

**\*\*ATTENTION\*\***

The City Council meeting will be held in a hybrid format that may include both in-person AND virtual attendance via Zoom. Unless they have cause to appear virtually, Councilmembers will attend the meeting in person in Council Chambers, second floor of City Hall, 220 N. 27th Street. In order to honor the Right of Participation and the Right to Know in Article II, Sections 8 and 9, of the Montana Constitution, the City of Billings and City Council are making every effort to meet the requirements of the open meeting laws.

Citizens are invited to:

- Review the Agenda Packet on the City's website at: [www.billingsmt.gov](http://www.billingsmt.gov) and click on "Your Government," "City Council," and "Agendas & Minutes".
- View the meeting:
  - On Community 7 TV - Channel 7 or Channel 507 -- Spectrum Cable. (*On evenings when there is a conflict with School District No. 2 Board meetings, the City Council meeting will be broadcast on Channel 8 - Spectrum Cable.*)
  - Online at [www.comm7tv.com](http://www.comm7tv.com) and click on the "Watch Live" icon. Community 7 also has links to their Facebook page and YouTube channel.
  - On the City's website at [www.billingsmt.gov](http://www.billingsmt.gov) and click on "Watch Meetings Online" on the homepage.
  - In-Person.
  - Virtually via Zoom (see the link below).

Citizens may submit public comment via the following methods:

- Mail: City Clerk, P.O. Box 1178, Billings, MT 59103
- Email: [Council@billingsmt.gov](mailto:Council@billingsmt.gov).
  - Emails received after 3:00 PM on the day of the meeting, may be posted on the Council's webpage the following day for public viewing.
- Attend the meeting in person.
- Attend the meeting virtually through Zoom by entering the Webinar ID and Passcode indicated below. Click on *Zoom Meeting Instructions* and *Zoom Hybrid Meeting Details* below for more information. The link will allow you to attend, view and participate in the meeting on your computer, laptop or smart phone. (You must have the Zoom App on your device [Click Here to Download Zoom App](#)) To provide public comment at the appropriate time, click on the "raise hand" icon located at the bottom of the screen and the moderator will unmute your device.
  - **Don't have a smart phone, computer or laptop?** That's okay -- you can attend a Zoom meeting using your **landline phone**. Call the Zoom phone number, 1.253.215.8782 to join the meeting and follow the operator's instructions. Want to give public comment? Simply "*raise your hand*" by pressing \*9 and the moderator will give you permission to speak when it is your turn. *\*Note this is a long distance toll number and charges may apply depending on your plan.*
- Click Here for [Zoom Meeting IDs and Passcodes](#)
- Click Here for [Zoom Meeting Instructions for Attendees \(as guests\)](#)

Please contact Denise Bohlman, City Clerk, at [bohlmand@billingsmt.gov](mailto:bohlmand@billingsmt.gov), or at 406.657.8210, with any questions.



**VISION STATEMENT:**  
"The Magic City: A diverse,  
welcoming community  
where people prosper and  
business succeeds."

## WORK SESSION AGENDA

COUNCIL CHAMBERS

JULY 31, 2023

5:30 P.M.

CALL TO ORDER: Mayor Cole

**PUBLIC COMMENT ON ALL ITEMS.** This is the time to comment on any matter (Agenda or Non-Agenda) falling within the scope of the Billings City Council. There will also be time in conjunction with each agenda item for public comment relating to that item. You may only speak once for each item during the meeting.

Please note, the City Council cannot take action on any item of significant interest to the public that does not appear on the agenda. Comments are limited to three (3) minutes during each public comment period or as set by the Mayor. **Speaker sign-in required.** Please sign the roster at the cart located at the back of the Council chambers or at the podium.

### 1. HRDC Housing Presentation.

- Presented by: Kietyn Frost, Marketing & PR Specialist and Kody Christensen, Community Mobilization Manager

-Public Comment

### 2. City Limits of Annexation Map and Annexation Policy.

- Presented by: Wyeth Friday, Planning Director

-Public Comment

### 3. Highlight Upcoming Agenda Items of Council Interest.

- Presented by: Kevin Iffland, Assistant City Administrator

-Public Comment

## COUNCIL DISCUSSION:

**PUBLIC COMMENT on "NON-AGENDA ITEMS".** Speaker Sign-in required. *(Restricted to ONLY items not on this printed agenda. Comments are limited to 3 minutes or as set by the Mayor. Please sign the roster at the cart located at the back of the Council chambers or at the podium.)*

## ADJOURN:

Note:

- This meeting is an "informal" meeting of the City Council. The content of the Agenda is subject to change at the meeting.
- In the event there is a Closed Executive Session, the sole purpose is to discuss litigation strategy. The other parties to the case(s) discussed are not public bodies or associations as described in Section 2-3-203(1) and (2), MCA. The meeting is closed, as allowed by Section 2-3-203(4) (a), MCA, "to discuss a strategy to be followed with respect to litigation when an open meeting would have a detrimental effect on the litigating position" of the City of Billings.

**City Council Work Session**

**Date:** 07/31/2023  
**Title:** Housing presentation by HRDC District 7  
**Presented by:** Kevin Iffland, Assistant City Administrator  
**Department:** City Hall Administration  
**Presentation:** Yes  
**Legal Review:** Not Applicable  
**Project Number:** na

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**RECOMMENDATION**

There is no action required with this Council agenda item.

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

Kietyn and Kody will be covering housing services offered by HRDC District 7 in five counties. This includes the Emergency Services offered to individuals facing homelessness or a housing crisis. Through the Emergency Solutions Grant, HRDC District 7 offers rapid-rehousing to unhoused individuals and Homeless Prevention for families or individuals facing home eviction. For younger people aged 16-24, they have the Harmony House and Transition in Place where clients have a safe, temporary place to live while they work to reach self-sufficiency. This is offered to teenagers and young adults who are pregnant or actively parenting. They will also briefly go over our Family Forward Program and what their Child Care Department does to help families find and afford child care.

**STAKEHOLDERS**

N/A

**ALTERNATIVES**

N/A

**FISCAL EFFECTS**

N/A

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**City Council Work Session**

**Date:** 07/31/2023  
**Title:** Council Review of Resolutions to Amend the City Limits of Annexation Map and Annexation Policy  
**Presented by:** Wyeth Friday  
**Department:** Planning & Community Services  
**Presentation:** Yes  
**Legal Review:** Yes  
**Project Number:** NA

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**RECOMMENDATION**

While no formal action may be taken at a Work Session, the City Annexation Committee recommends the City Council review and discuss Amendments to the Limits of Annexation Map and amendments to the City Annexation Policy and Corresponding Annexation Map format changes. After this Work Session, staff will place this item back on a Regular Council Meeting Agenda as soon as possible for consideration. Staff has attached the Resolutions and other materials to this Work Session Memo for reference and consistency as they were provided for the June 10 Council Meeting, including the Annexation Policy edits Mayor and Council members proposed prior to when the item was delayed.

