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City of Missoula  
435 Ryman Street  
Missoula MT 59802-4297

**Resolution Number 8843**

**A RESOLUTION REVISING THE CITY'S POLICY FOR REVIEW AND APPROVAL OF REQUESTS FOR MUNICIPAL UTILITY SERVICES TO PROPERTY OUTSIDE THE CORPORATE LIMITS. THIS RESOLUTION SUPERCEDES ALL PRIOR RESOLUTIONS PERTAINING TO MUNICIPAL UTILITY SERVICE CONNECTIONS LOCATED OUTSIDE THE CITY LIMITS.**

**WHEREAS**, the City of Missoula adopted Resolution 8827 Our Missoula 2045 Land Use Plan which serves as the official public document to guide current and future growth and development as it relates to land uses, population, housing needs, economic conditions, local services, public facilities, natural resources and gravel resources; and

**WHEREAS**, the City of Missoula adopted Resolution 8363 Annexation Policy, which guides the City in maintaining logical planning and governmental service in accordance with the Our Missoula 2045 Land Use Plan and encourages quality development while minimizing negative fiscal impacts on existing residents, and equitably distributing the costs of local government services over the areas that enjoy the benefits of such services; and

**WHEREAS**, the City of Missoula adopted Resolution 8468 Utility Service Area Boundary, to provide for the orderly and efficient development of properties located within areas previously identified as suitable for annexation as well as in areas where the City is willing to provide water or sewer service under a contract between the City and landowner; and

**WHEREAS**, the City of Missoula adopted Resolution 8507, adopting the 2018 Water System Master Plan, the 2019 Wastewater Facility Plan, and the 2018 Storm Water Facility and Operations Plan Project to assess the City of Missoula's facility needs; and

**WHEREAS**, Sections 7-13-4312 and 7-13-4314 of the Montana Code Annotated (MCA) authorize a municipality to extend sewer or water services or both to persons owning property outside the city limits and provides that owners of the property be required to consent to city annexation of the property to be served. Further, Montana's municipal annexation statutes in Title 7, Chapter 2, Parts 42 through 47 MCA grants sole authority to City Council to determine whether or not annexation of land receiving municipal utility services is to occur prior to municipal utility connections or in the future; and

**WHEREAS**, the City of Missoula recognizes there may be urgent circumstances involving the immediate need to provide municipal utility services to property with existing structures located outside the city limits, so the City is willing to allow property to receive municipal utility services with delayed annexation while retaining the City's authority and ability to require annexation at any time in the future; and

**WHEREAS**, the City of Missoula desires that all new development, redevelopment, and new subdivisions seeking municipal utility service install urban infrastructure in accordance with city standards, guidelines, and regulations at the time of construction as a condition of municipal utility service. Further, that new development, redevelopment, and new subdivisions outside the city limits seeking municipal utility services be subject to the same municipal utility costs and connection, development, and impact fees as any new development, redevelopment, or new subdivision inside the city limits is subject to; and

**NOW THEREFORE BE IT RESOLVED:** It is the intention of the City Council of the City of Missoula to implement the following policy for review and approval of requests for municipal utility services to property outside the corporate limits of the City of Missoula:

## **SECTION 1 – AUTHORITY**

- A. The Mayor of the City of Missoula, or their designee, is authorized by City Council to review and approve requests administratively for extension of municipal utility services including main extensions, service stubs, and service connections and execute contracts on behalf of the City for the purpose of extending services to property outside the incorporated city limits that meet conditions outlined in this resolution.
- B. Municipal utility service review for properties outside of the corporate limits shall be conducted by the Community Planning, Development, and Innovation Department and the Public Works and Mobility Department. Additionally:
  - 1. Applications for municipal utility service that also use private utility services shall be referred to Missoula City-County Health Department for review.

## **SECTION 2 – RESPONSIBILITIES**

- A. City Council authorizes the Mayor or their designee to:
  - 1. Review applications for municipal utility services to new development, redevelopment, new subdivisions, and utility main extensions located outside of the City Limits;
  - 2. Determine if the property is within the Utility Services Area Boundary and complies with guidance contained in the Land Use Plan, Annexation Policy, Utility Facility Plans, and this resolution; and
  - 3. Approve or deny these requests and/or impose additional conditions to meet City standards or that are necessary to ensure compliance with this resolution and execute utility service contracts necessary for approved applications.
- B. The Director of Community Planning, Development, and Innovation, or their designee, shall complete the tasks below and make a recommendation to the Mayor for approval or denial of the application along with any recommended conditions:
  - 1. Establish application forms, procedures, and fees;
  - 2. Accept and process applications and fees;
  - 3. Review applications for compliance with the Land Use Plan; and
  - 4. Review applications for compliance with annexation policy and process annexations as applicable.
- C. The Director of Public Works & Mobility, or their designee, shall complete the tasks below and make a recommendation to the Mayor for approval or denial of the application along with any recommended conditions:
  - 1. Review applications to ensure the property is within the utility services area boundary;

