

## RESOLUTION NO. 2022-10

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BOULDER, MONTANA ESTABLISHING A SERVICE PLAN FOR FUTURE ANNEXATIONS AS REQUIRED UNDER MONTANA CODES ANNOTATED TITLE 7, CHAPTER 2, PART 46 "ANNEXATION BY PETITION" AND PART 47 "ANNEXATION WITH PROVISION OF SERVICES."

### A. Introduction

**Whereas**, the City of Boulder hereby recognizes that Montana State law has established municipal governments for the purpose of providing local government municipal services essential for sound urban development of communities as well as for the protection of health, safety and welfare in areas either already being intensively used or undergoing development for residential, commercial, industrial, institutional and governmental purposes.

"Historically, the purpose of Montana's annexation statutes has been simply to provide expanding communities with:

1. a united and effective single form of government;
2. orderly growth through uniform regulations such as building codes, planning, and zoning standards; and
3. an equal sharing of community resources and financial responsibility for those resources by people living in an area united by social, political, and economic interests. (From Montana's Annexation Laws: An Evaluation, November 1980, Montana Legislative Council)."

### B. Long Range Plan

As required by MCA 7-2-4732, this plan anticipates development for a period of at least five years into the future. The City of Boulder completed a Capital Improvement Plan (CIP) in 2019 that identified, evaluated, and prioritized the City's capital improvement and infrastructure needs. 2020 data from the US Census Bureau estimated the City of Boulder's population at 1,201. It is projected that the City could reach a population of 1,278 by 2027 using a one (1) percent annual growth rate. Studies such as those noted below, if available, should be consulted when reviewing proposed annexations.

1. Sewer - The City's sewage treatment facility constructed and operational in 2015 can serve a population of 1,590.
2. Water - The City currently has four wells with which could produce a supply to service a population of approximately 1,800. Since 2010 one well was disconnected from the system which decreased the supply and the service population to less than 1,400. A subsequent reclassification of one of the current wells by the Montana DEQ in 2020 has reduced the daily supply service population to under 1,000 with the use of two wells, though the third well could be reconnected in an emergency. The City completed a Water System Preliminary Engineering

Report (PER) in December 2021 evaluating the current system and proposing system improvements to address identified deficiencies in the water supply and storage. Current planned improvements to the City's water supply, treatment, and storage capacity is projected to serve a population of approximately 1,536.

3. Roads – Future road extensions shall be designed to accommodate projected demand in compliance with the City's Subdivision Regulations and Road and Street Standards. Where possible, improvements to existing roadways or logical extensions of the city's street network will be required and anticipated to be incorporated in any proposed subdivision or annexation request by the developer. The City's CIP identified the need for the City to perform a detailed survey and analysis of the existing roads and streets and their condition to develop a plan for systematic street rehabilitation and establish the traffic capacity of current roads.
4. Service Providers – Fire and ambulance services are provided by volunteer departments. Currently, members for both services are less than optimal. The City is researching other available alternatives for ambulance services to ensure the community is receiving the most effective, efficient, and economical care. The City currently contracts with the Jefferson County Sheriff's Office to provide law enforcement services. The High School has had a substantial increase in enrollment over the past several years. A bond levy for a multi-million-dollar school expansion and upgrade project was approved by voters in 2021.

### **C. Areas Considered for Annexation**

Currently there are numerous areas adjacent to and lying on the perimeter of the City of Boulder that are natural extensions of the City but which are not presently located within the corporate boundaries of the City. Some of these areas are already extensively developed and are deriving benefits from the City of Boulder without paying their just and equal share for these municipal services. Other areas are not extensively developed but, given the current growth trends in the Boulder area, these areas will be attractive for future development. It is the policy of the City of Boulder that properties outside of the City shall not be connected to the City's water and sewer system without annexation. In an effort to keep time and costs to a minimum, the City requires that the zoning process occurs concurrently with the annexation. The City of Boulder will attempt to timely consider any property owner petition requesting annexation of land that is contiguous with the City and eligible for annexation in accordance with State statutes. Furthermore, the City of Boulder plans to consider annexation of new subdivision developments in a timely manner whenever a developer submits a development proposal to the City for annexation.