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

To provide guidance on Annexation Policy and Map amendments, an Annexation Committee, consisting of representatives from Administration, Airport, Fire, Parks, Planning, Police, Public Works, and Transit advises the City Council. The Committee meets to review the Annexation Policy, discuss revisions to the map, and develop strategies for long-term growth management and service delivery. The Committee usually solicits requests from private property owners and considers any City-initiated amendments to the Annexation Map each winter/spring with the City CIP review/approval. The Committee is recommending changes to the map in two areas as described below and shown on the attached draft Limits of Annexation Map. The Committee is also recommending Annexation Policy and Map Format changes. The City Council was scheduled to take action on all of these items at its July 10 meeting, but only acted on one element of the Annexation Map amendments we recommended and delayed the remaining items to discuss further at this Work Session and then bring back the items at a future Council Meeting. The amendment the Council acted positively on at its July 10 meeting was amending the Limits of Annexation Map to include the area long Central Avenue in the City Annexation Petition Area. Review and discussion tonight will be on the Dover Ranch and Sweetgrass Meadows map amendment requests, and the Annexation Policy amendments regarding the new Zones. Staff will present the information tonight the same as was planned for the meeting on July 10th.

The City Council first adopted an Annexation Policy and accompanying Map 19 years ago in May 2002 and it was most recently amended in 2017. The original adoption of the Policy was driven by annexations in the early 2000s of areas like Rehberg Ranch and Briarwood that were placing significant service demands on City services and the Council realized it needed a formal process and criteria to make future annexation decisions. To provide guidance on Annexation Policy and Map amendments, an Annexation Committee was formed to advise the City Council. The current adopted policy established two limits of annexation. The City Annexation Petition Area (Red) defines an area where annexation petitions may be supported in the short term. The Long Range Urban Planning Area (Orange) covers areas where City services may be extended but would require additional analysis and funding to support those services. The City of Billings has annexed about 6 square miles since 2004 (39 to 45 sq. mi.) when the Policy and Limits of Annexation Map were further refined to be similar to what they are today. The community's growth over this period has challenged the City's ability to balance serving new areas and maintaining a high level of service to present citizens. Recent discussions and funding efforts centered on the need to increase public safety services has been a core part of these service issues. These challenges have meant the Committee continues to be cautious in recommending any expansion of the annexation areas. However, ensuring proper municipal infrastructure is positioned to serve City expansion long term and that low-density County development does not occur in the way of these efforts are also critical elements in the community's sustainability. In this case, specific new development projects in, and on the edge of, the Long Range Urban Planning Area that the City wants to ensure are developed in the City to City standards for long term continuity of services and sustainability supports these map amendments.

**Red Area Recommendations:** The Annexation Committee is making three recommendations to City Council to expand the City Annexation Petition Area (See draft map attached). These areas are being recommended based on City Department analysis and evaluation, Council direction and action to provide municipal services where urban developed on City services and to City standards is desired, and based on long-range infrastructure and land use

planning activity utility services in the Billings Heights, utility extension along the Central Avenue Corridor, and public safety considerations in far west Billings.

**Dover Ranch (High Sierra)** - This property is about 743 acres directly north of the now developing High Sierra Subdivision project that is building out north of the Annandale Road alignment, Lake Hills Golf Course, and Skyview High School. The applicant/developer is asking for inclusion in the City Annexation Petition Area so that they can gradually annex portions of the property over time and develop it for residential and neighborhood commercial type use. While the residential development may be similar to the existing High Sierra development underway, the City's zoning code will require a mix of residential districts and densities as well as some neighborhood office or commercial elements to serve this large area. The full build out of the area over an estimated time horizon of 15-25 years, with assumptions of various residential districts and some commercial elements, is about 9,000 people.

**-Water and Sewer Utilities:** This area is expected to be served by City Water and Sewer given the proximity of these utilities in the High Sierra development south of the subject property. The ability to coordinate developer and City service extensions is feasible and will help to further loop and connect City infrastructure in this area. The City is aware that the County Water District of Billings Heights (CWDBH) is proposing a new water trunk line across the top of the subject property (Alexander Road alignment) and down the Gleneagles Boulevard alignment. Given the existing proximity of City Water lines in this area it does not make sense for the CWDBH to extend services where the City is already planning to provide water. City Administration, Public Works and Planning staff have informed CWDBH of the City's intent as part of comment on its water line extension project proposal.

**-Transportation Infrastructure:** There are multiple opportunities for transportation corridor connections to the subject property both from the south and, ultimately, the northeast via an extension of Alexander Road. Connections from the south include Gleneagles Boulevard (Principal Arterial), High Sierra Boulevard (Collector), Annandale Road (Minor Arterial) East/West) and Las Palmas (Local). These connections provide ample connectivity as well as shared infrastructure cost opportunities between the City and the developer as this area is built out over time.

**-Public Safety Services:** Recent passage of the Public Safety Mill Levy has created opportunity for public safety services to both address existing challenges in providing adequate response as well as planning for future service demands. While ultimate build out of this area over several decades may not be accommodated by current public safety service capacity, the Police Department and Fire Department have resources and have made recent changes in service delivery that equip them to handle initial expansion in this area. Added Police officers as well as the new Community Service Officers has helped with capacity across the City. Since the Police Department is already responding to the High Sierra and Lake Elmo areas of the City, connecting to new neighborhoods in this area over time can be accommodated. The subject property is within the Billings Urban Fire Service Area (BUFSA) and so is currently provided with fire protection through the BUFSA service agreement. The opening of Fire Station #8 on Lake Elmo Road will significantly improve response capacity in the entire Billings Heights area and the deployment of Mobile Response Teams (MRTs) is also reducing the demand on fire truck call responses to focus more on fire calls and leave the medical calls to MRTs and AMR.

**-Parks, Transit:** Provision of park and open space development will occur as annexation, zoning and subdivision requirements are applied to the subject property during development review. Given the large area, it is anticipated that a variety of parks and trail corridors will be provided that extend from the existing High Sierra development and also are added as new elements. Sidewalks, bike lanes, and some multi-use pathways adjacent to the arterial and collector roadways also are anticipated to provide connectivity throughout the area.

While MET Transit will not immediately serve this area directly, current MET routes south of the subject property will provide some transit access and opportunities for future route expansion or modifications. Having the development area ultimately connect to Alexander road and out to Highway 87 provides a long range option for future transit looping in the north area of the Heights for both residential and commercial areas.

