

RESOLUTION 23-11174

A RESOLUTION APPROVING PETITION FOR ANNEXATION AND ANNEXING TERRITORY TO THE CITY.

WHEREAS, one hundred percent (100%) of the freeholders who constitute more than fifty percent (50%) of the resident freeholder electors have petitioned the City for annexation of the territory hereinafter described; and

WHEREAS, the territory was described in the Petition as required by law; and

WHEREAS, annexation of said territory would be in the best interest of the City.

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

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 27, T.1N., R.26E., Yellowstone County, Montana, more particularly described as follows:

Lot 1A, Block 2 of Amended Plat of Lots 1 and 2, Block 2, La Ray Subdivision, recorded September 13, 2005, under Document No. 3347797.

Including all adjacent Right-Of-Way of Lincoln Lane and Orilla Street.

Said annexation containing 0.395 gross acres and 0.226 net acres, more or less.

(# 23-09) See Exhibit "A" Attached

2. CONDITIONS. The annexation is approved, subject to the following conditions:

- Within 45 working days and prior to site development, a mutually acceptable Annexation Agreement shall be executed between the owner(s) and the City that shall stipulate, among other things, specific infrastructure improvements and right-of-way dedication, provide guarantees for said improvements, and include a Waiver of Right to Protest the creation of special improvement districts which will be recorded with the Yellowstone County Clerk and Recorder.

If the above conditions are not satisfied as set forth herein, the annexation will not be effective and any subsequent requests for annexation of the property

legally described within this resolution shall be processed as a new petition for annexation.

3. EFFECTIVE DATE. This resolution to annex the above-described territory shall be effective immediately upon satisfaction of all conditions. If the above condition(s) are not satisfied, this resolution shall be null and void and shall have no effect.
4. PROCEDURE. All procedures as required under M.C.A., Title 7, Chapter 2, Part 46, have been duly and properly followed and taken.

ADOPTED AND APPROVED by the City Council of the City of Billings, Montana, on the 27th day of November, 2023.



CITY OF BILLINGS:

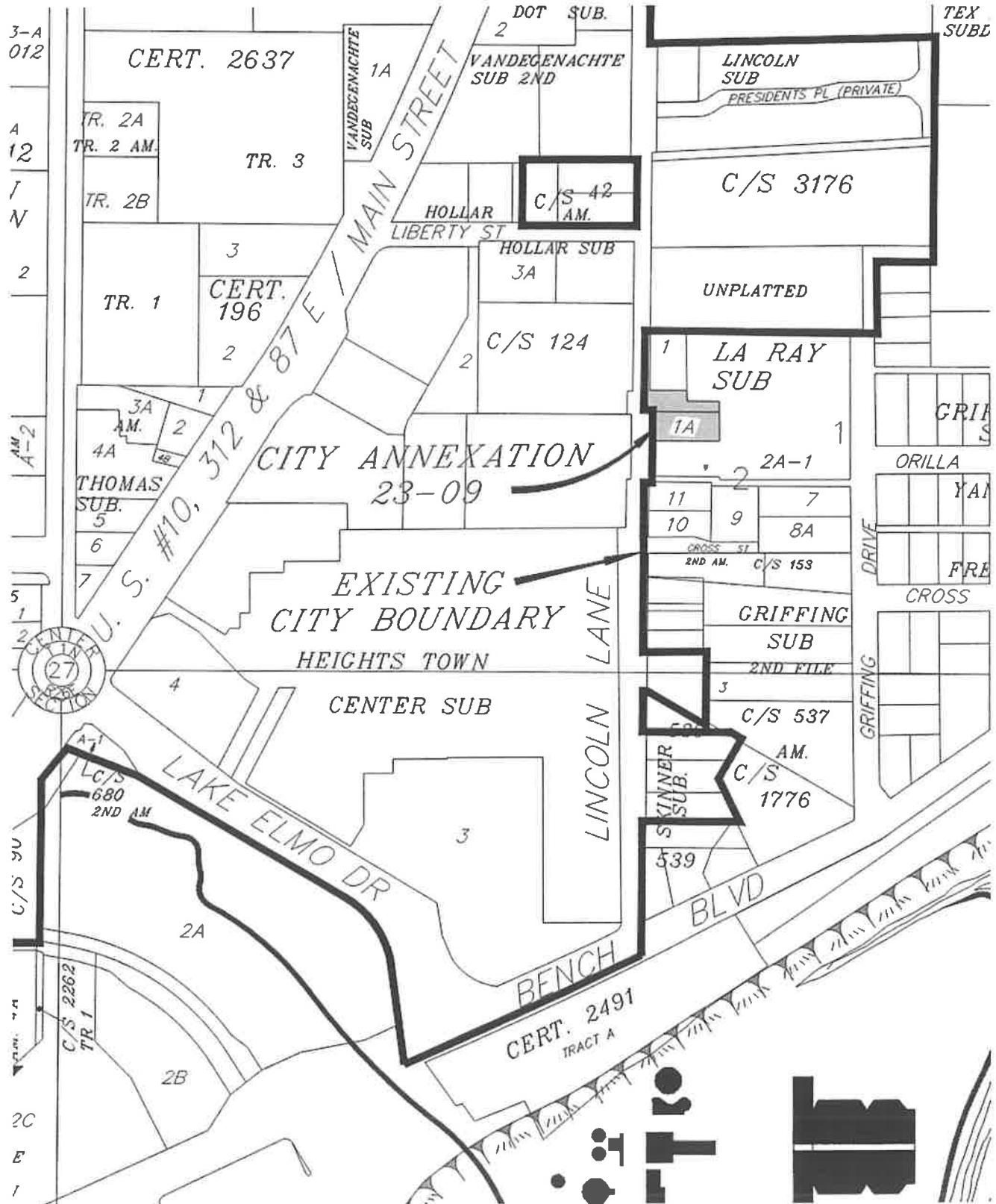
BY: William A. Cole
William A. Cole, Mayor