1. North – Within the next five (5) years, the City anticipates some potential for A commercial or industrial area north of the interstate has been discussed and pursued within the past five years.

2. South - Within the next five (5) years, the City anticipates growth in the area referred to as the MDC south campus. Preliminary conceptual drawings from the Jefferson Local Development Corporation outline potential construction of multiple businesses and up to 280 residential single-family and multi-family dwelling units.

3. East – Within the next five (5) years, the City anticipates approximately 41 single-family homes to be constructed in the Fuller Subdivision. The City recently approved a 15-home subdivision with construction slated to begin in the immediate future. An additional 26 lots are expected to be annexed within the next 3-5 years, with construction of single-family homes taking place at the same time.

4. West - Within the next five (5) years, the City anticipates construction of several multi-family units on an approximate 7-acre parcel already located within the city limits boundary. Another developer has proposed the development of eight condo buildings, with each building housing four units. There may also be up to 5 single-family homes constructed on vacant city lots in this same area. There is potential for some additional development to the west along Old Highway 91 though no plan has been identified at this time.

5. The current map of the City of Boulder will be used as a reference guide and will be reconsidered at least every ten (10) years, or upon a request for annexation. It will be identified as "Exhibit A" herein. Annexation may result in an updated or altered map to reflect any change in land use needs. The updated map will not require a re-adoption of this policy. As the map is updated (based on annexation, and as infrastructure is expanded), future annexations will be based upon the most current adopted map.

**D. Petition(s) for Annexation: Title 7, Chapter 2, Part 46**

If a property owner(s) petitions the City to have property annexed into the City pursuant to MCA Title 7, Chapter 2, Part 46, the property owner(s) shall submit a petition(s) for annexation form attached hereto as "Exhibit B" including payment of the most current fees and charges included therein. The petitioner(s) shall also provide the City with the following:

1. A map depicting all the tracts of land proposed for annexation.
2. A certified list with the legal description, and names and mailing addresses of the owner(s) of each tract of land in the area proposed for annexation, obtained from the records of the Jefferson County Clerk and Recorder, or a licensed title company.
3. Concurrent with a petition for annexation, the petitioner shall also propose one or more zoning designations for the property to be annexed, and a site plan or preliminary plat indicating the sizes of lots, proposed land uses and density of development anticipated for the property.

**E. Municipal Services to Annexed Land (Annexation with the Provision of Services, Title 7, Chapter 2, Part 47)**

1. It is the plan of the City of Boulder that within a reasonable time, (generally not to exceed five years), municipal services will be available to property that is annexed on substantially the same basis and in the same manner as such services are available to the rest of the municipality. If it is likely that the area proposed to be annexed will not have municipal services available within a reasonable time, the area should not be annexed.
2. All property owners located in a newly annexed area will be required to comply with all City, State, and Federal laws, statutes, regulations, ordinances, and resolutions, including but not limited to, zoning, building codes, fire prevention ordinance and fire codes, fireworks ordinances, dog license ordinance, business license ordinance, and all other laws, statutes, regulations, ordinances, and resolutions.

