

ORDINANCE 637

AN ORDINANCE OF THE CITY OF POLSON, MONTANA, PURSUANT TO THE POLSON GROWTH POLICY AND FACILITIES SERVICE BOUNDARY MAP; AND ANNEXATION PROCEDURES, MCA 7-2-4201 ET SEQ.; AND SETTING FORTH AN ANNEXATION POLICY.

WHEREAS, the Growth Policy states that the City of Polson Zoning District and Facilities Map shall be revised whenever an annexation occurs; and

WHEREAS, the City Commission approved the FY 2008 Plan.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF POLSON, MONTANA:

That the City Commission now creates and adopts the following:

ANNEXATION POLICY

Statement of Intent

The City of Polson intends to permit the annexation of land and to provide for orderly growth, adequate provision of municipal services, and equal benefits to both the newly annexed territory and existing City properties.

Policy Statement

The City Commission shall consider land annexations that adhere to the provisions specified in Montana Annexation Statutes (7-2-4201 through 7-2-4761, MCA) and any relevant existing or as amended Polson ordinances, resolutions, rules, or policies.

The Commission may approve, deny or conditionally approve petitions or initiatives for annexation based on the following criteria:

- The area must be located within the Limited of Annexation as defined herein and within the Polson Urban Planning Area per the 2006 approved Growth Policy;
- The City must be able to provide adequate city services within a time period mutually agreed to by the property owners requesting annexation and the City;
- Existing or proposed public improvements within the area to be annexed must meet City standards;
- All property owners within the area to be annexed must sign a Waiver of Right to Protest the creation of Special Improvement Districts;
- All residential property owners within the area to be annexed must create or join an existing park maintenance district;
- Densities within the area to be annexed must equal or exceed the zooming district standards; and
- The proposed land use within the area to be annexed must conform to the goals of the Polson Growth Policy.

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Limits of Annexation Map (attached)

A Zoning District Map update shall be prepared for Commission consideration whenever the Facilities Service Boundary is revised. Map updates shall be recommended to the City Commission based upon the following criteria:

- Distance from existing City services and response times;
- Capacity and location of existing facilities and future upgrades or construction of new facilities;
- Cost of City services;
- Effect on existing residents; and
- General conformance with all adopted plans including the Growth Policy, sewer, water and storm sewer plans.

The Commission will then determine and approve appropriate Limits of Annexation consistent with the adopted Annexation Policy.

Obligation of City

The City may choose to annex and property in accordance with the provisions of the following state statutes:

- Annexations of Additions to Municipalities (7-2-4201 et. seq., MCA)
- Annexations of Contiguous Land (7-2-4301 et. seq., MCA)
- Annexations of Contiguous Government Land (7-2-4401 et. seq., MCA)
- Annexations of Wholly Surrounded Land (7-2-4501 et. seq., MCA)
- Annexation by Petition (7-2-4601 et. seq., MCA)
- Annexation with the Provision of Services (7-2-4701 et. seq., MCA)

The City may decide to condition the approval of the annexation in order to meet the criteria listed under the Policy Statement. The conditions of approval must be clearly stated in the resolution of annexation. In the case where the property to be annexed is not developed, the conditions of approval shall include a requirement for;

- a) A development agreement prior to the issuance of a building permit, or
- b) A subdivision improvements agreement at the time of final subdivision plat approval.

In the event the property has been developed prior to final subdivision plat approval and contains public improvements that are not constructed to city standards, the City shall require an annexation agreement. The agreement shall specify which public improvements are to be upgraded and/or installed to city standards, and a time period and mechanism to finance the construction and installation of those improvements. In any case, all public improvements, whether existing or proposed, shall meet city standards.

It shall be the general policy of the City of Polson to require annexation of any property for which city services are requested and will be provided, or, for which city services are currently provided, excepting, however, that the Council is free to reach contractual agreements with the Confederated Salish & Kootenai Tribes in cases involving development of real properties held by the United States in trust for the Tribes.

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The City of Polson shall assess Impact Fees according to Resolution #942, and shall implement other policies as they are developed.

Obligation of Petitioner

Petitions for annexation must comply with the provisions of Annexation by Petition (7-2-4601 et. seq., MCA) and City ordinances, resolutions, and policies as existing or amended regarding the form and content of such Petition.

The Petitioner shall complete and submit an Application for Annexation.

The Petitioner shall provide a copy of the most recent recorded plat of the property; a legal metes and bounds description; and a Title search completed not more than sixty (60) days before Annexation approval.

A fee, to be established by the City Administrator, must be paid at the time the petition is submitted.

The Petitioner shall sign and file the appropriate document requesting removal from the Rural Fire Department jurisdiction. In such cases, the Petitioner shall show adequate proofs of having paid in full any portion of the then-existing Rural Fire District levy relating to any bonded indebtedness before the Petition will be considered by the Council.

If the area to be annexed is not developed, petitioners are required to comply with the conditions of approval prior to the issuance of a building permit or at the time of final subdivision plat approval.

If the area to be annexed is developed and requires the construction or installation of public improvements, the petitioner must enter into an annexation agreement prior to the City Commission acting on the resolution of annexation.

First Reading on August 18, 2008.

Second Reading on September 3, 2008.

EFFECTIVE DATE: October 3, 2008.

APPROVED AND ADOPTED by:

The City Commission of the City of Polson, this 3rd day of September 2008.

Lou Marchello, Mayor

ATTEST: _____

Aggi G. Loeser, City Clerk