



**MINUTES
CITY OF LAUREL
CITY/COUNTY PLANNING BOARD
WEDNESDAY, JUNE 15, 2022
5:35 PM
CITY COUNCIL CHAMBERS**

Public Input: *Citizens may address the committee regarding any item of business that is not on the agenda. The duration for an individual speaking under Public Input is limited to three minutes. While all comments are welcome, the committee will not take action on any item not on the agenda.*

1. Roll Call

The Chair called the meeting to order at: 5:50pm

Present:

Jon Klasna
Roger Giese
Evan Bruce
Dan Koch
Judy Goldsby
Kurt Markegard, Forrest Sanderson (City of Laurel)

Absent:

Gavin Williams
Ron Benner

Others

Scott Hooper
Gage Hull

General Items

2. Meeting Minutes: May 18th, 2022

Dan moved to accept the minutes of the May 18th, 2022, planning board meeting and John seconded the motion. All members voted aye.

New Business

3. Sign Permit Review; On Target Outdoors

Judy presented the application for sign permit and stated that all appeared to conform to the regulations. Evan questioned if there was signs on the building for the front and back. Judy answered that there were signs on both sides of the building. John asked if there was going to be exterior lighting on the signs and the applicant answered that there would be exterior lights on the building illuminating the signs. Evan moved to approve the On Target sign application and John seconded the motion. All members voted to approve the sign permit.

4. Beehive Minor Subdivision- lift agriculture restrictions

Judy introduced the subdivision application to the planning board and the lifting of the agriculture restrictions. Forrest informed the board that they should approve the subdivision with the five conditions as noted in the staff report. Forrest gave the background information on the property and the building of the storage units. Forrest told the board that the preliminary plat approve does not need a public hearing as it is the first minor subdivision of land. Forrest stated that as a first minor subdivision, park land dedication is also not required. Forrest asked for questions of the board. John asked Forrest how the storage units got built being on agricultural restrictions land. Forrest gave the board an explanation of how the property was identified as being in violation of the agriculture restrictions. A certificate of survey was submitted for an exempt boundary location and Forrest and Kurt identified the property as being agriculture restricted and the property was in violation of the agriculture restrictions. The applicant's agent Performance Engineering was informed, and they property owner is now going through the legal process to fix the issue. Forrest asked the board not to hold the violation against the property owner and to proceed with subdivision process.

Dan asked about fire protection and Forrest asked Taylor from Performance to answer that question.

Evan asked about affordable housing needs. Forrest indicated that the building of storage units is in alignment with affordable housing and the need to have storage units is needed to help affordable housing have locations to store items that will not fit at affordable housing locations.

Evan asked if it is in the flood plain and Forrest said it is not. Evan asked if the geotechnical plan been done. Forrest did not know if a geotechnical report had been completed before they built the storage units.

Taylor with Performance Engineering that lives at 608 North 29th Street in Billings Mt. Taylor gave a description of the property and their efforts to correct the violation. They DEQ has been contacted and they have gotten approval to move forward. The fire tank is not needed as they are less than a three-lot subdivision and that is not needed for this subdivision.

Evan asked about the life span of the buildings. Taylor said 40 to 50 years if not longer.

Roger asked about the marijuana facility and Taylor said that the business is not on the subject property. In the future if they move the common boundary line that business's current lease would expire.

Judy asked if there was any further discussion and if not, she would accept a motion for approval. Roger moved to accept the preliminary plat of Beehive Subdivision and John seconded it. All board member voted to approve the motion.

5. Public Hearing for Lance Hull annexation and zoning of Laurel Residential Multiple Family (RMF).

Judy read the introduction of the application for annexation. Forrest gave the board the background information on the land and read the staff report and the annexation process. The annexation must be in the best interests of the city and must meet the standards for public infrastructure. The findings of facts meet or exceeds the standards of annexation. An annexation agreement needs to be drafted. The subject property is vacant, and the zoning needs to be R7500 or greater. The property is identified in the Laurel growth policy as a area of growth. The annexation must meet the twelve points test for initial zoning. The recommendation from staff does meet the twelve-point test and staff recommends the initial zoning of RMF. The annexation agreement must be approved by the city council at a future meeting.

Forrest asked that the only objection to the annexation be read into the record. Judy read into the record the email that Kurt received from Monna Rae Adickes, 102 8th Ave Unit B, Laurel MT 59044. That email is attached to these minutes.

Forrest answered some of the concerns of the letter from Ms Adickes. The property will be RMF and anything available in that zoning would be allowed. The property use is not what is to be discussed this evening and anything is possible in the RMF regulations.

Forrest also addressed the floodplain issue and the property itself is not in the floodplain.

John asked Forrest for clarification on the property location. Forrest indicated the location and Kurt pulled it up on the tv screens to help identify the location.

Evan asked about the area around the property and the street locations. Kurt informed the board that the utilities have been stubbed to the west of 8th avenue.

Gage Hull spoke for his father and informed the board of his knowledge of the plans for the project and annexation.