2. Review applications to ensure compliance with utility facilities plans;
  3. Review applications to ensure the property has access to, or can gain access to, existing or proposed municipal utility facilities; and
  4. Evaluate whether facility upgrades are required.
- D. The Applicant shall:
1. Complete and submit an application for municipal utility service extension outside the corporate city limits along with the required application fee;
  2. Obtain a utility easement or other legal access to a utility main when such is unavailable to the property to be served;
  3. Pay all costs and fees associated with the extension of municipal utility services to the property; and
  4. If approved for municipal utility services, execute a utility service contract that includes a petition to annex related to receiving municipal utility service and includes any conditions of approval that are related to utility service and/or annexation.
- E. City Council retains the authority to annex property benefitting from municipal utility services in accordance with Section 7-13-4314 of the MCA at any time in the future at its convenience.

### **SECTION 3 – DEFINITIONS**

- A. Emergency Service: For the purposes of this resolution, emergency services are considered to mean:
1. Sewer emergency consists of any failed private on-site or private community sewage system that no longer treats waste adequately; or
  2. Water emergency consists of any failed private on-site or private community drinking water system that no longer produces adequate flows or has become contaminated and unusable for human consumption; and
  3. Property experiencing these conditions is ineligible for a City-County Environmental Health Department repair or replacement permit.
- B. Extension of Utility Services: May include extending a main, extending a service connection or a service stub, or any combination of these.
- C. Main Extension: Larger water or sewer pipe installed in streets, alleys, or utility easements for the purpose of providing utility services to a neighborhood or larger geographical area.
- D. Service Connection: Water or sewer pipe extending from a main into a property and connecting to a building or structure on the property.
- E. Service Stub: Also known as a stub-out, stub-in, or lateral. A water or sewer pipe that extends from a utility main to the property line to accommodate a future connection but does not connect to a building or structure at that time.

- F. Development Area: The area within a parcel of land that has been or will be developed, to include structures and parking facilities.

#### **SECTION 4 – APPEALS**

- A. The Public Works and Mobility Department will refer to City Council a request for utility service that has been denied and the applicant wants to appeal the decision to the City Council. If the City Council denies the appeal, applicant may elect to notify the City in writing of the intent to return with a revised or amended request or withdraw their request.

#### **SECTION 5 – COMMUNITY UTILITY SYSTEM CONNECTIONS**

- A. An emergency exception from the utility service contract requirement is allowed when a community system for a multi-parcel development fails. To qualify, the development must comply with applicable review criteria outlined in Section 2 of this resolution. In addition, the exception shall be:
1. Temporary; and
  2. Documented in one of two ways:
    - a. More than 50 percent of the property owners shall execute utility service contracts that describe the nature of and reason for the temporary exemption; or
    - b. The president of the homeowners association or other authorized individual for all the properties shall execute a single utility service contract that describes the nature of and reason for the temporary exemption; and
  3. For each parcel of the multi-parcel property receiving emergency utility service, the City will file a notice with the Missoula County Clerk & Treasurer's Office.
- B. If a main extension is approved, owner shall proceed with plans and designs to extend municipal utility mains according to specifications approved by the City Engineer in easements dedicated to the City where necessary, and with the exception of private service lines, shall be transferred to the City's ownership.
- C. In all cases of approval, owners shall proceed with plans to extend service after paying any applicable utility connection fees, and any other applicable fees adopted by the City, hiring a licensed and bonded excavation contractor, and obtaining permit(s).


#### **SECTION 6 – FEE TYPES**

- A. Review and processing fees shall be established by City Council via a separate resolution.

**BE IT FURTHER RESOLVED**, Resolution 8181 and all previous resolutions pertaining to sewer service review committee and utility service review committee are rescinded, effective April 7<sup>th</sup>, 2025, when this Resolution shall go into effect.

**PASSED AND ADOPTED** this 7<sup>th</sup> day of April, 2025.

**ATTEST:**

  
Claire Trimble (Apr 9, 2025 10:00 MDT)

Claire Trimble  
City Clerk

**APPROVED:**



Andrea Davis  
Mayor

(SEAL)











# RES 8843 - A Resolution Revising the City's Policy for the Municipal Utility Service Review Committee (USRC)

Final Audit Report

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