



CITY OF LIBBY
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NOTICE OF PUBLIC HEARING

BOARD OF ADJUSTMENTS

MAY 1, 2023 @ 6:30PM
COUNCIL CHAMBERS – CITY HALL

CALL TO ORDER:

- Pledge of Allegiance
- Roll Call
- Welcome

NEW BUSINESS: Each new agenda item will be introduced by the Mayor (or assigned liaison) with a description of the item and explanation for the recommended action. Following council discussion on each item will be an opportunity for public comment prior to any action taken. **Public comment is limited to 3 minutes concerning the agenda item being discussed only.**

The City of Libby Board of Adjustments is holding this public hearing to consider annexation and zoning of property located on West 2nd Street Extension. The annexation is requested by the property owner.

PUBLIC COMMENTS:

GENERAL COMMENTS FROM COUNCIL:

ADJOURNMENT:

Notes:

The manner of Addressing Council:

- Each person, not a Council member shall address the Council, at the time designated in the agenda or as directed by the Council, by stepping to the podium or microphone, giving that person's name and address in an audible tone of voice for the record, unless further time is granted by the Council, **shall limit the address to the Council to three minutes.**
- All remarks shall be addressed to the Council as a body and not to any member of the Council or Staff with no personal remarks allowed.
- No person, other than the Council and the person having the floor, shall be permitted to enter any discussion either directly or through a member of the Council, without the permission of the Presiding Officer.
- Any person making personal, impertinent, or slanderous remarks or who shall become boisterous or disruptive during the council meeting shall be forthwith barred from further presentation to the council by the presiding officer unless permission to continue by granted by a majority vote of the council.

ATTENTION:

To access this meeting electronically with ZOOM,
Dial: 253-215-8782
Meeting ID: 4042719951
Password: 151041

Posted: 04/27/23

RESOLUTION NO. 2013

**A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF LIBBY, MONTANA
INTENDING TO CONSIDER THE ANNEXATION OF PROPERTIES LOCATED IN
S33, T31 N, R31 W, C.O.S. 414, ACRES 3.86, TR 1A in SESE and 3D7 in SWSE.**

WHEREAS, Steven Bandemer and Levi Thompson own certain real properties located in S33, T31 N, R31 W, C.O.S. 414, ACRES 3.86, TR 1A in SESE and 3D7 in SWSE; and

WHEREAS, the properties above described are North of 2nd Street Extension, South of the BNSF Rail Roadway, and contiguous with property already annexed into the City of Libby, namely the city shop and sewer treatment facility; and

WHEREAS, Steven Bandemer and Levi Thompson petitioned the City of Libby to annex the above described properties on April 4th, 2023; and

WHEREAS, this Resolution supercedes any previous Resolutions; and

WHEREAS, Mont. Code Ann. § 7-2-4705 permits annexation into a city of land requested to be annexed by the owner through Petition,

NOW THEREFORE, be it hereby resolved by the Libby City Council that the City of Libby intends to consider annexation of the above-described properties into the City of Libby as Business-Residence District pursuant to a Petition filed by its owners, Steven Bandemer and Levi Thompson. A Public Hearing will be held on 5 June 2023 on the question of annexation.

Passed and approved this 1st day of May 2023.

Attest:

Peggy Williams, Mayor

Leann Monigold, Clerk/Treasurer



Annexation By Municipalities Providing Services

7-2-4705. Annexation by municipalities providing services. (1) The governing body of any municipality may extend the corporate limits of the municipality under the procedure set forth in this part upon the initiation of the procedure by the governing body itself.

(2) Whenever the owners of real property situated outside the corporate boundaries of any municipality, but contiguous to the municipality, desire to have real estate annexed to the municipality, they shall file with the governing body of the municipality a petition bearing the signatures of 51% of the real property owners of the area sought to be annexed and requesting a resolution stating that the municipality intends to consider annexation. Upon passage of the resolution, the governing body shall follow the procedure in **7-2-4707** through **7-2-4713** and **7-2-4731**(3).

What Constitutes Contiguous Lands

7-2-4301. What constitutes contiguous lands. Tracts or parcels of land proposed to be annexed to a city or town under the provisions of this part shall be deemed contiguous to such city or town even though such tracts or parcels of land may be separated from such city or town by a street or other roadway, irrigation ditch, drainage ditch, stream, river, or a strip of unplatted land too narrow or too small to be platted.

