitants and will not materially mar the symmetry of the city or town, the city or town clerk shall publish a notice as provided in **7-1-4127**.

Contents Of Notice -- Protest Period

7-2-4806. Contents of notice -- protest period. The notice shall be to the effect that:

(1) such resolution has been duly and regularly passed; and

(2) for a period of 20 days after the first publication of such notice, such city or town clerk will receive from the owners of the territory proposed to be excluded expressions of approval or disapproval, in writing, of the proposed alterations of the boundaries of such city or town by the exclusion of the territory petitioned to be excluded.

Hearing On Question Of Exclusion -- Resolution Of Exclusion

7-2-4807. Hearing on question of exclusion -- resolution of exclusion. (1) The clerk shall, at the next regular meeting of the city or town council after expiration of the 20 days, provide the council with all written communications received by the clerk for its consideration. If after considering the communications the council adopts a resolution to that effect, the boundaries of the city or town must be altered to exclude the territory described in the petition. The resolution must also describe the streets, avenues, alleys, and public places in the excluded territory that are to be vacated and abandoned.

(2) The resolution becomes effective 30 days after its passage and approval, and the boundary of the city or town is as set forth in the resolution.

(3) The resolution may not be finally adopted by the council after written disapproval by a majority of the owners in value of the territory proposed to be excluded or after written disapproval or protest by a majority of the owners in value of property within the corporate limits of the city or town immediately adjacent and contiguous to the territory sought to be excluded.

Resolution And Revised Municipal Map To Be Filed

7-2-4808. Resolution and revised municipal map to be filed. (1) Within 30 days after the passage and approval of said resolution, a copy thereof, duly certified by the clerk of said city or town, together with a map showing the corporate limits of said city or town as altered and changed, shall be filed in the office of the county clerk and recorder of the county in which said city or town is located.

(2) Upon the filing of the certified copy of the resolution, all such streets, avenues, alleys, and public places to be abandoned or vacated, unless expressly excepted in said resolution, shall be deemed to be vacated and abandoned and the title thereto shall revert to the owners of the adjacent property.