ATTEST:

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

(Annex #23-09)

EXHIBIT "A"



Res. 23-11174

COUNCIL ACTION	Approved 10-0, Owen Absent/ Excused
NOV 27 2023	
db	
CITY CLERK	

City Council Regular

Date: 11/27/2023
 Title: Joint Public Hearing and Resolution for Annexation 23-09
 Presented by: Hunter Kelly, Planner 1
 Department: Planning & Community Services
 Presentation: Yes
 Legal Review: Not Applicable
 Project Number: PZX-23-00168

RECOMMENDATION

Staff recommends the City Council hold a joint public hearing on the annexation and concurrent zone change. Upon completion of the hearing, staff recommends the City annex the petitioned property with the staff recommended conditions of approval.

Note* Although the Council is conducting a joint hearing, action will need to be taken individually on the annexation and zone change.

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

Performance Engineering, on behalf of LaVonne S Anderson, submitted a petition to annex land using the provisions of Section 7-2-4600, MCA. The property is located 1093 Lincoln Lane. The land being annexed is described as being Lot 1A, Block 2 of Amended Plat of Lots 1 and 2, Block 2, La Ray Subdivision, recorded September 13, 2005, under Document No. 3347797. Including all adjacent Right-Of-Way of Lincoln Lane and Orilla Street. Said annexation containing 0.395 gross acres and 0.226 net acres, more or less. The property is zoned N4 (Large Lot Residential). This is not a zoning district recognized by the City. The property is undergoing a concurrent zone change (Zone Change 1036) in order to bring the property into compliance. The proposed zoning is N3.