**Recommendation:** The Annexation Committee recommends the Dover Ranch property be included in the City Annexation Petition Area based on the desire to see urban development to City standards in this area of the Billings Heights.

**Sweetgrass Meadows (SW of Rimrock Road/70th Street West intersection)** - This property is about 240 acres located at the southwest corner of the intersection of Rimrock Road and 70th Street West just south of the most recent Copper Ridge Subdivision development. The applicant/developer is asking for inclusion in the City Annexation Petition Area so that they can gradually annex portions of the property over time and develop it for residential and neighborhood commercial type uses. The estimate at full build out is about 300 residential units and about 1,100 people. While the residential development may be similar to the adjacent Copper Ridge development, the City's zoning code will require a mix of residential districts and densities as well as some neighborhood office or

commercial elements likely at the intersection of Rimrock Road and 70th Street West. The full build out of the area is estimated over about 10 years per the applicant's market demand expectations.

**-Water and Sewer Utilities:** This property has some service challenges in terms of full build out as gravity sewer will function on about half of the north portion of the property. A potential lift station or pressure sewer will be needed to service approximately the southern half of the property. Water service could be extended to the entire property utilizing water line extensions in Rimrock Road across the north boundary of the subject property and the east boundary of the property along 70th Street West. This property also has some challenges relating to pumping capacity of the pump station that serves the area. The area is already deficient in peak pumping capacity during the summer. As the property is built out, it will further contribute to the need for an additional pump station to be located on 58th street west, between Grand Avenue and Rimrock Road. Most of the cost to extend water and sewer lines would be at developer expense with the potential for the City to participate in some oversizing of main lines that could serve future development in the area.

**-Transportation Infrastructure:** City Engineering has some concerns with future improvements to the transportation corridors in this area given that 70th Street West and Grand Avenue that provide connectivity for the subject property to the south are not built to City standard. Also, given that the area directly east of the subject property across 70th Street down to Grand Avenue and the Grand Avenue Corridor between 62nd Street West and 70th Street West is expected to remain as large lot development in the County for many years, improving 70th and Grand to a higher standard in the area would not be feasible. Traffic analysis provided by the applicant shows the majority of the traffic from the development utilizing Rimrock Road, which is City controlled even though the south side of the corridor from 70th Street West back to 62nd Street West is in the County. The City would secure some contributions from the new development for future improvements to the Rimrock Road in the area. However, it is important the City Council understand that there could be future CIP projects identified for Rimrock Road in this area and further east that would require use of City arterial and gas tax funds in combination with some development contributions as impacts to the corridor require improvements.

**-Public Safety Services:** The subject property is not within the Billings Urban Fire Service Area (BUFSA) and is instead in the Molt Volunteer Fire Department (Molt VFD) response area. This means that bringing this property into the City would bring an area not currently serviced by the City Fire Department into its service area. However, the Fire Department would prefer to have this area develop in the City even if it adds service demand. The Billings Fire Department already responds to areas of the Molt VFD since Molt VFD has no capacity for fighting structure fires and the Billings Fire Department would prefer City water supply and not dry hydrant systems in this area. The Fire Department also finds that since 70th Street West and Grand Avenue are paved even though they are not to City standard they do not pose a problem for access for responding from Fire Station #7. This provides access from Rimrock Road and 70th Street West to this area. Also, with the new Mobile Response Teams (MRTs) now taking non fire calls and reducing the fire truck responses, there is more capacity for fire calls in the area of Station #7. The Police Department also had no concerns with access as it also can utilize Grand Avenue and 70th Street West in this area for response along with Rimrock Road for multiple access options. While the Police Department is already providing services to Copper Ridge Subdivision to the north and has added some officer capacity, it is likely that with full build out of this area and other areas of the City, more resources will be needed over time. This area is a long way from the Billings Operation Center and Downtown Police Department where City Police are based out of for the City.

**-Parks, Transit and other Services:** Provision of park and open space development will occur as annexation, zoning and subdivision requirements are applied to the subject property during development review. Given the large area, it is anticipated that a variety of parks and trail corridors will be provided that may utilize the Little Cove Creek drainage and Stahly Tributary drainage through the property. Sidewalks, bike lanes, and some multi-use pathways adjacent to Rimrock Road and 70th Street West also are anticipated to provide connectivity throughout the area.

MET Transit is not expected to serve this area in the foreseeable future with fixed route service. The location is too remote from the main area of the City and current residential density and no commercial development make transit unfeasible at this time.

**Recommendation:** The Annexation Committee recommends the Sweetgrass Meadows property be included in the City Annexation Petition Area based on the desire to see urban development to City standards in this area of West Billings for public safety and to ensure urban development to City standards. By bringing the property into the City, the City would have control over the development and immediate streets adjacent. However, the City also will provide all services to the property and not be able to control some of the street improvements to the south in the County. While no immediate increases in cost of service delivery would be anticipated and there would be some offset of taxes, fees and assessments for services, this area is very far west Billings with County developed land in the area which makes some service delivery less efficient.

## **Annexation Policy and Map Format Change Recommendations**

The Annexation Committee has evaluated the current Limits of Annexation Map and is recommending some formatting changes to provide Council, City staff and the public with a better sense of what areas may be annexed and developed at any time, what areas have County development that may remain as is in the County for many years, and what areas the City expects ultimately may be annexed in the future but need further service evaluation and analysis first. These updates are partly driven by the areas shown on the existing Limits of Annexation Map that appear to be able to be annexed and developed as they are in the "Red" area but are actually fully developed as County residential neighborhoods and will not come into the City unless there is an environmental situation with the area's water supply or septic systems. These updates are also recommended to Council to continue to reinforce with property owners and developers that the City would prefer to discuss annexation and providing services for urban development before a property begins the process of developing in the County and creating barriers to future City expansion, infrastructure improvements, and service delivery challenges.

The Committee is recommending Council create three "Zones" for the Limits of Annexation Map, adding a third Zone to the current two areas of City Annexation Petition Area and Long Range Planning Area called County Developed Area and then making text amendments to the Annexation Policy to reflect these Zones and how the City will approach requests. See the attached Resolution regarding the Map and Policy amendments that depict these changes.