Judy opened the public hearing and asked for proponents three times. Judy asked for opponents three times. Seeing no further discussion, Judy closed the public hearing.

Judy asked for a motion to send the annexation and initial zoning of RMF to the Laurel City Council. Evan made the motion and John seconded it. All board members voted to send it to the City Council as a recommendation for approval.

Old business

There was none.

Announcements

Kurt informed the board about vacancies on the board.

Kurt gave an update on the planner vacancy.

Kurt also gave an update the building official vacancy.

Kurt and Forrest also gave the board the attempt to change state law to allow more living units on residential property that are meant for single family homes.

6. Next Meeting: July 20th, 2022

7. Motion to Adjourn

Dan made a motion to adjourn the meeting and John seconded it. The vote to adjourn was unanimously approved. The meeting was adjourned at 7:00 pm.

From: monna.rae.adickes@gmail.com
To: [Kurt Markegard](#)
Subject: Lance Hull Annexation
Date: Sunday, June 12, 2022 2:53:15 PM

To Mr. Kurt Markegard, Director of Public Works and the Laurel Planning Board and Zoning Commission,

I am against the Annexation of this parcel of land to the City of Laurel.

I am in favor of the City of Laurel growing in manner in which serves the good of all Laurel residents.

For:

Laurel is growing and there is demand for affordable housing.

There is a high demand for entry level townhouses designated for the Senior population.

Against:

Developing land in a designated FEMA Flood Plain.

High-Density Housing: potential high crime and no place for the children to play.

Currently there are too many road approaches in such a short distance on 8th Ave, especially taking into consideration the traffic off of Old Highway 10

Questions that I have:

- Will 1st Street be the only access point to this project?
- Will there be a connection from 2nd Street also?
- Who will be responsible for the cost to extend 1st Street and all the infrastructure?
- **This area is in a FEMA Flood Zone.**
- What drainage has been considered for this parcel?
- What is the City's solution or proposal to eliminate the FEMA Flood Zone Classification from this area?
- How many units will be built on this 1-acre parcel?
- What type of housing will it be? Townhouses, condos, or mobile homes?
- Will the units be rentals, or will they be sold to individuals?
- If approved what will the zoning be?
- How will High Density zoning effect the value of neighboring properties?

Please place my name of record as being **AGAINST** the annexation of this parcel.

Monna Rae Adickes
102 8th Ave Unit B
Laurel MT 59044
406-860-4284

STAFF REPORT
LANCE HULL
Annexation and Initial Zoning

Applicant:

Lance Hull
1009 Davis Circle
Laurel MT 59044

The Mr. Hull represents 100% of the land ownership. Annexation pursuant to §7-2-4601 et. seq. MCA. (Annexation by Petition).

Request:

Mr. Hull, representing 100% of the ownership of lands involved, has Petitioned the City of Laurel for Annexation of approximately 1.0 acres of property adjacent to the City of Laurel with an initial Zoning Designation of Laurel Multi-Family (RMF) for concurrent review.

The subject property is generally described as that portion of Section 8, Township 2 South, Range 24 East, P.M.M., Yellowstone County, Montana, on Certificate of Survey No. 1642 amended Parcel A1, Less Herman Addition. An annexation Exhibit, which is incorporated into this report by reference, has been submitted in support of the Petition and Requested Initial Zoning.

Process:

The annexation petition and requested initial zoning has been scheduled for consideration and a public hearing by the Laurel – Yellowstone City County Planning Board and Zoning Commission for 5:35 p.m. on Wednesday, June 15, 2022. Though not yet scheduled the matter could be considered by the Laurel City Council at a Work Session on July 5 and taken up as an action item on July 12, 2022.

Analysis of the Request

- The Mr. Hull represents 100% of the land ownership involved in the petition.
- The Laurel Growth Policy designates the property as a 'growth area' of the city.
- The current use of the property is vacant.
- The requested zone City Laurel Multi-Family (RMF) provides for a variety of uses and is consistent with the requirements of R-08-22 that lands embraced by the city be assigned R-7500 or greater.
- The subject property currently is presumed to be zoned County Residential Tracts or is un-zoned Yellowstone County.
- Part 46 annexation requires that the land use designation be 'consistent with the prevailing use of the property, consistent with the prevailing County Zoning Assignment, and/or consistent with the current growth policy'.

- In addition to the extension of urban scale services the City Zoning provides options for development that are not available to rural properties. These options include but are not limited to Planned Unit Developments
- The initial zoning must be considered under City Resolution R-08-22 (Annexation), the Laurel Municipal Code Title 17 (Zoning).
- The question of annexation and initial zoning must be heard by the Laurel – Yellowstone City County Planning Board and Zoning Commission.
- Is the requested annexation and initial zoning in the best interest of the City and Citizens of the City of Laurel.
- The property is situated such that street rights-of-way will need to be dedicated to the City on the northern and southern property lines. The dedication of the northern segment will need to be coordinated with the developer of that tract.

