

*White Sulphur Springs,  
Montana*

Annexation Policy

## **1. Introduction**

This plan, as proposed, is intended to provide a guide to the City, and ultimately the County, government as it makes decisions concerning when and how to extend the boundaries of White Sulphur Springs. This will provide a delineation of the criteria to be considered as White Sulphur Springs grows.

### **1.1. The Plan**

Annexation should be based on criteria which allows the City of White Sulphur Springs to look forward and consider the citizen's needs first in order to maintain logical and livable patterns for land use which benefits all the members of the community.

White Sulphur Springs, and by extension Meager County, should be selective in its annexation decisions, should direct growth which makes sense from an economic and logistical perspective so as to provide efficient sewer, water, solid waste, emergency protection and other necessary public services. The justifications for such an approach include: Proximity to public services affects the cost of providing such services, not to mention the effective and efficient provision of such services. The concepts of "infill" and "sprawl" will affect how future generations view the actions taken now. The City will do well to promote the former and avoid the latter. Commercial development will impact how areas are considered and whether open space is conserved. Additionally, a document which lays out criteria for consideration will assist in the preservation of institutional knowledge as to recommended locations for future growth, including public facilities and services, and serve as a guide for government, local administration and prospective developers.

## **2. Annexation Criteria**

The current map of the City of White Sulphur Springs will be used as a reference and will be reconsidered at least every ten (10) years, or upon a grant of annexation. It will be identified as Exhibit A herein. Reconsideration or 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 developed, new tracts outside the City should be given consideration as to future annexation potential based on the current boundary map known as Exhibit A.

### **2.1. Annexation Guidelines**

Based on Exhibit A and the combined Ordinances of White Sulphur Springs, the following guidelines will be used in making determinations as to annexation requests and sewer and water extensions:

1. Whenever possible, the property under consideration for annexation must fall within the City Services Growth Area as identified in Exhibit A, or must be in an area which is identified as already receiving City services.
2. Use of City utilities, water and sewer, beyond City boundaries frequently necessitates annexation in a chaotic and rushed manner. Based primarily on the need to maintain logical and planned utility extensions, City water and sewer utilities outside of an established growth area boundary will not be allowed. This will aid in maintaining the growth policy by encouraging infill development and preserving the less dense patterns of development at the edges of White Sulphur Springs.

3. Where utility extensions are proposed for property which is contiguous to the City limits, such annexation of the property to be served by such utilities will be finalized before any utility work or land development may occur.
4. The City is responsible for considering impacts on transportation systems (roads/alleys), solid waste collection, and emergency services when contemplating any annexation. To facilitate such consideration, the City will require, at the expense of the person or entity making the request for annexation, a community impact report be prepared. Such report shall include, at a minimum, technical studies related to the above-identified services.
5. Priority will be given to an annexation request which results in bringing into the City properties which any previous annexation has left as an "island" and thus is considered separate from the remainder of the City.
6. Utility extension may be made into areas which cannot be immediately annexed because such property is not contiguous to city limits, but only if, in the judgment of the governing body, such extension offers an overall benefit to the community in that the needed utility services are provided to the intervening property, or the extension furthers the Growth Policy. Any utility extension made under these terms will be paid for by the requestor, or by those who are part of the new service area.
7. When an application for extension of City utilities beyond city limits is filed, such application shall contain a Waiver of Annexation Protest. A waiver of SID protest must accompany all applications for utility extension, whether inside or outside the city limits. When an extension request is made, the City will consider whether the following improvements exist:
  - Streets built to City standards
  - Sidewalks
  - Curbs and gutters
  - Storm sewer
  - Street Lights.

If some or all of the listed improvements do not exist, the requestor may be required to install the listed infrastructure in addition to the utilities extensions requested, or post a bond for the installation of such infrastructure at a future date.

Timing of installation of infrastructure may be altered in the case of new subdivisions. These improvements will be a condition of final plat approval.

This Policy will not serve in any way to require the City of White Sulphur Springs to disallow any annexation request which is deemed by the governing body to be in the best interests of the City. However, the City may disallow any annexation request which is determined not to comply with this Policy.

### **3. Administrative Procedure**

The following procedure will apply when processing annexation requests:

1. The Requestor(s)/Petitioner(s) will submit a completed Petition for Annexation form, as given in Exhibit B, to the Mayor for review.
2. All annexation requests, whether originating from the City or from a property owner, will be reviewed by the Mayor and the City Engineer. If they recommend approval, the following list of materials will be forwarded to the City Clerk for filing:

- Petition Application and all accompanying information
  - Waiver of SID Protest
  - Withdrawal from the rural fire district
  - Waiver of Annexation, if necessary
3. The Petition, along with all supporting documentation, will be forwarded to the Planning Board, if such Board is active, and otherwise to the City Council. The Planning Board, or the City Council if a Planning Board is not active, shall review all information from the application and any additional relevant information determined by the administration, and shall be given consideration at a full meeting of the City Council during a work session, at which no formal decision will be made but the Council may ask questions of the Requestor(s)/Petitioner(s). The Requestor(s)/Petitioner(s) must attend this meeting. Failure to attend the work session meeting will result in a rejection of the request and will require the Petition to be resubmitted.
  4. The Petition, with comments from the work session and/or recommendation of the Planning Board, as applicable, will then appear on an Agenda of the City Council as a Resolution of Intent to Annex.
  5. The City Clerk shall cause to be published a Notice of Intent to Annex in accordance with the current practice and state law prior to the Council considering the Resolution of Intent to Annex.
  6. The City Clerk shall send a copy of the Resolution of Intent to Annex to all property owners involved (including exhibits), and shall post at City Hall the Petitioner and exhibits for examination during normal business hours. The same shall also be posted on the City website.
  7. The Resolution of Intent to Annex the identified property is considered by the City Council.
  8. Upon passage of the Resolution, the City Clerk shall send copies of the Resolution, with exhibits, to the County Clerk and Recorder, County Assessor, Volunteer Fire Department, County Sheriff's Office, Public Works Department and City Engineer. A copy of the withdrawal from the Rural/County Fire District will accompany the package sent to the Clerk and Recorder and the Meagher County Fire/DES.
  9. The City Clerk will send a "Welcome to the City of White Sulphur Springs" form letter along with the Resolution and map to newly annexed property owners. (contact information is to be provided by Requestor(s)/Petitioner(s) as part of material provided to the City.)

**EXHIBIT A: MAP of City boundary (current existing)**

**EXHIBIT B: Petition form and instructions**

Date Received:

*City of White Sulphur Springs*

**Annexation by Petition**

**Application Fee: \$500.00**

Payable to the City of White Sulphur Springs; all fees are non-refundable)

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 White Sulphur Springs 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. If water/sewer services do not exist, how do you propose to provide service to the property? \_\_\_\_\_  
\_\_\_\_\_
- 6. 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 are 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, to City specifications, of water and sewer mains, fire hydrants, streets, sidewalks, curb and gutters 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 Engineer represents the City; staff cannot answer questions for the applicant.

# Application Instructions

## Intent

Application to the City Council for annexation into the City of White Sulphur Springs 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 property owner. 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 or Mayor.
5. Site plan.

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

1. Five (5) 11" b 17" copies of the site plan are required, plus one (1) copy reduced to either 8½" by 11" or 8½" 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, and
2. The property owner must submit plans for review by the City of White Sulphur Springs for compliance with City infrastructure, land use and other Code requirements, provide proof of compliance with all building and fire codes 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.