The newly proposed map includes Zone 1 the Petition area and Zone 2 the Long-Range area which function exactly as they currently do in the existing policy. Map colors have been revised. Zone 1 is green indicating the ability to proceed with annexation, Zone 2 is yellow, indicating you can proceed with further analysis and finally Zone 3 is red, indicating these properties are not suitable for annexation due to already existing development. The most substantive change to the policy is related to Zone 3. The policy does not prevent these properties from petitioning for annexation, but it focuses on the reality of the parcels. In other words, it recognizes these parcels have been developed in the county and have existing uses that do not require city services. These properties are served by cisterns, existing wells and existing septic systems. Zone 3 describes these areas as only needing annexation in the event of an environmental circumstance which prevents the continued use of their existing systems or some other unforeseen circumstance that would likely be considered an emergency situation. Staff is recommending the Zone 3 be added to the policy and map to serve as a visual indicator that these properties are not raw land and available for new development. By depicting these properties this way, the Zone 1 or petition area is more accurate to evaluate potential city growth. Other amendments to the policy are intended to provide clarity. In summary, the policy will continue to function as it presently does.

The City Council approved a contract with Baker Tilly to complete a Cost of Service Study for the City in June. The Committee understands and expects that the Limits of Annexation Map and Policy may be reviewed and further modified after the results of the Cost of Service Study are completed. However, the Committee recommends the Council make these changes to the Map and Policy now so that the development community and property owners are best informed of the City's intentions in the short term and the City does not miss any opportunities to consider annexations and development within its Limits of Annexation Map areas that are to urban standards.

### **STAKEHOLDERS**

Amendments to the City Limits of Annexation Map and Annexation Policy are completed through a public hearing and action on resolutions by the City Council. The public hearing will be advertised as required. Property owners or agents also attended the City Annexation Committee meetings and have been kept informed of the review and Council meeting schedule. The general public also is able to participate in the process by providing comments to the staff, or at the public hearing for this item at the City Council meeting.

### **ALTERNATIVES**

The Council will not take formal action at the Work Session on this item.

When this item is placed back on a Regular Business Meeting, the City Council may:

- Amend the Limits of Annexation Map and Policy per the Annexation Committee's recommendations and recent City Council direction; or
- Not Amend the Limits of Annexation Map and Policy per the Annexation Committee's recommendations and recent City Council direction; or
- Make modifications to the Limits of Annexation Map and Policy different than the Annexation Committee's recommendations. If the Council decides to make other modifications not included in the Annexation Committee's recommendations, staff will need to revise the resolutions and map and bring the item back for

action at a future Council meeting.

**NOTE:** The Annexation Committee anticipates the City's execution of a Cost of Service Study and Growth Policy update may ultimately affect how the City's Annexation Policy and Map are designed and used in the future. However, the Committee urges the Council to make these Map and Policy amendments now to ensure short term development projects are completed in the City to City Standards and further modifications may be informed later by the Cost of Service Study information.

### **FISCAL EFFECTS**

Making amendments to the City Limits of Annexation Map and Annexation Policy does not immediately impact the City budget. However, by including these areas in the Annexation Petition area, the City is acknowledging that City services will be made available over time as the areas develop. Future annexations in the areas that are included in the City Annexation Petition Area will have both additional revenue and cost implications for City service delivery. Future decisions in the CIP process about additional infrastructure projects also will have an impact on where the City invests in long-range City growth and expansion. There is a balance the City must achieve between efficient service delivery to existing City residents and future expansion to provide services for high quality urban development. Not identifying future areas of City expansion and making long-term investments can also have a significant cost as rural development occurs in places that interrupts future City expansion and makes future service delivery more complicated and costly. However, the Annexation Committee has been intentional about the areas it has recommended for inclusion in the Annexation Petition Area based on the elements for City expansion and urban development noted above.









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### **Attachments**




Limits of Annexation Map 2 Area Amendments  
Resolution to Amend Limits of Annexation Map  
Committee Proposed Policy Amendments Shown  
Council Proposed Policy Amendments Shown  
Map Amendments for Policy Zones

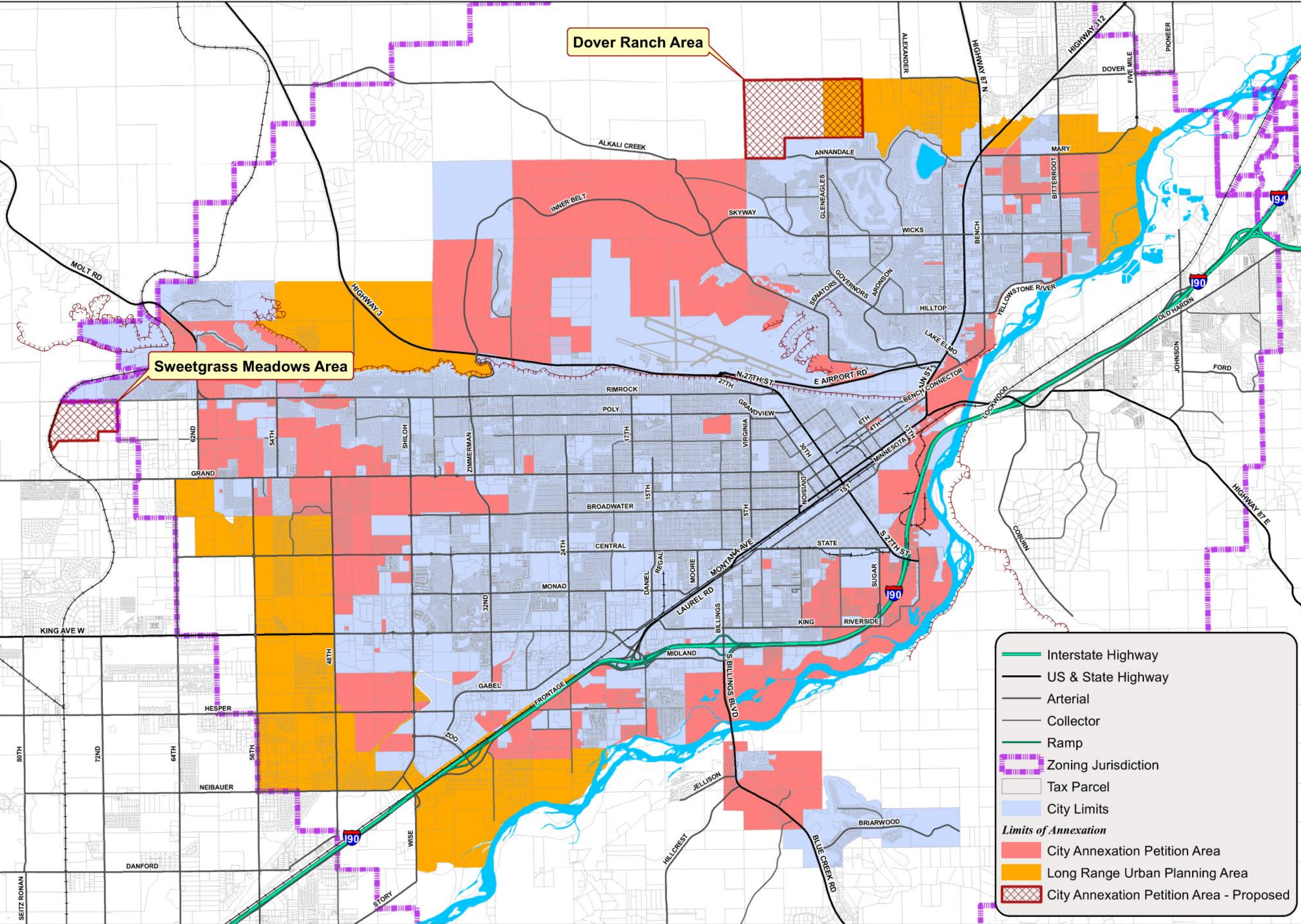
Dover Ranch Area

Sweetgrass Meadows Area

-  Interstate Highway
-  US & State Highway
-  Arterial
-  Collector
-  Ramp
-  Zoning Jurisdiction
-  Tax Parcel
-  City Limits