**F. General Policies for Providing Services to Annexed Property**

1. The City plans to generally provide municipal services of police, fire, street maintenance, parks and recreation and all general administrative services of the City of Boulder to annexed property immediately upon annexation. The financial cost of extending such services shall generally be shared by the entire municipality through municipal revenues allocated and expended pursuant to the City's annual budget adopted each fiscal year. No new City-wide bond issue is planned for the sole purpose of financing municipal services to annexed areas. Parcels annexed into the City will be required to enter into any existing City-wide Street Maintenance District and may be required to enter into an existing or future street lighting district, or other such district established or to be established.
2. The developer(s) or property owner(s) of annexed property will be required to construct all infrastructure improvements, including but not limited to: water lines, sewer lines, fire hydrants, reservoirs, pump stations, lift stations, culverts, drainage systems, roadways, sidewalks, street lighting, traffic control devices, street name signs, and such other improvements as may be required by the City, at the developer's or property owner's expense. The infrastructure improvements will be constructed in accordance with the City of Boulder's Subdivision Regulations, City of Boulder's Road & Street Standards, and the most recent edition of the Montana Public Works Standard Specifications, as applicable. The infrastructure improvements shall be in compliance with applicable codes and standards and be of adequate size and design to accommodate the needs of the proposed development. All proposed infrastructure shall be reviewed and approved by the City Engineer, and as-built drawings, as required by the City Engineer, shall be submitted to the City prior to final acceptance of the infrastructure.
3. The developer(s) or property owner(s) shall be responsible for providing fire protection appurtenances and required water flow pressures and volume, at the developer's or property owner's expense, as required by the applicable Fire Code



enforced by the City and reviewed and approved by the City Fire Chief, based on the use of land and the type of construction employed.

4. Sewer systems shall be designed in such a manner as to avoid the requirement for lift stations, if feasible.
5. Properties proposed for development in areas which do not have immediate access to City water and/or sewer, but where services are in close proximity, may be required to install dry sewer lines in anticipation of the extension of City water and sewer into the area within a reasonable time, generally not to exceed five years. Once adequate water and sewer facilities are within 200 feet of the site, or if a new subdivision lot is within 500 feet of City water and sewer, connection may be required at the property owner's or developer's expense.
6. As new City streets are constructed, and as existing streets are improved, storm drainage infrastructure shall be installed or improved to City, State Department of Environmental Quality (DEQ), and Environmental Protection Agency (EPA) standards. It is the responsibility of the developer(s) or property owner(s) to convey storm water from their property to an appropriate point of disposal as approved by the City Engineer. If there is no storm water conveyance system available to the site, storm water generated as a result of the development shall be retained on site in accordance with applicable DEQ and EPA regulations. Generally, the quantity and rate of runoff from a developed parcel cannot exceed that which would occur had the property remained undeveloped.
7. The developer(s) or property owner(s) shall provide all necessary right-of-way and/or easements, or additional right-of-way or easements if less than adequate right-of-way or easements exist in property proposed for annexation.
8. In areas served by the City water system, the City may require the developer(s) or property owner(s) to properly abandon existing wells in accordance with DEQ regulations by qualified personnel. Furthermore, the City may require existing water rights to be transferred to the City.

#### **G. Policies for Providing Services in Existing Developed Areas**

1. As a general policy, property that is proposed for annexation that has existing infrastructure shall be required to upgrade the infrastructure to City standards as a condition of annexation.
2. Prior to annexation, the City may require the developer(s) or property owner(s) to provide the City with a report describing the following:
  - a. The approximate year or period in which the existing area was developed.
  - b. The location, size, and condition of the existing infrastructure, including but not limited to, water and sewer lines, fire hydrants, streets, and storm drainage.
  - c. The size and location and legal purpose of all existing rights-of-way and easements.
  - d. The report shall also include the estimated costs associated with correcting the deficiencies and bringing the utility or improvement to City standards. The City may require such a report to be prepared by a professional engineer at the cost of the developer(s) or property owner(s).
3. In certain instances, it may be appropriate to require areas within the City limits, including recently annexed areas, to connect to City services which are available over a stated period of time, generally not to exceed five years. This would provide

the opportunity to phase out individual and private systems utilizing on-site facilities or other antiquated systems, which operate at a marginal level, and which may not be compatible with City Standards.

