

## RESOLUTION 23-11142

### A RESOLUTION OF THE CITY OF BILLINGS ANNEXING TERRITORY UNDER TITLE 7, CHAPTER 2, PART 44 OF THE MONTANA CODE ANNOTATED.

WHEREAS, the City Council intends to annex said territory pursuant to Title 7, Chapter 2, Part 44 of the Montana Code Annotated; and

WHEREAS, the City Council of the City of Billings has determined that it is in the best interest of the City of Billings to annex the territory hereinafter described and passed a Resolution of Intent on June 26, 2023 pursuant to Title 7, Chapter 2 Part 4404; and

WHEREAS, the City of Billings provided notice and held a 20-day notice period pursuant to Title 7, Chapter 2, Part 4405 of the Montana Code Annotated; and

WHEREAS, the City of Billings provided notice and held public hearing pursuant to Title 7, Chapter 2, Part 4406 of the Montana Code Annotated; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA, AS FOLLOWS:

1. TERRITORY ANNEXED. Pursuant to Petition filed as provided M.C.A., Title 7, Chapter 2, Part 46, the following territory is hereby annexed to the City of Billings:

Parcels of Land situated in the NE 1/4 of Section 26, T.1N., R.25E., Yellowstone County, Montana, more particularly described as follows:

Tracts 9, 10, and 12 of Certificate of Survey No. 2037, recorded December 23, 1980, under Document No. 1185840 on file and of record in the office of the Yellowstone County Clerk and Recorder.

Said annexation containing 60.783 gross net acres, more or less.

(# 23-05) See Exhibit "A" Attached

A parcel of Land situated in the SW 1/4 and the SE 1/4 of Section 19, T.1N., R.26E., Yellowstone County, Montana, more particularly described as follows:

Tract C of Certificate of Survey No. 3795, recorded August 17, 2021, under Document No. 3985813 on file and of record in the office of the Yellowstone County Clerk and Recorder.

Said annexation containing 72.77 gross net acres, more or less.

(# 23-05) See Exhibit "B" Attached

2. EFFECTIVE DATE. This resolution to annex the above-described territory shall be effective 30 days after its passage and approval, and thereafter the boundary of the City of Billings shall be as set forth in said resolution.

3. PROCEDURE. All procedures as required under M.C.A., Title 7, Chapter 2, Part 44, have been duly and properly followed and taken.

ADOPTED AND APPROVED by the City Council of the City of Billings, Montana, on the 24<sup>th</sup> Day of July, 2023.

CITY OF BILLINGS:



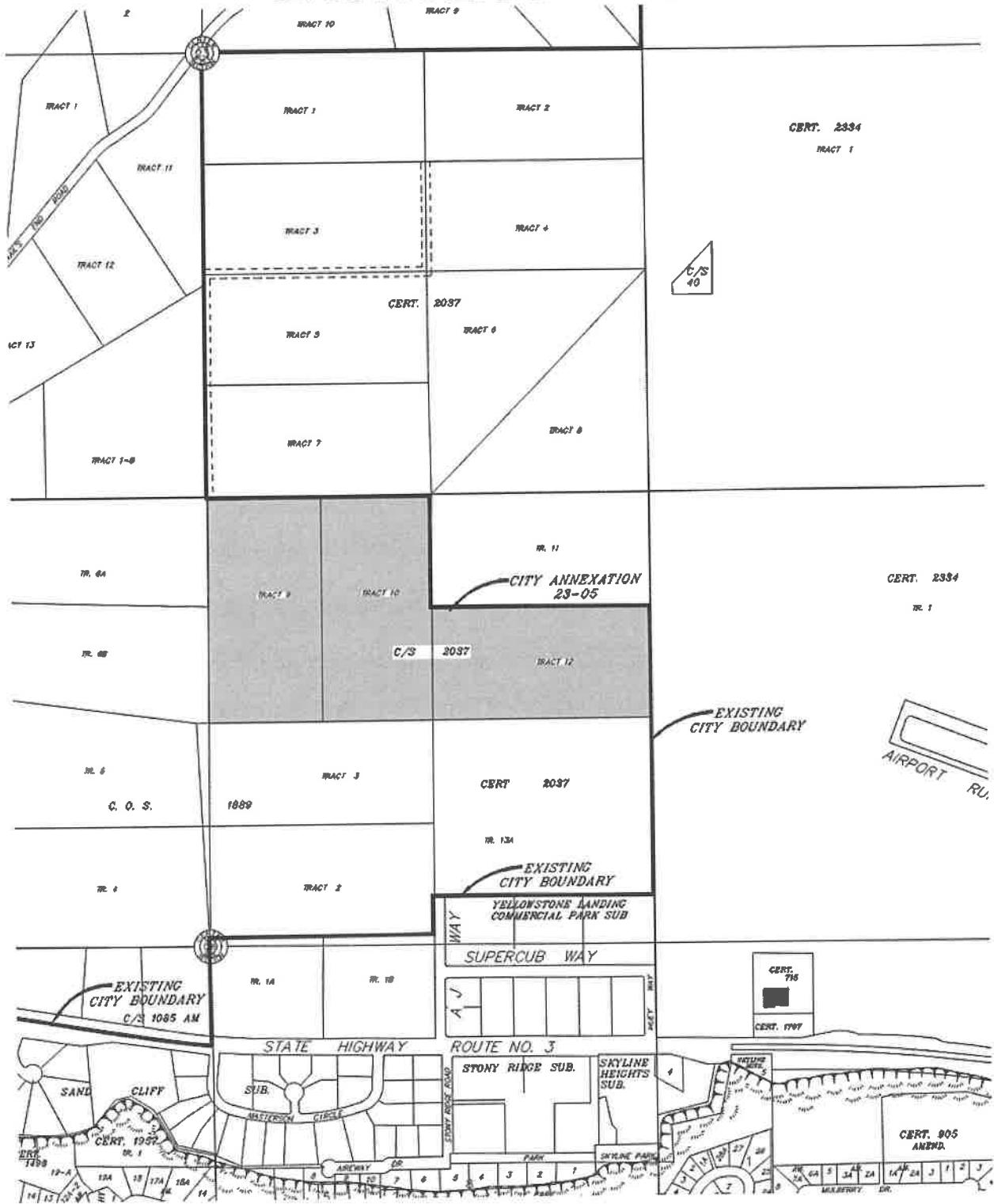
BY: William A. Cole  
William A. Cole, Mayor