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 must be located within Zone 1 or Zone 3 of the Limits of Annexation Map. The property was previously developed in the county and is in the Zone 3 designation as shown in the attached Exhibit.
2. The City must be able to provide adequate city services at a cost acceptable to the City within a time period mutually agreed to by the property owners requesting annexation and the City, as stipulated in the Annexation Agreement.
3. Existing or proposed public improvements within the area to be annexed must meet City standards, as stipulated in the Annexation Agreement.
4. All property owners within the area to be annexed must sign a Waiver of Right to Protest the creation of Special Improvement Districts. This waiver is included in the Annexation Agreement and is good in perpetuity.
5. All residential property owners within the area to be annexed must create or join an existing park maintenance district. This property is not adjacent to an existing park maintenance district nor is it creating additional parkland for City, therefore the criteria is not applicable.
6. Residential densities planned for development within the area to be annexed must meet an overall average minimum density of primary dwelling units per acre as per the current City of Billings Growth Policy or similar planning documents. While this parcel has an existing residence on it, the property could allow for future redevelopment for additional single family homes due to the size of the lot. There are no plans to further develop additional units at this time.
7. The proposed land use within the area to be annexed must conform to the goals of the Adopted City of Billings Growth Policy:
 - Strong Neighborhoods
 - Zoning regulations that allow a mixture of housing types provide housing options for all age groups and income levels
 - Walkable neighborhoods that permit convenient destinations such as neighborhood services, open space, parks, schools and public gathering spaces foster health, goodwill and social interaction
 - Safe and livable neighborhoods can be achieved through subdivision design that focuses on complete streets, pedestrian-scale streetlights, street trees and walkable access to public spaces
 - Neighborhoods that are safe and attractive and provide essential services are much desired
 - Implementation of the Infill Policy is important to encourage development of underutilized properties
 - Home Base

- A mix of housing types that meet the needs of a diverse population is important
- The Housing Needs Assessment is an important tool to ensure Billings recognizes and meets the demands of future development
- Common to all types of housing choices is the desire to live in surroundings that are affordable, healthy and safe
- Planning and construction of interconnected sidewalks and trails are important to the economy and livability of Billings
- Public safety and emergency service response are critical to the well-being of Billings' residents
- Homes that are safe and sound support a healthy community

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.

- Water and Sanitary Sewer: Public water and sanitary sewer service is available to the property proposed for annexation. The Developer has to tie into the existing sanitary sewer main and a water main in Lincoln Lane along the frontage of the above-described property. This property lies in the Billings Heights water district.
- Storm water: Any development will be compliant with the adopted Stormwater Management Manual.
- Transportation: The Developer Tract will be accessed from Lincoln Lane. The Public Right-of-way along Lincoln Lane will be dedicated to the City of Billings.
- 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 #6, located at 1601 Saint Andrews Drive, approximately 2.53 road miles or 6 minutes driving time to the subject property.
- Parks: No Parkland or Trails will be required as part of this annexation. Earl Guss Park and Two Moon Park are the closest parks to the property and could be utilized by the residents. With the potential for only a few residential units on the property, impacts to parks and park resources will be minimal.
- School facilities: The School district did not raise any special requests or concerns during their review of this proposal.

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 Fire 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. The nearest route currently operates through the intersection of Main Street and Liberty Street. This intersection is approximately 1,000 feet away from the proposed annexation location via roadway. MET Plus Paratransit service is available, if the property owner qualifies.
- Police: This proposed development is well within an already established patrol area and should have no significant impact on patrol capacity. The Billings Police Department has repeatedly stressed continued development and annexation without commensurate resources has affected their ability to deliver service.
- 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, but pointed out that State Law allows the property owner to choose what garbage hauler may service the property after it is in the City.
- 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. City GIS commented the property's address is out of sequence and needs to be brought into proper numbering.

The Planning Division staff supports the annexation because it is consistent with the Limits of Annexation map and the criteria of the annexation policy has been met. Further, coordination with other departments does not raise concerns that cannot be mitigated. These decisions have a cumulative effect; therefore, City Council is being

provided with a recommendation of approval.

STAKEHOLDERS

Annexation by petition does not require notification of adjoining landowners; however, it does require that the City Council conduct a public hearing, advertise the hearing, and post the property with information on the annexation petition and public hearing. Notice of the public hearing was posted on the property and was advertised in the Yellowstone County News.

ALTERNATIVES

The City Council may

- Approve,
- Conditionally approve or
- Deny the petition for annexation.

Denial of the petition will mean the City Council cannot consider other agenda items related to this property regarding the development agreement and ward boundary ordinance. On August 29, 2023, the annexation petition was submitted to the Planning Division by the owner's agent. On November 27, 2023, the City Council is scheduled to take action on the petition.