#### **H. Site Infrastructure Requirements**

1. Pursuant to 7-6-1602, MCA, if annexation creates impacts requiring off-site infrastructure improvements, the developer(s) or property owner(s) of the property proposed for annexation will be responsible for bearing the costs of such improvements, unless otherwise determined by the City Council.
2. The City may require reimbursement from a developer(s) or property owner(s) for City financed infrastructure that was installed in anticipation of future development on property that is proposed for annexation.
3. It shall be the responsibility of the developer(s) or property owner(s) to extend all roadways and utilities from the existing City facilities to the site of development in accordance with all City standards and specifications, including the provision for appropriate easements. It shall further be the responsibility of the developer(s) or property owner(s) to construct all streets and utilities to the furthest boundary of the property to be developed or annexed when it is deemed appropriate by the City Council or City Engineer to facilitate future development.

#### **I. Special Improvement Districts**

The City Council, in its discretion, may approve the formation of a Special Improvement District to pay for the installation, construction and upgrading of infrastructure improvements. The boundaries of the Special Improvement District shall be determined by the area that directly benefits from the completed infrastructure improvements in accordance with the laws of the State of Montana.

#### **J. Payback Agreement**

If a developer(s) or property owner(s) of property annexed pays the entire cost of infrastructure improvements, and such improvements will benefit other property that may be developed or annexed in the future, the City Council may, in its discretion, authorize a Payback Agreement. A payback agreement will not be entered into unless the Resolution to Annex is accepted and adopted by the Boulder City Council. If the Resolution to Annex is not accepted by the Boulder City Council, Jefferson County will not be obligated to enter into a payback agreement with the petitioner. The Payback Agreement may provide that developer(s) or property owner(s) that connect to the infrastructure improvements in the future shall reimburse the developer(s) or property owner(s) that initially paid for the improvement, a portion of the cost of the improvement. The Payback Agreement shall include a method of calculating the amount of reimbursement. The method of reimbursement may be based upon lot size, front footage, or other means that the City Council deems reasonable. The payback period shall not exceed 10 years from the date of completion of construction or installation of the improvement. The Payback Agreement shall set forth the specific area that may benefit from the improvement and that will be subject to the Payback Agreement. The costs that may be reimbursed under a Payback

**EXHIBIT A**

**Map of City of Boulder's Boundaries and Legal Description for Boulder City Limits, (current existing)**



**NOTE:**

1. THESE MAPS AND LOTS OF INFORMATION ARE PROVIDED BY THE CITY OF BOULDER, COLORADO. THE CITY OF BOULDER, COLORADO, DOES NOT WARRANT THE ACCURACY OF THE INFORMATION PROVIDED HEREON. THE CITY OF BOULDER, COLORADO, DOES NOT WARRANT THE ACCURACY OF THE INFORMATION PROVIDED HEREON.
2. THIS IS A SURVEY MAP. THE MAP IS FOR REFERENCE ONLY.



**Certificate of City of Boulder Governing Body:**

This is to certify that this map contains the Official Boundary and Ward Designations for the City of Boulder, Montana as adopted, approved and recorded in the City Council minutes on \_\_\_\_\_

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
 Mayor, City of Boulder, Montana  
 Attest: \_\_\_\_\_ Date: \_\_\_\_\_  
 Clerk, City of Boulder, Montana

CITY OF BOULDER		PREPARED BY	DATE
BOULDER		PROJECT NO.	SCALE
MOUNTAIN		DATE	DATE
MOUNTAIN CITY LIMITS AND WARD DESIGNATIONS		MOUNTAIN	





The City Limits for the Town of Boulder, Montana, as located in portions of Sections 28, 29, 32 and 33, Township 6 North, Range 4 West, Principal Meridian, Montana, Jefferson County, Montana, being originally described as follows:

The City Limits for the Town of Boulder, Montana were recorded on the Town Incorporation Plat filed with the Jefferson County, Montana Clerk and Recorder in 1910 (1910 Limits), and retraced and monumented on a 1965 survey by Morrison- Maierle, Incorporated, filed with the Jefferson County, Montana Clerk and Recorder on January 11, 1974, which included the following Description of City Limits:

Beginning at the South quarter corner of Section 29, Township 6 North, Range 4 West, Principal Meridian, Montana, said quarter corner also being the north quarter corner of Section 32, Township 6 North, Range 4 West; thence due South 2640.0 feet; thence due East 5865.0 feet; thence due North 2640.0 feet; thence North 38°25' West 3369.3 feet; thence due West 3771.5 feet; thence due South 2640.0 feet to the Point of Beginning.

