

## **Title 18**

### **ANNEXATION CODES**

#### **Chapter 18.01**

##### **Sections:**

**18.01.010. Goals**

**18.01.020. Policies**

**18.01.030-18.01.100 Reserved.**

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**18.01.010. Goals**

**18.01.020. Policies**

**18.01.030-18.01.100 Reserved.**

#### **18.01.010. Goals**

1. The following goals are hereby established for the consideration of annexations to the Town of Clyde Park.
  - a. It shall be the goal of the Town of Clyde Park to encourage annexations of land contiguous to the Town.
  - b. The Town shall seek to annex all areas that are totally surrounded by the Town, without regard to parcel size.
  - c. The Town shall seek to annex all property currently contracting with the Town for Town services such as water and/or fire protection, and in the future sanitary sewer.
  - d. It shall be the goal of the Town of Clyde Park to require annexation of all land proposed for development lying within one mile of the Town's boundaries if the owner of the land requests services from the Town.  
(Enacted, Ordinance No. 95, April 1, 2010)

#### **18.01.020. Policies**

1. Annexations shall include dedication of all easements, water rights and waivers of right to protest against the creation of improvement districts necessary to provide the essential services for future development of the town. (Enacted, Ordinance No. 95, April 1, 2010)

2. Issues pertaining to master planning and zoning shall be addressed in conjunction with the application for annexation.

- a. The initial application for annexation shall be in conformance with the current Clyde Park Growth Policy. If a Growth Policy Amendment is necessary to accommodate anticipated uses, said amendment process may be initiated by the applicant and conducted concurrently with the processing of the application for annexation.
- b. Initial zoning classification of the property to be annexed shall be determined by the Town Council, in compliance with the Clyde Park Growth Policy and upon a recommendation of the Town Planning Board and Town Planner, prior to final annexation approval.
- c. The applicant may indicate his or her preferred zoning classification as part of the annexation application.

(Enacted, Ordinance No. 95, April 1, 2010)

3. Fees for Annexation procedures shall be established by the Town Council by a Resolution. No fee will be charged for any Town-initiated annexation.

(Enacted, Ordinance No. 95, April 1, 2010)

4. Prior to annexation of property, it shall be the policy of the Town of Clyde Park to acquire usable water rights, of an appropriate fee in lieu thereof, equal to the average annual diversion requirement necessary to provide the anticipated average annual consumption of water by residents and/or users of the property when fully developed on the basis of the zoning designation(s). The fee may be used to acquire water rights or for improvements to the water system which would create additional water supply capacity. This policy may be subject to the following exceptions:

- a. For any annexation in excess of ten (10) acres, it shall be carried out prior to final plat approval, final site plan approval or the issuance of any building permit, whichever occurs first provided applicant executes a promissory note or appropriate document acceptable to the Town.

(Enacted, Ordinance No. 95, April 1, 2010)

5. Infrastructure and emergency services for an area proposed for annexation will be reviewed for the health, safety and welfare of the public. If it is found that adequate services cannot be provided to ensure public health, safety and welfare, it shall be the general policy of the Town to require the applicant to provide a written plan for accommodation of these services, or not approve the annexation. Additionally, annexation proposals that would use up infrastructure capacity already reserved for properties lying either within undeveloped portions of the Town limits or lying outside the Town limits but within identified sewer or water service area boundaries, shall generally not be approved. (Enacted, Ordinance No. 95, April 1, 2010)
6. It shall be the general policy of the Town of Clyde Park to require annexation of any contiguous property for which town services are requested or for which town services are currently being contracted. (Enacted, Ordinance No. 95, April 1, 2010)
7. The annexation application shall be accompanied by mapping to meet the requirements of the Town Planner. (Enacted, Ordinance No. 95, April 1, 2010)
8. Public notice requirements shall be in compliance with Montana Code Annotated. In addition, notices will be posted to all owners of real property of record within 200 feet of the site in question using last declared county real estate tax records, not more than forty-five days nor less than fifteen days prior to the scheduled public hearing to approve or deny the annexation by the Town Council, specifying the date, time and place the annexation will be considered by the Town Council. The Notice will contain the date and time of the Council meeting, the name and address of the owner of record of the property to be annexed, a legal description of the property affected, and a map of the area in question so as to indicate its general location and proximity to surrounding properties. (Enacted, Ordinance No. 95, April 1, 2010)
9. Annexation agreements will be executed and returned to the Town within 60 days of distribution of the annexation agreement, unless another time period is

specifically identified by the Town Council. (Enacted, Ordinance No. 95,  
April 1, 2010)

10. When possible, the use of Part 46 of MCA, is preferred. (Enacted, Ordinance  
No. 95, April 1, 2010)