ATTEST:

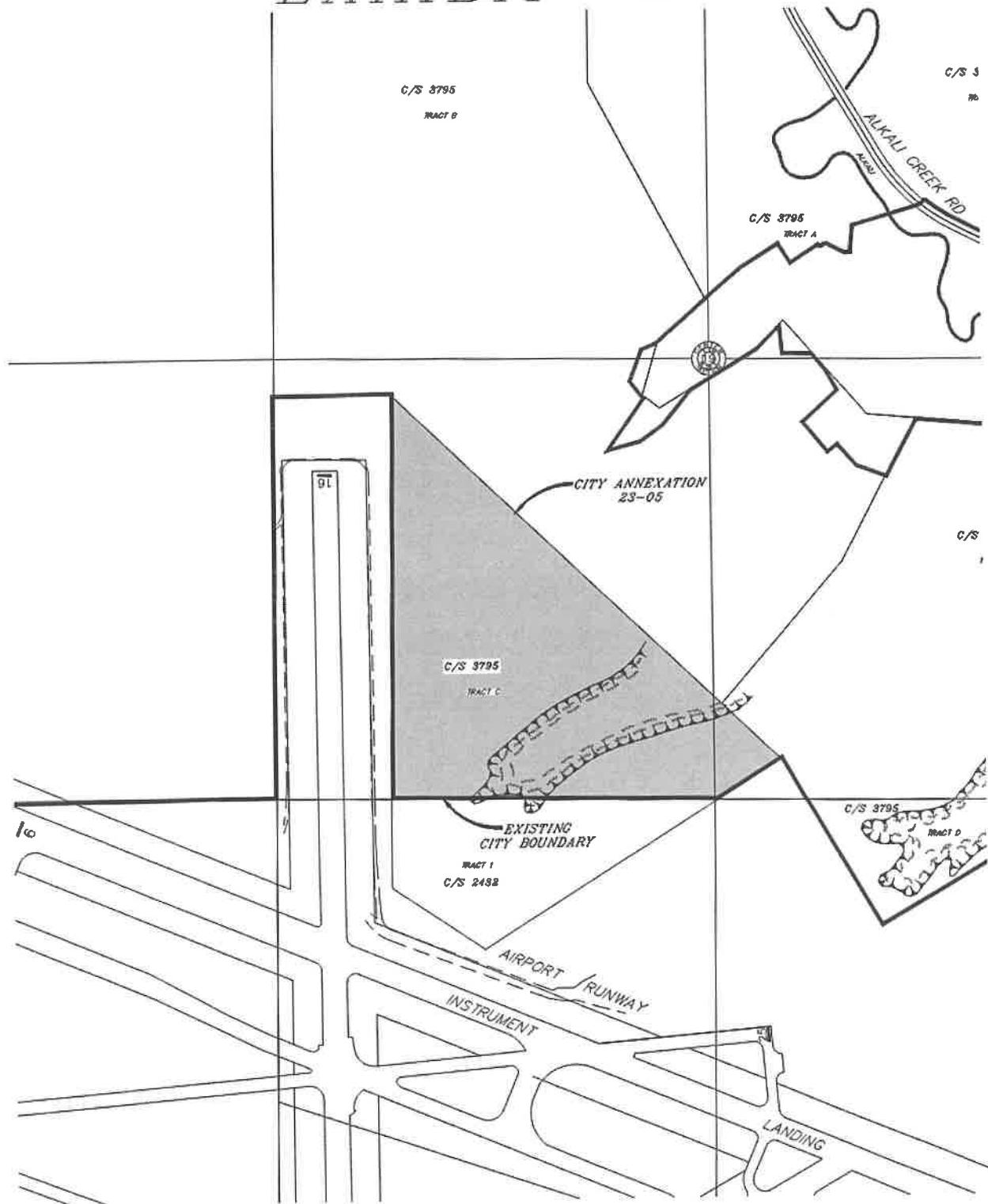
BY: Denise R. Bohlman  
Denise R. Bohlman, City Clerk