The 1910 Limits are now amended as follows:

Beginning at the South quarter corner of Section 29, Township 6 North, Range 4 West, Principal Meridian, Montana, said quarter corner also being the north quarter corner of Section 32, Township 6 North, Range 4 West; thence south along the 1910 Limits to their southwest corner; thence east along the 1910 limits to the intersection with the west line of the portion of the J. H. Evans Addition to Boulder as identified in Boulder City Council Resolution No. 145 to exclude certain real property from within the limits of the Town of Boulder; thence north along said west line to the south right-of-way of Thompson Street, east along said south right-of-way to the east line of said J. H. Evans Addition, and south along said east line to the intersection with said 1910 Limits; thence east along said 1910 Limits to their southeast corner; thence north along the east line of said 1910 Limits; thence northwest along the northeast line of said 1910 Limits to the intersection with the east line of Tract A-1 of Certificate of Survey 274772, records of Jefferson County, Montana; thence along said east line to the intersection with the south line of the City of Boulder Cemetery per Book 72, Page 280, records of Jefferson County, Montana; thence northwesterly along said south line to the southwest corner of said Cemetery; thence north along the west line of said Cemetery to the intersection with the north sideline of the Boulder Cemetery 60 foot wide Public Access Easement, per Document 263150, records of Jefferson County, Montana; thence along said sideline to the intersection with the west line of said Tract A-1, Certificate of Survey 274772; thence south along said west line to the intersection with said 1910 Limits; thence northwest along said 1910 Limits to the intersection with the east line of Block 50 of the Re-subdivision of a Portion of the Consolidated Addition to the City of Boulder, Document 105416, records of Jefferson County, Montana; thence north along the east line of said Block 50 to the northeast corner; thence west along the north line to the northwest corner of said Block 50; thence continuing west on the projection of said north line to the east line of Deed 105367, records of Jefferson County, Montana; thence north along said east line to the northeast corner of said Deed 105367; thence north along the west right-of-way of Montana Highway 69 (Fed. Aid Project No. 178-D) to the west right-of-way of Interstate Highway 15 (Fed. Aid Project No. I-15-3(4)155) Ramp Line B; thence along said west right-of-way to the intersection with the east right-of-way of Ramp Line B4 of said Interstate Highway 15; thence along said Ramp Line B4 right-of-way to the east right-of-way of said Interstate Highway 15; thence along said east right-of-way to the intersection with the 1910 Limits; thence south along said 1910 Limits to said south quarter corner of Section 29, being the Point of Beginning.

**Exhibit B**  
**City of Boulder Annexation Application**

## PETITION FOR ANNEXATION FORM

City of Boulder, Montana  
304 North Main Street, Boulder, MT 59632  
[cityclerk@cityofbouldermt.com](mailto:cityclerk@cityofbouldermt.com)  
(406) 224-3381

This Annexation Application is required by the City of Boulder for all Annexation by Petition and Annexation with Provision of Services requests addressed under the provisions of Title 7, Chapter 2, MCA. **All property being proposed for annexation are required to undergo the zoning process in conjunction with the annexation process.**

Application fee: \$500.00 + all actual consultant costs including but not limited to engineering and attorney fees.

The application fee is payable to the City of Boulder and all fees are non-refundable. Application fee must accompany application. Consultant fees will be billed to the City of Boulder and the applicant will be required to remit payment to the City prior to the City recording annexation documents.

