

## RESOLUTION 24-11190

### 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 NW 1/4 of Section 10, T.1S., R.25E., Yellowstone County, Montana, more particularly described as follows:

Tract 2 of Certificate of Survey No. 3844, filed July 14th, 2023, under Document No. 4051600 on file and of record in the office of the Yellowstone County Clerk and Recorder.

Including all adjacent Right-Of-Way of Central Avenue.

Said annexation containing 50.333 gross acres more or less.

(# 24-02) 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 25<sup>th</sup> day of March, 2024.



CITY OF BILLINGS:

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

ATTEST:

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

(Annexation 24-02)

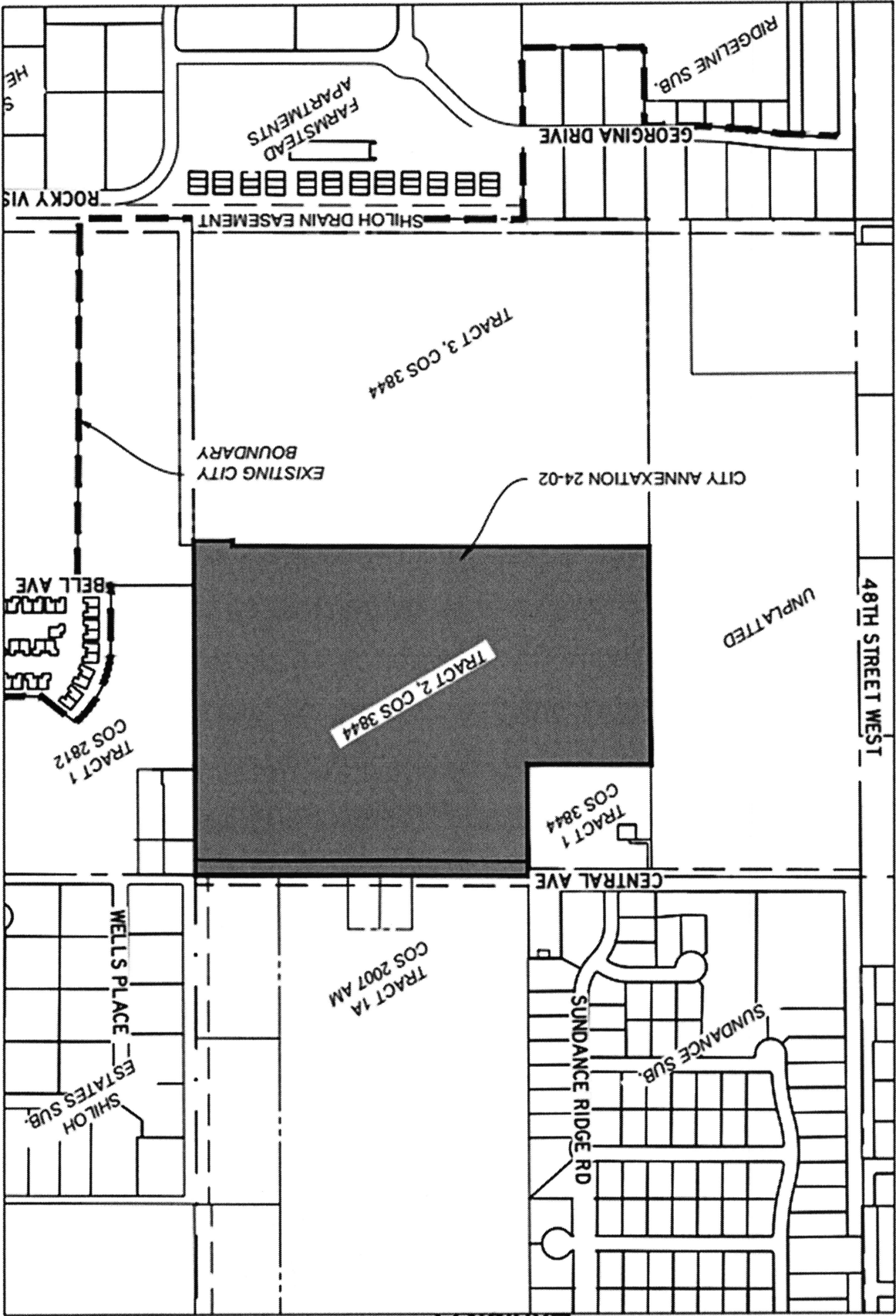


Exhibit A

**City Council Regular**

**Date:** 03/25/2024  
**Title:** Annexation 24-02, Resolution to Annex Tract 2 of C/S 3844  
**Presented by:** Hunter Kelly, Planner 1  
**Department:** Planning & Community Services  
**Presentation:** Yes  
**Legal Review:** Not Applicable  
**Project Number:** PZX-24-00054