**Limits of Annexation**

-  City Annexation Petition Area
-  Long Range Urban Planning Area
-  City Annexation Petition Area - Proposed



# Limits of Annexation Map

Revised August 14, 2023



Map Document: \\pwu-w12k07\GIS\_Files\Mapping\_Projects\Projects\Planning\2016\RFI\_0097\_LimitsOfAnnexation\RFI\_0097\_LimitsOfAnnexation\_06162023 (DRAFT ONLY).mxd  
Date: 7/18/2023

**RESOLUTION NO 23-**

**A RESOLUTION OF THE CITY OF BILLINGS, MONTANA  
PURSUANT TO ARTICLE II. CITY BOUNDARIES, MCA 7-  
1-114(1)(a); ANNEXATION PROCEDURES, MCA 7-2-4201  
ET SEQ. AND SETTING FORTH AN ANNEXATION  
POLICY;**

WHEREAS, the City Council adopted the City of Billings Annexation Policy by Resolution on November 22, 2004, further amended it by Resolution on April 10, 2006, May 23, 2011, May 23, 2016, and on May 8, 2017, and it is amended from time to time.

WHEREAS, the Limits of Annexation Map was last amended by Resolution on July 10, 2023; and

WHEREAS, the Policy states that the Map shall be reviewed and or revised whenever the Capital Improvements Plan is revised; and

WHEREAS, the City Council approved the FY 2024-2028 Capital Improvements Plan on December 19, 2022; and

WHEREAS, the City Council has directed staff and budgeted funds to be proactive in making infrastructure investments to annex and serve areas in, and in proximity to, the Long Range Urban Planning Area of the Limits of Annexation Map to ensure new development is built to City Standards and City growth is not inhibited by County development.

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

That the City Council now makes and adopts the following amendments to the Limits of Annexation Map:

**LIMITS OF ANNEXATION MAP  
Revised, August 14, 2023  
Shown as Exhibit A Attached**

APPROVED AND PASSED by the City Council of the City of Billings, this 14<sup>th</sup> day of August, 2023.

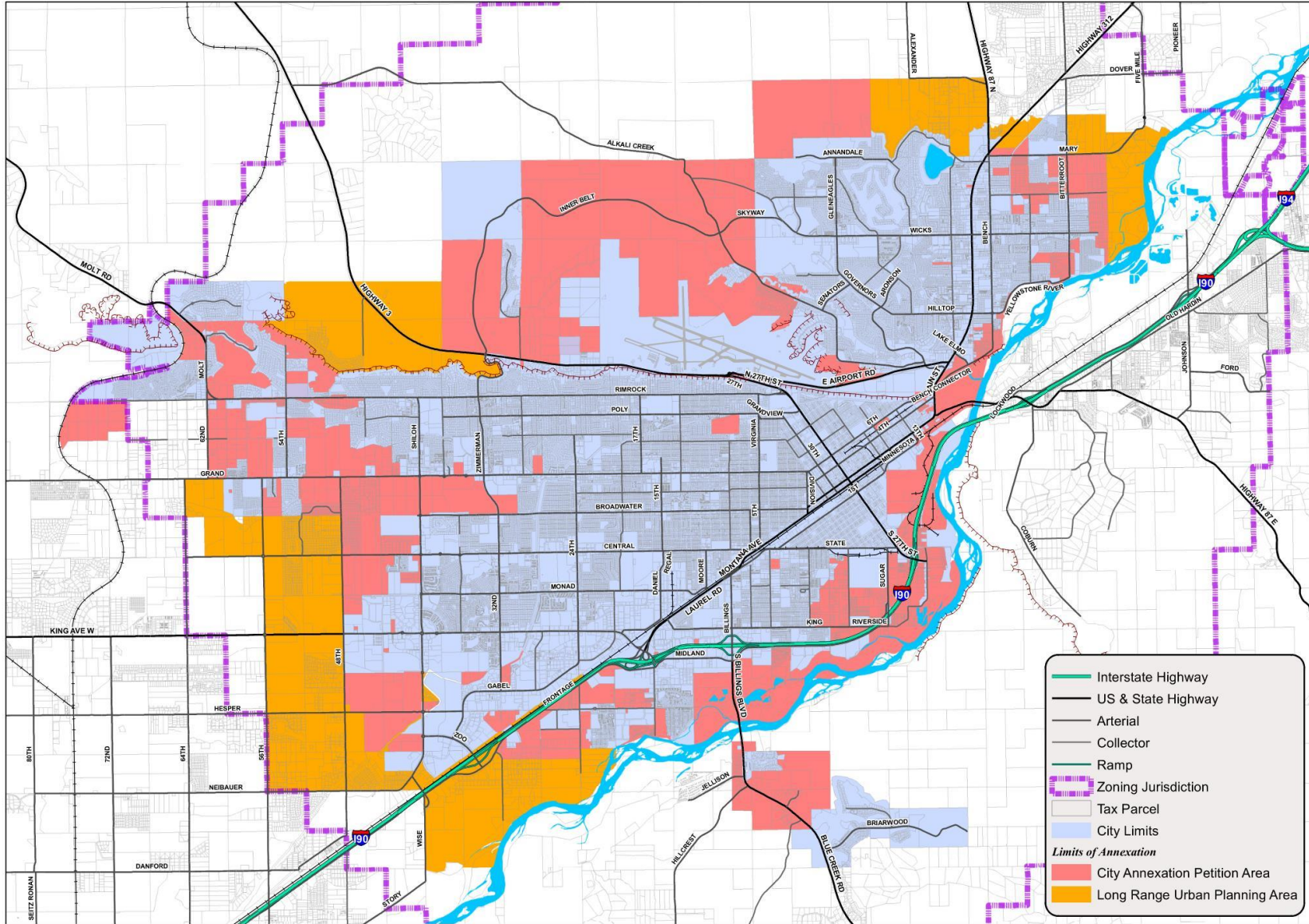
THE CITY OF BILLINGS:

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

ATTEST:

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

# Exhibit A



## Limits of Annexation Map

Revised August 14, 2023



Map Document: I:\pww-w12k07\GIS\_Files\Mapping\_Projects\Projects\Planning\2016\RFI\_0097\_LimitsOfAnnexation\RFI\_0097\_LimitsOfAnnexation\_08142023 (FINAL).mxd  
Date: 7/18/2023



## RESOLUTION NO 23-

A RESOLUTION OF THE CITY OF BILLINGS, MONTANA PURSUANT TO ARTICLE II. CITY BOUNDARIES, MCA 7-1-114(1)(a); ANNEXATION PROCEDURES, MCA 7-2-4201 ET SEQ. AND SETTING FORTH AN ANNEXATION POLICY;

WHEREAS, the City Council adopted the City of Billings Annexation Policy by Resolution on November 22, 2004, further amended it by Resolution on April 10, 2006, May 23, 2011, and on May 23, 2016, ~~and on May 8, 2017,~~ and on July 10, 2023 and it is amended from time to time.

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

That the City Council now makes and adopts the following amendments to the Annexation Policy:

### **ANNEXATION POLICY Revised, July 10, 2023**

#### 1. Statement of Intent

The City of Billings intends to permit the annexation of land as to provide for orderly growth, adequate provision of municipal services, and equal benefits to both the annexed territory and existing City properties.

#### 2. Policy Statement

The City Council shall consider land annexations that adhere to the provisions specified in Montana Annexation Statutes (7-2-4201 through 7-2-4761, MCA) and the Billings Municipal City Code, Section 26-204 and Sections 20-301 through 305. The Council may approve, deny or conditionally approve petitions or initiatives for annexation based on the following criteria:

- The area must be located within the ~~Red Area of the Limits of Annexation~~ Zone 1 or Zone 3 as defined herein;
- The City must be able provide adequate city services within a time period mutually agreed to by the property owners requesting annexation and the City;
- Existing or proposed public improvements within the area to be annexed must meet City standards;
- All property owners within the area to be annexed must sign a Waiver of Right to Protest the creation of Special Improvement Districts;
- All residential property owners within the area to be annexed must create or join an existing park maintenance district;

- 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 as per the 2016 City of Billings Growth Policy; and
- The proposed land use within the area to be annexed must conform to the goals of the Adopted City of Billings Growth Policy.

3. Limits of Annexation Map (attached) - The City shall prepare a map showing limits of annexation for three zones. The first zone time period shall be known as the City Annexation Petition Area (Red Area Zone 1). The City will utilize its Five-Year Capital Improvements Plan and other departmental studies and ongoing analysis of ~~its~~ the City's ability to provide services when considering amendments to ~~the Red Area Zone 1~~. The ~~second time period~~ second zone shall be called the Long Range Urban Planning Area (Orange Area Zone 2) and shall be reviewed by the City for amendments based on its service master plans and ongoing analysis of its ability to provide services over time. The third zone shall be known (the County Developed Area) (Zone 3). These properties are in close proximity or may even be adjacent to city services but have been developed in the County and are not using City Services. These properties may, over time, due to environmental concerns, the inability to continue providing on-site services or desire for urban services or redevelopment annex into the City. In order for a property to be considered for annexation, it shall be located within the City Annexation Petition Area (Red Area Zone 1) on the Limits of Annexation Map. Additionally, the Council may consider, without requiring amendments to the Limits of Annexation Map petitions in Zone 3.

a. Map Amendments

A map amendment ~~shall~~ may be initiated by City Staff and prepared for Council consideration whenever the Capital Improvements Plan is revised, new improvements have been constructed through private development, or when it would be beneficial for the City to work with new development in extending infrastructure and services. An annexation committee representative of service providing departments shall convene annually to consider property owner requests. The committee, at its discretion, may convene at any time and bring forward City initiated amendments at any time. A map amendment may be initiated by City staff, ~~or requested~~ by a property owner during the annual solicitation of amendments, in preparation for a future annexation request. Unless a property may be considered under the criteria outlined in subsection 'b' below, a property may not request inclusion in the City Annexation Petition Area unless it has first been included in the Long Range Urban Planning Area.

For any map amendment involving addition of property to the Long Range Urban Planning Area, the property owner must submit a letter requesting inclusion of the property in the Long Range Urban Planning Area. For any map amendment involving the addition of property to the Red Area of the map, an Urban Planning Study shall be completed by the petitioner who requests the amendment. An Urban Planning Study shall evaluate how a development proposal will impact the following elements:

- Streets and transportation
- Traffic circulation and generation

- Storm sewers and storm water management
- Wastewater service
- Sanitation and solid waste management
- Water service
- Parks, recreation and public lands
- Public safety (police, fire and other emergency services)
- Public schools
- Projected and estimated population
- Soils, geology and topography
- Effects of urbanization on the existing environment
- Effects on agriculture
- Existing and potential land use
- Historic sites
- Development timetables
- Capital improvements
- Methods of funding for public improvements
- Other considerations

Map amendments will be recommended to City Council by a committee of representatives from City Administration, Public Works Department, Fire Department, Parks Department, Planning Division, Police Department, and MET Transit.

#### Rationale

When proposing amendments to the map, the committee shall consider and document for Council:

- Distance from existing city services and response times;
- Capacity and location of existing facilities and future upgrades or construction of new facilities;
- Cost of city services;
- Effect on existing residents; and
- Conformance with all adopted plans including the Capital Improvements Plan, the Growth Policy, applicable area plans, the Billings Area Bikeway and Trails Master Plan, the most current Transportation Plan, the most current sewer, water and storm sewer plans, and other applicable adopted planning documents.

The Council will then determine at its discretion whether to approve appropriate Limits of Annexation consistent with the adopted Annexation Policy.

b. Consideration for property outside the Long Range Urban Planning Area (Zone 2) being brought directly into the City Annexation Petition Area (Zone 1).

There may be circumstances when previous development and infrastructure improvements within the City have created situations where the City may choose to consider bringing a property outside of or within the Long Range Urban Planning Area directly into the City Annexation Petition Area. In this instance, the City Council will use all of the following criteria in guiding its decision:

- An Urban Planning Study as outlined in subsection 'a' above has been completed on the subject property ~~and~~ or the City has performed long range service studies that include the property that provide sufficient information as to the ability to adequately serve the property.
- City water and sewer lines are directly adjacent to the property and are sized appropriately to serve development on the property
- The property is directly adjacent to the City Limits
- The City property adjacent already is developed and designed to connect via roads to the property
- City services providers are able to serve the property while there is the potential for increases in response times for public safety services.