PLANNING NOTES

1. PROPOSED ZONING: BUSINESS-RESIDENCE DISTRICT

17.20.010 - USES:
 WITHIN ANY BUSINESS-RESIDENCE DISTRICT, NO BUILDING, STRUCTURE, OR PREMISES SHALL BE USED, ARRANGED, OR DESIGNED TO BE USED EXCEPT FOR ONE OR MORE OF THE FOLLOWING USES:

- A. ANY USE PERMITTED IN A RESIDENCE A OR RESIDENCE B DISTRICT;
- B. DETACHED DWELLINGS FOR NOT MORE THAN FOUR (4) FAMILIES OR HOUSEKEEPING UNITS;
 OR MORE THAN TWO (2) FAMILIES OR HOUSEKEEPING UNITS;
- C. ANY BUSINESS MAY BE PLACED IN THIS DISTRICT ONLY BY THE WRITTEN APPROVAL OF THE BOARD OF ADJUSTMENT, AFTER WRITTEN APPLICATION, TOGETHER WITH SUBMISSION OF PLANS AND SPECIFICATIONS SHOWING ACTUAL LOCATION OF PROPOSED BUILDING AND GENERAL ARRANGEMENTS ON ANY PIECE OF GROUND, IT BEING THE INTENTION TO RESTRICT THIS AREA TO SERVICE UNITS AND BUSINESS AS SPECIFICALLY OUTLINED AND STILL MAINTAIN A PRACTICAL STANDARD FOR RESIDENTS WITH THE BOARD OF ADJUSTMENT TO MAKE SUCH DECISION IN EACH CASE REGARDING LOCATION OF BUILDINGS; 2. TYPE OF BUSINESS OTHER THAN ABOVE; 3. TYPE OF BUILDING; 4. SETBACK; 5. SIDE YARD, IF ANY; AND 6. LOT AREA AND OTHER PERTINENT ITEMS AS ARE CONSISTENT WITH GOOD ZONING PRACTICE; AND THE PRACTICAL DEVELOPMENT OF THIS DISTRICT; E. PROVIDED, HOWEVER, THAT ALL BUILDINGS SHALL BE SO PLACED THAT THERE SHALL BE A FRONT YARD HAVING A DEPTH OF NOT LESS THAN TWENTY-FIVE (25) FEET FROM THE INSIDE SIDEWALK LINE ON WHAT IS NOW U. S. HIGHWAY 2 AS IT RUNS ON NINTH STREET AND MINNESOTA AVENUE, ALSO ON UTAH AVENUE IN THE DISTRICT, AND A SIDE YARD OF NOT LESS THAN TEN (10) FEET ON THE STREET SIDE OF ALL CORNER LOTS, SUCH YARDS, FRONT AND SIDE, SHALL BE ENTIRELY UNOCCUPIED BY ANY STRUCTURE OR BUILDING.

17.20.020 - VACANT LOTS.
 THESE SHALL BE KEPT FREE OF DEBRIS, RUBBISH, OR GARBAGE AT ALL TIMES. SPECIAL USES OF VACANT LOTS MAY BE PERMITTED BY WRITTEN AUTHORITY OF THE BUILDING INSPECTOR AND THE BOARD OF ADJUSTMENT, WITH THE CONSENT OF THE OWNERS OF EIGHTY PERCENT (80%) OF THE PROPERTY WITHIN THREE HUNDRED (300) FEET OF THE LOT OR LOTS.

17.20.030 - CONSTRUCTION.
 ALL CONSTRUCTION SHALL BE OF A STANDARD APPROVED BY THE BUILDING INSPECTOR.

17.20.040 - SIGNS.
 SIGNS PERTAINING TO THE LEASE, SALE, OR USE OF A LOT OR BUILDING MAY BE PLACED THEREON; PROVIDED, THAT THE TOTAL AREA OF ALL SUCH SIGNS DOES NOT EXCEED EIGHT SQUARE FEET; PROVIDED, FURTHER, THAT ON A LOT OR DWELLING AND PERTAINING TO THE USE THEREOF OR BEARING THE NAME OR OCCUPATION OF AN OCCUPANT SHALL NOT EXCEED ONE SQUARE FOOT FOR EACH FAMILY HOUSED, A SIGN OR BUILDING BOARD NOT EXCEEDING TWELVE (12) SQUARE FEET IN AREA MAY BE ERECTED UPON THE PREMISES OF A CHURCH, OR OTHER INSTITUTION, FOR THE PURPOSE OF DISPLAYING THE NAME AND ACTIVITIES OR SERVICES THEREIN PROVIDED. ANY SIGN PROVIDED FOR HEREIN SHALL NOT MATERIALLY ALTER THE APPEARANCE OF SAID LOT OR DWELLING NOR AFFECT THE WELFARE OF THE NEIGHBORS.

