

RESOLUTION NO. 02-17843

A RESOLUTION OF THE CITY OF BILLINGS APPROVING
AN ANNEXATION POLICY.

WHEREAS, the City Council of Billings desires to adopt an annexation policy to guide city annexation activities; and

WHEREAS, the policy would be in the best interest of the City and in the management of the quality and quantity of growth.

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

1. HEREBY adopts the annexation policy attached as EXHIBIT A pursuant to M.C.A., Title 7, Chapter 2, Part 42 and
2. ALSO ADOPTS the annexation sphere of influence as designated in EXHIBIT B,

PASSED by the City Council and APPROVED this 28th day of May, 2002.

THE CITY OF BILLINGS:

BY: _____

Charles F. Tooley, MAYOR

ATTEST:

BY: _____

Marita Herold, CMC/AE CITY CLERK

CITY OF BILLINGS ANNEXATION POLICY

INTENT: The City of Billings intends to:

promote orderly growth of the community at urban densities (greater than 4 units per acre) with urban services/facilities, and,

control the type, quality and location of development in areas that are outside the City, but which are likely to develop at urban densities.

Promotion of Orderly Growth. All annexations of property to the City of Billings will be considered in accordance with the following standards:

1. **Sphere of Influence.** Areas within the annexation “Sphere of Influence” represent the City’s annexation priority. Areas outside the Sphere will be considered for annexation only if they meet the majority of City annexation goals. The “Sphere of Influence” for annexation is hereby established as set out on attached Exhibit A.
2. **Joint City/County/School District Review.** The Planning Board will facilitate joint City/County/School District reviews of development, zoning, and subdivision applications that are within the City’s annexation Sphere of Influence.
3. **Annexation Required.** The City of Billings shall require annexation as a condition for obtaining any municipal utility services.
4. **Service Plans Required.** Annexations will only be approved if there are existing service plans that identify the needed services within the City’s Sphere of Influence, when the services should be provided, and any special financing needs to serve the annexed area.
5. **Analysis of Potential Costs/Benefits.** For each annexation, City Staff shall prepare an analysis of the potential costs and benefits of annexing the land, whether vacant or developed, which shall be formally included with the annexation application.
6. **Alternative Designs.** Applicants may propose alternative designs for public improvements, provided those improvements offer the same level of service as the designs presently required in the City.
7. **Parks.** All residential annexations shall create or join an existing park maintenance and park improvements district as a condition of annexation.

8. **Notice to School Districts.** The Planning Department shall send the appropriate School District a notice of all proposed annexations.
9. **Assisting Property Owners.** To help reduce adverse impacts to property owners seeking annexation, the City will:
 1. Determine the City's current, base line service level and service costs.
 2. Determine when services and capital facilities are needed in proposed annexation areas and permit them to be phased-in as needed by residents/businesses as long as the phasing in is contained in an annexation agreement.
 3. Consider alternative service delivery methods that may have lower costs than traditionally supplied City services.
 4. Develop alternative financing methods that could ease the initial financial burden that owners may experience when annexing property to the City, including but not limited to:
 - A. Creation of private maintenance associations.
 - B. Establishment of city maintenance districts with differential fees.
 - C. Establishment of a surcharge on newly annexed properties that provide funding to maintain existing infrastructure.
 - D. Establishment of zones with differential property tax rates that provide funding to maintain existing infrastructure.
10. **Annexation Priority if Existing City Services and Infrastructure or Community Goal.** To ensure infill development, the City will give priority to annexation of properties that use existing City services and infrastructure or that meet other community goals as established in the Growth Policy. The City will:
 - A. Annex wholly surrounded county islands that can be shown to be benefiting from City facilities and services.
 - B. Contact property owners within wholly surrounded islands to encourage them and/or to provide them with incentives to annex to the City.
 - C. Initiate state law changes that allow cities to annex wholly surrounded islands regardless of land use when the City has adopted an annexation policy that meets state criteria.
 - D. Annex all areas that presently receive City services.

- E. Annex areas that meet community goals, such as developments that feature affordable housing, employment centers or mixed uses.
- F. Annex areas that have deficient public infrastructure that threatens public health or safety and develop plans to provide municipal facilities, including a time schedule for their construction.
- G. Annex areas that plan or have high density development on arterial streets, thereby supporting a higher level of municipal service and generating higher taxes or fees than low density development.
- H. Rate the properties as highest priority that are:
 - 1. Contiguous (highest priority) or near the present City limits;
 - 2. Larger than 10 acres.
 - 3. Contain regular boundaries such as streets, section lines, or topographic barriers.
 - 4. Will not cause a decline in services to the existing city residents below the baseline service level.