After review of all of these criteria, the City Council may consider adding the property into the Red City Annexation Petition Area. However, it remains the City Council's discretion as to whether to include any property in any Limits of Annexation area.

#### 4. Obligation of City

The City may choose to annex any property in accordance with the provisions of the following state statutes:

- Annexations of Additions to Municipalities (7-2-4201 et. seq., MCA)
- Annexations of Contiguous Land (7-2-4301 et. seq., MCA)
- Annexations of Contiguous Government Land (7-2-4401 et. seq., MCA)
- Annexations of Wholly Surrounded Land (7-2-4501 et. seq., MCA)
- Annexation by Petition (7-2-4601 et. seq., MCA)
- Annexation with the Provision of Services (7-2-4701 et. seq., MCA)

The City may decide to condition the approval of the annexation in order to meet the criteria listed under the Policy Statement. The City may, in its discretion, consider additional conditions of approval that have a clear nexus of proportionality to the subject property. The conditions of approval must be clearly stated in the resolution of annexation. In the case where the property to be annexed is not developed, the conditions of approval shall include a requirement for; a) a development agreement prior to the issuance of a building permit, or b) a subdivision improvements agreement at the time of final subdivision plat approval. In the event the property to be annexed is already developed and contains public improvements that are not constructed to city standards, the City shall require an annexation agreement. The agreement shall specify which public improvements are to be upgraded and/or installed to city standards, and a time period and mechanism to finance the construction and installation of those improvements. In any case, all public improvements, whether existing or proposed, shall meet city standards.

#### 5. Obligation of Petitioner

Petitions for annexation must comply with the provisions of Annexation by Petition (7-2-4601 et. seq., MCA) and Section 26-204 and Sections 20-301 through 305, BMCC. A fee, to be established by the City Administrator, must be paid at the time the petition is submitted. If the area to be annexed is not developed, petitioners are required to comply with the conditions of approval prior to the issuance of a building permit or at the time of final subdivision plat approval. If the area to be annexed is developed and requires the construction or installation of public improvements, the

petitioner must enter into an annexation agreement prior to the City Council acting on the resolution of annexation.

APPROVED AND PASSED by the City Council of the City of Billings, this 10th day of May, 2023.

THE CITY OF BILLINGS:

BY: \_\_\_\_\_  
William A. Cole MAYOR

ATTEST:

BY: \_\_\_\_\_  
Denise Bohlman City Clerk

RESOLUTION NO 23-

A RESOLUTION OF THE CITY OF BILLINGS, MONTANA PURSUANT TO ARTICLE II. CITY BOUNDARIES, MCA 7-1-114(1)(a); ANNEXATION PROCEDURES, MCA 7-2-4201 ET SEQ. AND SETTING FORTH AN ANNEXATION POLICY;

WHEREAS, the City Council adopted the City of Billings Annexation Policy by Resolution on November 22, 2004, further amended it by Resolution on April 10, 2006, May 23, 2011, and on May 23, 2016, May 8, 2017, and on July 10, 2023 and it is amended from time to time.

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

That the City Council now makes and adopts the following amendments to the Annexation Policy:

**ANNEXATION POLICY  
Revised, July 10, 2023**

1. Statement of Intent

The City of Billings intends to permit the annexation of land as to provide for orderly growth, adequate provision of municipal services, and ~~equal~~ benefits to both the annexed territory and existing City properties. This policy is intended solely to provide guidance for the City and the public and shall not create any right or interest of any kind enforceable by any person applying for, contemplating applying for, or opposing any annexation.

2. Policy Statement

The City Council shall consider land annexations that adhere to the provisions specified in Montana Annexation Statutes (7-2-4201 through 7-2-4761, MCA) and the Billings Municipal City Code, Section 26-204 and Sections 20-301 through 305. The Council may approve, deny or conditionally approve petitions or initiatives for annexation based on the following criteria:

- (a) The area must be located within the Zone 1 or Zone 3 as defined herein;
- (b) 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;
- (c) Existing or proposed public improvements within the area to be annexed must meet City standards;
- (d) All property owners within the area to be annexed must sign a Waiver of Right to Protest the creation of Special Improvement Districts;
- (e) All residential property owners within the area to be annexed must create or join an existing park maintenance district;

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- (f) Residential densities planned for development within the area to be annexed must meet an overall average minimum density of at least 4-7 primary dwelling units per acre as per the current 2016 City of Billings Growth Policy or similar planning documents; and
- (g) The proposed land use within the area to be annexed must conform to the goals of the Adopted City of Billings Growth Policy.

3. Limits of Annexation Map (attached) - The City shall prepare a map showing limits of annexation for three zones. The first zone shall be known as the City Annexation Petition Area (Zone 1). The City will utilize its Five-Year Capital Improvements Plan and other departmental studies and ongoing analysis of the City's ability to provide services when considering amendments to Zone 1. The second zone shall be called the Long Range Urban Planning Area (Zone 2) and shall be reviewed by the City for amendments based on its service master plans and ongoing analysis of its ability to provide services over time. The third zone shall be known as the County Developed Area (Zone 3). These properties are in close proximity or may even be adjacent to city services but have been developed in the County and are not using City Services. These properties may, over time, annex into the City due to environmental concerns, the inability to continue providing on-site services or desire for urban services or redevelopment annex into the City. In order for a property to be considered for annexation, it shall be located within the City Annexation Petition Area (Zone 1) on the Limits of Annexation Map. Additionally, the Council may consider, without requiring amendments to the Limits of Annexation Map, petitions in Zone 3.

a. Map Amendments

A map amendment may be initiated by City Staff and prepared for Council consideration whenever the Capital Improvements Plan is revised, new improvements have been constructed through private development, or when it would be beneficial for the City to work with new development in extending infrastructure and services. An annexation committee representative of service providing departments shall convene annually to consider property owner requests. The committee, at its discretion, may convene at any time and bring forward City initiated amendments at any time. A map amendment may be initiated by a property owner during the annual solicitation of amendments, in preparation for a future annexation request. Unless a property may be considered under the criteria outlined in subsection 'b' below, a property may not request inclusion in the City Annexation Petition Area unless it has first been included in the Long Range Urban Planning Area.