FISCAL EFFECTS

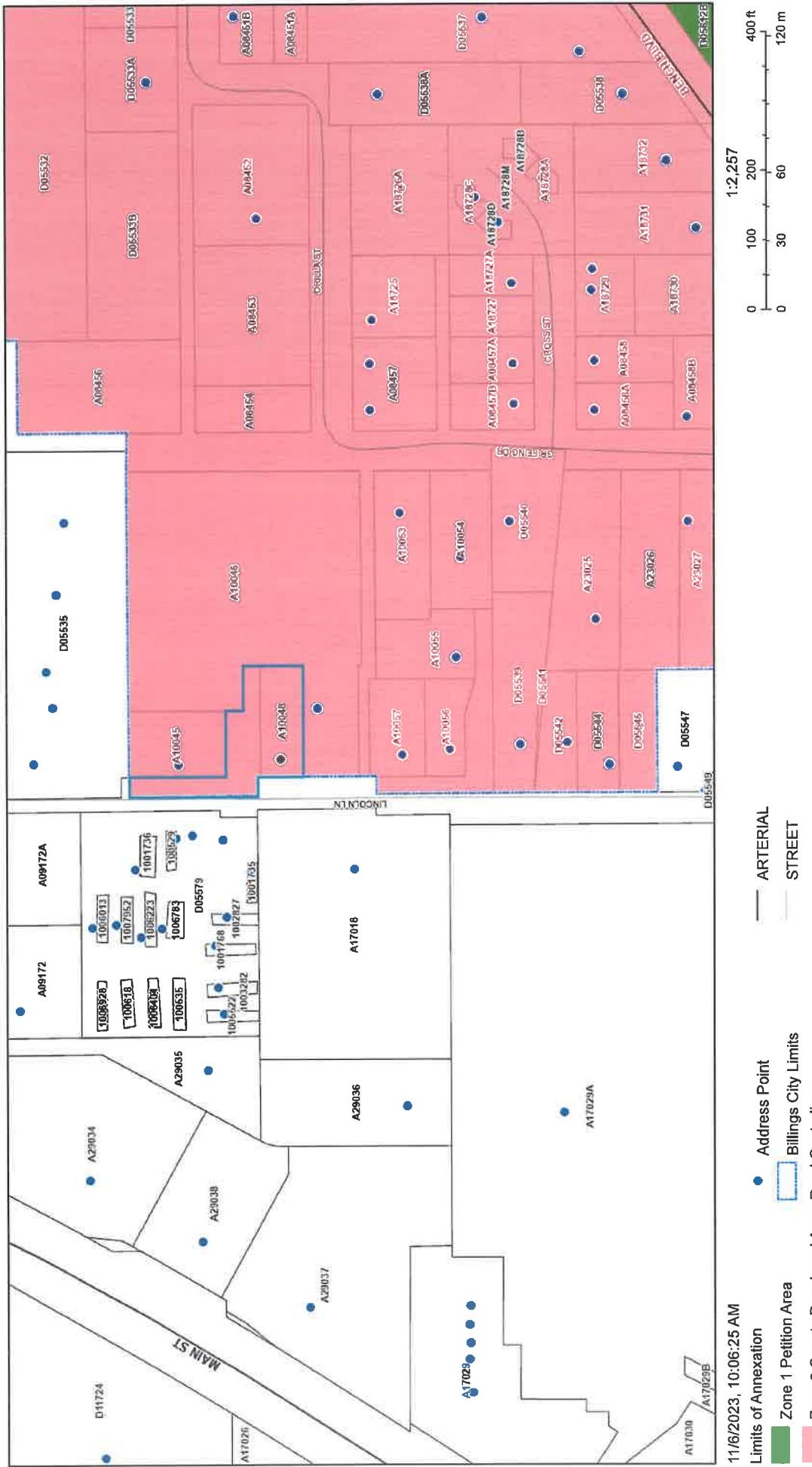
This application has no impact on the Planning Division Budget.

Attachments

Limits of Annexation

Annexation Resolution 23-09

Limits of Annexation



RESOLUTION NO. 23 -

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CITY OF BILLINGS:

BY: _____

William A. Cole, Mayor

ATTEST:

BY: _____

Denise R. Bohlman, City Clerk
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