**The undersigned, being all the property owner(s) or as legally authorized by all the property owner(s), of the property herein described, petitions the City of Boulder to annex the same under the provisions of Title 7, Chapter 2, Part 46, MCA. In support of this Petition, undersigned provides the following information:**

**PROPERTY OWNER:** *Primary Contact?*

Name: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Address: \_\_\_\_\_

Other Phone: \_\_\_\_\_

Email: \_\_\_\_\_

**APPLICANT** (If different from property owner). *Primary Contact?*

Name: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Address: \_\_\_\_\_

Other Phone: \_\_\_\_\_

Email: \_\_\_\_\_



**AUTHORIZED REPRESENTATIVE:** *Primary Contact?*

Name: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Address: \_\_\_\_\_

Other Phone: \_\_\_\_\_

Email: \_\_\_\_\_

**ADDRESS OF PROPERTY:** \_\_\_\_\_  
Address City State Zip Code

**Legal Description** (Block & Lots, Subdivision, COS#): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Geocode:** \_\_\_\_\_

Is the property contiguous to existing city limits? \_\_\_ Yes \_\_\_ No

Are there other related Land Use Applications being submitted? \_\_\_ Yes \_\_\_ No

Is annexation for the entire property being proposed for annexation? \_\_\_ Yes \_\_\_ No

Is the property served by a private garbage service? \_\_\_ Yes \_\_\_ No

**Submit proof of current paid taxes**

**I HEREBY CERTIFY AND ACKNOWLEDGE THE STATEMENTS IN THIS APPLICATION AND ANY ATTACHED INFORMATION ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE. If multiple property owners, please submit the signature page at the end of this application with all property owners' signatures and address/property legal description and geocode.**

**Property Owner:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Applicant:** \_\_\_\_\_  
(If different from Owner)

**Date:** \_\_\_\_\_

**Please provide all the information requested below. An incomplete application may delay the review of your request. Please Note: N/A is not an acceptable answer alone and requires an explanation if used.**

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### APPLICATION INSTRUCTIONS

- Provide a current deed and plat/CPS of the subject property showing the metes and bounds of the property.
- Provide a description of the present use of the property and any anticipated changes to the use if annexed.
- Site Plan, including:
  - legal description of property – name of addition/subdivision with block and lot number(s);
  - lot dimensions and square footage;
  - location, names, and widths of boundary streets, alleys, and existing sidewalks;
  - location and size of existing and proposed utilities such as sewer, water lines, fire hydrants, phone, gas, power, etc.;
  - locations, dimensions, and square footage of all structures and uses on the property and distance from property lines (front/side/rear yard setbacks);
- Indicate whether the proposal meets the zoning dimensional standards for the proposed zoning;
- Vicinity map of the area showing the locations of the property in relation to surrounding land and zoning in the immediate area, water, and wastewater mains, other utilities, and city streets;
- Traffic analysis for any use that will generate more than two hundred (200) additional vehicle trips a day based on city pre-zoning;
- Describe how city services including water, wastewater, city standards streets, and storm water drainage will be provided;
- Describe how the proposed annexation conforms and is supported by the Boulder Growth Policy and Land Use Map.

**IT IS RECOMMENDED THAT THE APPLICANT CONTACT NEIGHBORS TO INFORM THEM OF THIS PROPOSED ANNEXATION AND IDENTIFY ANY CONCERNS THAT THE APPLICANT MAY BE ABLE TO ADDRESS.**

**It is the policy of the Boulder City Council not to act on a proposal if the applicant/applicant's representative is not present at the council meeting.** City staff represents the City; staff cannot answer questions for the applicant.

**NEW CONSTRUCTION:**

The subject property might not be annexed if new construction or remodels of structures on the property after the adoption of a resolution of intention to annex and prior to annexation were not constructed in accordance with all building and fire codes, if applicable or required by the State of Montana.

**NOTE: ANNEXATION IS EFFECTIVE ONLY AFTER THE CONDITIONS OF ANNEXATION HAVE BEEN MET AND THE CITY COUNCIL HAS PASSED THE RESOLUTION OF ANNEXATION. THE CITY COUNCIL MAY GRANT CONDITIONAL APPROVALS FOR ANNEXATION PROPOSALS IF THE PROPERTY OWNER FULFILLS ALL THE CITY'S CONDITIONS. INSTALLATION OF CITY WATER AND SEWER MAINS, FIRE HYDRANTS, STREETS, SIDEWALKS, CURBS AND GUTTERS MAY BE REQUIRED PRIOR TO THE ANNEXATION.**

Taxes and assessments must be paid and current at the time of filing the Resolution of Annexation.