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- 2. Traffic circulation and generation

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- 3. Storm sewers and storm water management
- 4. Wastewater service
- 5. Sanitation and solid waste management
- 6. Water service
- 7. Parks, recreation and public lands
- 8. Public safety (police, fire and other emergency services)
- 9. Public schools
- 10. Projected and estimated population
- 11. Soils, geology and topography
- 12. Effects of urbanization on the existing environment
- 13. Effects on agriculture
- 14. Existing and potential land use
- 15. Historic sites
- 16. Development timetables
- 17. Capital improvements
- 18. Methods of funding for public improvements
- 19. Other considerations

Map amendments will be recommended to City Council by a committee of representatives from City Administration, Public Works Department, Fire Department, Parks Department, Planning Division, Police Department, and MET Transit.

#### Rationale

When proposing amendments to the map, the committee shall consider and document for Council:

- 1. Distance from existing city services and response times;
- 2. Capacity and location of existing facilities and future upgrades or construction of new facilities;
- 3. Cost of city services;
- 4. Effect on existing residents; ~~and~~
- 5. Conformance with all adopted plans including the Capital Improvements Plan, the Growth Policy, applicable area plans, parks master plan, the Billings Area Bikeway and Trails Master Plan, the most current Transportation Plan, the most current sewer, water and storm sewer plans, and other applicable adopted planning documents; ~~and-~~
- 6. Recommended or potential developer contributions to be made in kind or cash to help defray City costs, mitigate impacts, or otherwise provide compensation or financial assistance relating to the proposed annexation.

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The Council will then determine at its discretion whether to approve appropriate Limits of Annexation consistent with the adopted Annexation Policy.

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The City may decide to condition the approval of the annexation in order to meet the criteria listed under the Policy Statement. **The City may, in its discretion, consider additional conditions of approval that relate to impacts caused by the development, have a clear nexus of proportionality to the subject property.** The conditions of approval must be clearly stated in the resolution of annexation. In the case where the property to be annexed is not developed, the conditions of approval shall include a requirement for; a) a development agreement prior to the issuance of a building permit, or b) a subdivision improvements agreement at the time of final subdivision plat approval. In the event the property to be annexed is already developed and contains public improvements that are not constructed to city standards, the City shall require an annexation agreement. The agreement shall specify which public improvements are to be upgraded and/or installed to city standards, and a time period and mechanism to finance the construction and installation of those improvements. In any case, all public improvements, whether existing or proposed, shall meet city standards.

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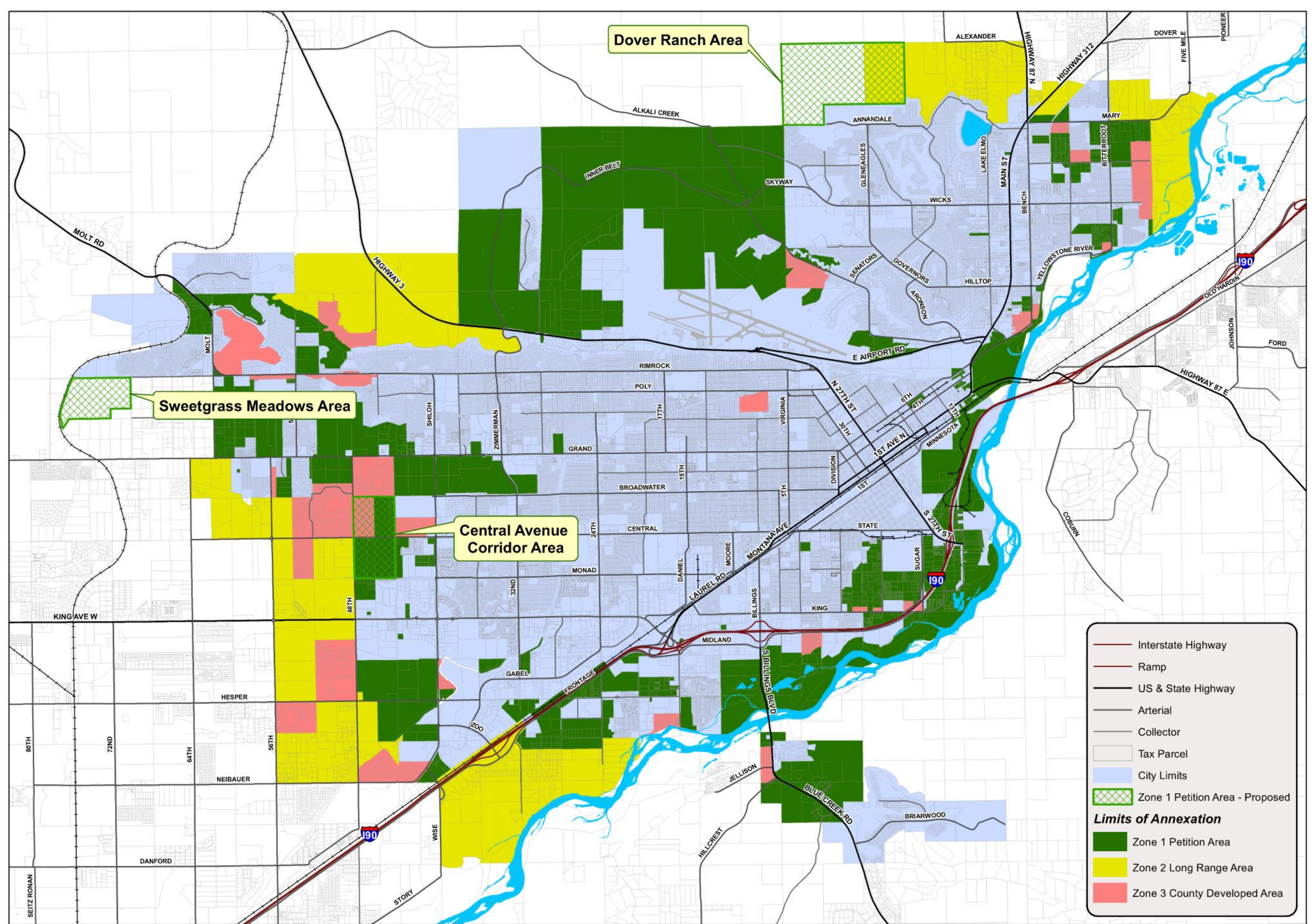
APPROVED AND PASSED by the City Council of the City of Billings, this 10th day of July, 2023.

THE CITY OF BILLINGS:

BY: \_\_\_\_\_  
William A. Cole MAYOR

ATTEST:












BY: \_\_\_\_\_  
Denise Bohlman City Clerk



Dover Ranch Area

Sweetgrass Meadows Area

Central Avenue Corridor Area

-  Interstate Highway
-  Ramp
-  US & State Highway
-  Arterial
-  Collector
-  Tax Parcel
-  City Limits
-  Zone 1 Petition Area - Proposed
- Limits of Annexation**
-  Zone 1 Petition Area
-  Zone 2 Long Range Area
-  Zone 3 County Developed Area