Res. 24-11190

COUNCIL ACTION	Approved
9-9 Owen	Absent
Aspenlieder	Excused
Abstained	
MAR 25 2024	
do	
CITY CLERK	

**RECOMMENDATION**

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

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

Craig Dalton of Performance Engineering, on behalf of Todd Brown, submitted a petition to annex land using the provisions of Section 7-2-4600, MCA. The property is located south of Central Avenue and east of South 48th Street West. The land being annexed is described as being Parcels of Land situated in the NW 1/4 of Section 10, T.1S., R.25E., Yellowstone County, Montana, more particularly described as follows: Tract 2 of Certificate of Survey No. 3844, filed July 14th, 2023, under Document No. 4051600 on file and of record in the office of the Yellowstone County Clerk and Recorder. Including all adjacent Right-Of-Way of Central Avenue. Said annexation containing 50.333 gross acres more or less.

The property is zoned Agriculture (A). This is not a zoning district recognized by the City. This parcel is currently undergoing Zone Change 1045 (PZX-24-00053) to Corridor Mixed Use 1 (CMU1), Neighborhood Mixed Use (NMU), Mixed Residential 1 (NX1), Mixed Residential 2 (NX2), Mid-Century Neighborhood (N2) and Public 1 (P1) in order to bring the parcel into compliance for this annexation.

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 Zone 1 or Zone 3 of the Limits of Annexation Map.
2. The City must be able 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.
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. The zone change would allow 250+ units of mixed use future development on this property.
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 will be responsible for the extension of the sanitary sewer main and a water main in Central Avenue along the frontage of the above-described property.
- Storm water: Any development will be compliant with the adopted Stormwater Management Manual.
- Transportation: The Developer Tract will be accessed from Central Avenue. The Public Right-of-way along Central Avenue 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 #7, located at 1501 54th St West, approximately 2.10 road miles or 4 minutes driving time to the subject property.
- Parks: No Parkland or Trails will be required as part of this annexation, however zone changes do include land specifically zoned for Parks. Centennial Park is approximately 1.65 miles east of parcel as a partially developed community park to the area.
- School facilities: School District #2 comments that Big Sky Elementary, Ben Steele Middle, and West High School would serve the annexed area. All three schools are listed as being near or over capacity.

**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.

- Transit: The annexed area is not directly serviced by a MET Route. The nearest route, currently operates through the intersection of Shiloh Rd and Central Ave, which is the nearest accessible point to the property. This intersection is approximately .68 miles from the proposed annexation location via roadway. Future residents may be eligible for MET Plus Paratransit service from the site.
- 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. The Police Department is concerned Continued annexation and development 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. 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 affect, 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 February 1, 2024, the annexation petition was submitted to the Planning Division by the owner's agent. On March 25, 2024, the City Council is scheduled to take action on the petition.

#### **FISCAL EFFECTS**

This application has no impact on the Planning Division Budget.

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#### **Attachments**

Limits of Annexation  
Annexation 24-02 Resolution

## Limits of Annexation 24-02



3/4/2024, 11:27:47 AM

Limits of Annexation

- |   |  |  |
|---|--|--|
| <span style="display: inline-block; width: 15px; height: 15px; background-color: green; border: 1px solid black;"></span> Zone 1 Petition Area        | <span style="display: inline-block; width: 15px; border-bottom: 1px solid blue; border-left: 1px solid blue; border-right: 1px solid blue;"></span> Canal or Ditch | <span style="display: inline-block; width: 15px; border-bottom: 1px solid black;"></span> ARTERIAL |
| <span style="display: inline-block; width: 15px; height: 15px; background-color: yellow; border: 1px solid black;"></span> Zone 2 Long Range Area     | <span style="display: inline-block; width: 15px; height: 15px; border: 1px solid black;"></span> Tax Parcels   | <span style="display: inline-block; width: 15px; border-bottom: 1px solid gray;"></span> STREET    |
| <span style="display: inline-block; width: 15px; height: 15px; background-color: pink; border: 1px solid black;"></span> Zone 3 County Developed Area | <span style="display: inline-block; width: 15px; height: 15px; border: 1px solid blue;"></span> Billings City Limits   |  |