(# 23-05)

*EXHIBIT "A"*



*EXHIBIT "B"*



## City Council Regular

Date: 07/24/2023  
 Title: Public Hearing and Resolution Annexation 23-05  
 Presented by: Hunter Kelly, Planner 1  
 Department: Planning & Community Services  
 Presentation: Yes  
 Legal Review: Not Applicable  
 Project Number: PZX-23-00094

COUNCIL ACTION	Approved 8-0 Auer, Choriki, Tidswell Absent / Excused JUL 24 2023
<u>db</u>	
CITY CLERK	

## RECOMMENDATION

Staff recommends the City Council hold a public hearing on the annexation. Upon completion of the hearing, staff recommends the City approve the Resolution of Annexation of the contiguous property.

## BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)

On June 26, 2023, the City Council passed a Resolution of Intent to annex city owned land adjacent to the Billings-Logan International Airport. The annexation of this land will be for the protection of the airport. State Law under 7-2-44 MCA provides municipalities the authority to annex contiguous land. The subject properties are 133.55 gross acres of land owned by the City of Billings. The properties are legally described as Tracts 9, 10, and 12 of Certificate of Survey No. 2037, recorded December 23, 1980, under Document No. 1185840 on file and of record in the office of the Yellowstone County Clerk and Recorder and Tract C of Certificate of Survey No. 3795, recorded August 17, 2021, under Document No. 3985813 on file and of record in the office of the Yellowstone County Clerk and Recorder. The properties are west and north, respectively, of the Billings-Logan International Airport and are parcels that are controlled by the airport. There are no development plans for the parcels, but it is the desire of the city to have city-owned property be within City Limits. The City Council shall hold a public hearing and consider any written comments submitted during the 20-day comment period established by the Resolution of Intent prior to taking action on the Resolution of Annexation.

Tracts 9, 10, and 12 of Certificate of Survey No. 2037 are zoned P2 (Public 2). This is a zoning district recognized by the City. Tract C of Certificate of Survey No. 3795 is zoned A (Agriculture). This is not a zoning district recognized by the city. This tract is undergoing a concurrent zone change (ZC 1032) to bring the area into compliance as part of this annexation. The proposed new zoning is P2. The annexation of this land will be for the protection of the airport.

It is the City's custom to have staff prepare a brief analysis of predicted impacts to services and facilities. Staff finds the proposed annexation complies with the adopted Annexation Policy criteria as follows:

1. The area is located within the City's Annexation Petition Area on its Limits of Annexation Map.
2. The City is able to provide adequate city services within a time period mutually agreed to by the property owners requesting annexation and the City.
3. Existing or proposed public improvements within the area to be annexed will meet City standards.
4. All property owners within the area to be annexed must sign a Waiver of Right to Protest future Special Improvement Districts - Not Applicable
5. Residential densities planned for development within the area to be annexed must meet an overall average density of at least 4-7 dwelling units per acre - Not Applicable
6. If annexed, any proposed land use will comply with the zoning - Zone Change 1032 if approved, will bring Parcel C of C/S 3795 into conformance.
7. The proposed land use within the area to be annexed shall conform to the goals of the City of Billings Growth Policy

Departmental Response: City and County Departments were given the opportunity to comment on this annexation. City departments responded favorably and detailed responses are provided below. The County Public Works Department did not respond to this annexation request.