A waiver of the right to protest certain special districts may be required for annexation into the city.

**The undersigned, (being all the property owners) or as legally authorized by all the property owner(s), of the property herein described, petitions the City of Boulder to annex the same under the provisions of Title 7, Chapter 2, Part 46, MCA In support of this Petition, the undersigned provides the attached information. The attached information is true and correct to the best of my knowledge.**

**PROPERTY OWNER:**

Name: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Address: \_\_\_\_\_ Email Address: \_\_\_\_\_

Legal Description: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**PROPERTY OWNER:**

Name: \_\_\_\_\_ Phone Number: \_\_\_\_\_



**Exhibit C**  
**Annexation Checklist**

# CITY OF BOULDER

## Annexation Checklist

**Application Fee: \$500.00 + actual consultant costs to review engineering plans and/or produce a community impact report.**

Fee is payable to the City of Boulder and all fees are non-refundable. Application fee must accompany application and consultant fees will be due prior to recording annexation documents.

The undersigned, being all the Property Owners(s) or as legally authorized by all the Property Owners(s), of the property herein described, petitions the City of Boulder to annex the same under the Provisions of Title 7, Chapter 2, Part 46, MCA.

**In support of this Petition, undersigned provides the following information:**

1. Is the Property contiguous to existing City limits?      Yes \_\_\_\_\_ No \_\_\_\_\_

2. What is the property's current use?

3. What is the planned use?

4. Is there a secondary use being considered?

5. Will a subdivision be proposed?      Yes \_\_\_\_\_ No \_\_\_\_\_

6. If water/sewer services do not exist, how do you propose to provide service to the property?

7. Is the property served by a private garbage service? Yes \_\_\_\_\_ No \_\_\_\_\_

Issues pertaining to the long-term planning and land-use designation shall be addressed in conjunction with the application for annexation.

Applicants for annexation may be required to approve and sign a Waiver of SID Protest.

Annexation is effective only after the conditions of annexation have been met and the City Council has passed the Resolution of Annexation. Installation of water and sewer mains, fire hydrants, streets, sidewalks, curb, and gutters to City specifications may be required prior to annexation.

IT IS THE POLICY OF THE CITY COUNCIL NOT TO ACT ON A PROPOSAL IF THE APPLICANT/APPLICANT'S REPRESENTATIVE IS NOT PRESENT AT THE COMMISSION MEETING. CITY STAFF WILL NOT ANSWER QUESTIONS FOR THE APPLICANT.

## **Application Instructions**

### **Intent**

Application to the City Council for annexation into the City of Boulder as described in Title 7, Ch. 2 Part 46, MCA.

### **Please submit the following:**

1. Application must be completed and signed by the applicant and owners. An incomplete application may delay review of your request. Attach additional information if needed
2. Vicinity map of the area with the application form. This map must show the location of the property in relation to surrounding land and zoning in the immediate area, and City streets
3. A description of the boundaries of the area to be annexed
4. Storm water drainage plan, unless waived by the City Engineer
5. Site plan

### **Requirements for submitting a site plan**

1. Seven (7) 11" x 17" copies of the site plan are required, plus one (1) copy reduced to either 8 ½" by 11" or 8 ½" by 14".
2. All lines must be drawn legibly. (Black or blue line prints from an original are acceptable.)
3. Drawn to one of the following scales: 1" = 10'; 1" = 20'; 1" = 50'
4. Your site plan must have the following information (check each item prior to submitting application):  
\_\_\_\_ Complete legal description of property - name of addition/subdivision with block and lot numbers(s);



- \_\_\_ lot dimensions and square footage:
- \_\_\_ location, names, and widths of boundary streets, alleys and existing sidewalks;
- \_\_\_ location and size of existing and proposed utilities such as sewer, water lines, fire hydrants, phone, gas, power, etc.:
- \_\_\_ locations, dimensions, and square footage of all structures and uses on the property;
- \_\_\_ distance of all structures from property lines (front/side/rear yard setbacks);
- \_\_\_ dimensions of any signs and their locations in relation to all property lines; and
- \_\_\_ north arrow and scale.
- \_\_\_ describe the legal and physical access to the property.