- Water and Sanitary Sewer: Public water and sanitary sewer service is available to the property proposed for annexation. Tracts 9, 10, and 12 of Certificate of Survey No. 2037 will be served via mains in A J Way. Tract C of Certificate of Survey No. 3795 will be served via existing connections in the Billings-Logan international Airport.
- Storm water: Any development will be compliant with the adopted Stormwater Management Manual.
- Transportation: Tracts 9, 10, and 12 of Certificate of Survey No. 2037 will be accessed via A J Way. The Public

Right-of-way along AJ Way will be dedicated to the City of Billings. Tract C of Certificate of Survey No. 3795 is accessible from the fire access road along Billings-Logan International-Airport.

- Fire Stations: The Billings Fire Department currently serves the subject property through the Billings Urban Fire Service Area agreement. The Billings Fire Department will continue to serve the property upon annexation. As this and additional annexations are built out, additional fire department resources will be needed to meet and maintain our high level of service due to the increased call volume and burden on our department these annexations create. The nearest fire station is Station #1, located at 2305 8th Ave N, approximately 4.25 road miles or 9-10 minutes driving time to the subject property. However, the Billings Logan International Airport maintains its own Airport Rescue and Fire Fighting staff and equipment and responds to emergencies and fires on the Airport property.
- Parks: No Parkland or Trails will be required as part of this annexation.
- School facilities: The School district did not raise any special requests or concerns during their review of this proposal. This is typical for commercial development such as this.

**General City Services:** These are the City services that are provided to all residents and businesses in the City, such as police and fire protection, street and storm drain maintenance, and garbage collection and disposal. The service providers that responded did not object to the annexation of this property, however the Police Department in its comments above did note its concerns as additional property is annexed into the City.

- Transit: The annexed area is not directly serviced by a MET Route. MET Transit Fixed Route bus system will continue to provide service to Billings-Logan International Airport, which currently operates through Terminal Circle, which is the nearest accessible point to the property.
- Police: This proposed development is adjacent to established city limits and will not require an adjustment in schedules or staffing at this time. There is sufficient ingress/egress to the area. Despite recent passage of a safety levy, continued annexation and development will affect our ability to deliver service without commensurate resources.
- Public Utilities: The Public Works-- Distribution and Collection Division had no concerns with the annexation request.
- Public Works -Street and Traffic Division: The Street and Traffic Division stated that it has no concerns with serving the property.
- Public Works-Solid Waste: The Solid Waste Division had no concerns with annexing the property. The property will be served by City solid waste services.
- Ambulance Service: The City does not provide ambulance service, however it does dictate the level of service provided by American Medical Response (AMR). By City ordinance, 90% of ambulance calls must be answered within 8 minutes. Depending on factors at any given time such as traffic and congestion, this property may be within the area of acceptable response time.
- Legal and Finance: General Fund services, such as the Legal and Finance Departments should not be negatively impacted by this annexation.
- Other Departments: City/County services including Library, Planning, and Environmental Health are only slightly affected by the annexation since they will continue to serve the property whether it is in the City or the County. The Planning Division staff supports the annexation because it is consistent with the Limits of Annexation map and the applicable criteria of the annexation policy has been met. Further, coordination with other departments does not raise concerns that cannot be mitigated. Therefore, City Council is being provided with a recommendation of approval.

## STAKEHOLDERS

Annexation of Contiguous Land requires a 20-day protest period be noticed to the public. Two notices of the protest period and public hearing were provided via the Billings Gazette on June 30th and July 7th, 2023. The protest period ends July 16, 2023. The Planning Division has not received any inquiries about this petition at the time this memo was prepared.

## ALTERNATIVES

Section 7-2-44, Montana Code Annotated (MCA) provides the process for local governments to annex contiguous properties. To comply with Section 7-2-4406, MCA, the City must hold a public hearing prior to taking action on the Resolution of Annexation.

The Council may:

- Hold a Public Hearing and approve the Resolution of Annexation of the contiguous government property.
- Hold a Public Hearing and disapprove the Resolution of Annexation. Not annexing the property will result in the property remaining outside the City Limits and the application of City Ordinances would not be possible on the

property.

#### **FISCAL EFFECTS**

This application has no impact on the Planning Division.

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#### **Attachments**

Limits of Annexation

Annexation Resolution

## Limits of Annexation