**New construction must comply with the following:**

1. Building and fire codes, including required building and occupancy permits.
2. The property owner must submit plans for review by the City of Boulder for compliance with City infrastructure, land use and other Code requirements, provide proof of compliance with all building and fire codes, if applicable or required by the State of Montana. for all new construction or remodels subsequent to the adoption of this resolution and prior to annexation of the property and pay all fees for such reviews in the same manner and on the same basis as do owners of properties already in the City.
3. Taxes and assessments must be paid and current at the time of filing the Resolution of Annexation.

## Notice of Public Hearing

**NOTICE IS HEREBY GIVEN** the Boulder City Council will conduct a public hearing on December 19, 2022, at 6:30 p.m. at the Boulder City Hall, 304 N. Main Street, Boulder, Montana, and at this time will take public comment, consider, and pass upon Resolution No. 2022-10, *A Resolution Adopting the Amended City of Boulder Annexation Service Plan*. The Service Plan is intended to provide for sound urban development as well as for the protection of health, safety, and welfare in areas either already being intensively used or undergoing development for residential, commercial, industrial, institutional, and governmental purposes. These regulations will be adopted to address the requirements outlined in Title 7, Chapter 2 of the Montana Code Annotated. Anyone wishing to offer comment on the *City of Boulder Amended Annexation Service Plan* may do so in person at the public hearing, via zoom, or may provide written comment. **Written comments must be received in the office of the City Clerk, 304 N. Main Street, Boulder, Montana (mailing address - P.O. Box 68, Boulder, MT 59632) no later than 4:00 p.m. on Wednesday, December 14, 2022.**

To join the meeting remotely via zoom:

<https://zoom.us/j/3147501763>

Meeting ID: 314 750 1763

To join Zoom via traditional phone only:

Dial 1-646-558-8656, enter 314 750 1763 followed by the # key

When asked for participant ID, press # key

Further information on the action to be taken or copies of Resolution No 2022-10 or the Service Plan can be obtained from the City Clerk, 304 N. Main St., Boulder, Montana, phone 406-225-3381 or via email at: [cityclerk@cityofbouldermt.com](mailto:cityclerk@cityofbouldermt.com).

*Published in accordance with 7-1-4127, MCA on: December 7<sup>th</sup> and December 14<sup>th</sup>*

Agreement may include engineering, design, and inspection fees. Any and all terms and conditions of a Payback Agreement are subject to approval by the City Council

**K. Administrative Procedures**

The following procedure will apply when processing annexation requests:

1. The applicant(s) shall submit a completed Annexation Application as provided in this document as "Exhibit B".
2. The Application will be reviewed to make sure it is complete. If complete, the City will adhere to the meeting notices, publications, and public hearings as required by Title 7, Chapter 2, Part 46 for Annexation by Petition and Title 7, Chapter 2, Part 47 for Annexation with the Provision of Services.

**BE IT RESOLVED**, the City of Boulder hereby establishes the above service plan for future annexations as required by Montana Codes Annotated Title 7, Chapter 2, Part 46 "Annexation by Petition" and Part 47 "Annexation with Provision of Services" on November 21, 2022, at a regular scheduled meeting of the Boulder City Council.

**PASSED** by the City Council of Boulder, Montana on the 19<sup>th</sup> day of December 2022.

Date: 19 Dec 22

Dwight Duman  
Mayor

Attest: Jellen Harne  
City Clerk