Findings:

- ✓ The subject property is adjacent to the City of Laurel.
- ✓ The City Council is not required to submit the question of annexation to the qualified electors of the area to be annexed as the petition is signed by 100% of the owners.
- ✓ The city may annex the property as 100% of the ownership of same has petitioned the city for annexation.
- ✓ The driver for the annexation request is the desire of Mr. Hull to construct a Residential a Multi-Family complex on the property. The only way the development plan works is to extend the City water and sewer systems to the proposed development.
- ✓ The subject property was included as 'future growth area' in the Growth Policy adopted by the City of Laurel. Additionally, the property has been identified on the Laurel Future Land Use Map portion of the Growth Policy as Multi-Family. As such, the requested zoning is consistent with the Laurel Growth Policy.
- ✓ The proposed assignment of RMF meets all the statutory requirements of Part 46 annexation and zoning assignment.
- ✓ The Laurel RMF Zone is listed along with other Residential land use assignments and is therefore determined to be a "greater than" R-7500 classification.
- ✓ The extension of city services will be at the owner's expense (R-08-22) and in accordance with the Annexation Agreement as approved by the City Council. .
- ✓ The City Zoning provides options for development that are not available to rural properties. These options include but are not limited to Planned Unit Developments. These options and the exactions of infrastructure are most beneficial to the Owner, the City of Laurel, and all surrounding properties in conjunction with the proposed development of the property in the future.
- ✓ The city has the ability to provide services to the property both existing and proposed.

12 Point Test for Zoning:

- I. Is the zoning in accordance with the growth policy;
- The proposed zoning is consistent with the prevailing County zoning on the property.
 - The Growth Policy identifies all of the property proposed for annexation as Multi-Family.
 - Resolution R-08-22 requires zoning assignment at annexation at R-7500 or greater.
 - The Residential Multi-Family Zone meets the definition as 'greater than' R-7500.

Finding:

The requested zoning is in accordance with the Growth Policy.

- II. Is the zoning designed to lessen congestion in the streets;
- The proposed zoning is consistent with the prevailing County zoning on the property.
 - The proposed zoning along with the annexation agreement will allow development of the property consistent with surrounding uses of property.
 - Proposed development that would potentially impact roads and streets would require a traffic impact analysis and associated improvements.

Finding:

The requested zoning will not have a material impact on congestion in the streets.

- III. Is the zoning designed to secure safety from fire, panic, and other dangers;
- The proposed zoning is consistent with the prevailing County zoning on the property.
 - The Growth Policy identifies the property as Multi-Family.
 - Multi-Family development must be constructed in accordance with the prevailing International Code Council standards.
 - Adequate public infrastructure exists or can be readily extended/expanded to serve the development at RMF densities.

Finding:

The requested zoning will not have an adverse impact on safety from fire, panic, or other dangers.

- IV. Is the zoning designed to promote health and the general welfare;
- The proposed zoning is consistent with the prevailing County zoning on the property.
 - The Growth Policy identifies the property as Multi-Family as a future land use.
 - The connection of the facilities and properties at the time of development to the Laurel municipal water and wastewater systems will have positive impacts to public health and general welfare.

Finding:

The requested zoning will promote the public health and the general welfare.

- V. Is the zoning designed to provide adequate light and air;
- The existing zoning imposes building setbacks, height limits, limits on the number of buildings on a single parcel, and reasonable area limits on new development.
 - The proposed RMF, provides restrictions on structure height, setbacks, lot coverage. These standards exist to provide open spaces and adequate light and air.
 - The existing development has more than adequate separation from surrounding uses.

Finding

The requested zoning will provide adequate light and air.

- VI. Is the zoning designed to prevent the overcrowding of land;
- The existing zoning imposes building setbacks, height limits, limits on the number of buildings on a single parcel, and reasonable area limits on new development.
 - The RMF proposal, has density and development controls that are designed to prevent the overcrowding of land.

Finding:

The proposed zoning will prevent the overcrowding of land.

- VII. Is the zoning designed to avoid undue concentration of population;
- The existing zoning imposes building setbacks, height limits, limits on the number of buildings on a single parcel, and reasonable area limits on new development.
 - The RMF proposal, has density and development controls that are designed to prevent the overcrowding of land.
 - The subject property is large enough to provide adequate separation from surrounding uses.

Finding:

The proposed zoning will prevent the undue concentration of population.

- VIII. Is the zoning designed to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements;
- The requested zoning, without some overlay or modification, will not necessitate the installation of new or additional infrastructure.
 - It is anticipated that a significant portion of the property being annexed will be further developed. It is at that point the additional infrastructure as well as capacities will be evaluated.
 - Some of the public duties, such as police, will shift from Yellowstone County to the City of Laurel but the net effect is minimal.

Finding:

The requested zoning will facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements. Additionally, as the uses of the property change and the intensity of development changes, the city will be able to plan for and be prepared for the anticipated increased demands on their public systems.

- IX. Does the zoning give reasonable consideration to the character of the district and its peculiar suitability for particular uses;
- The requested zoning is consistent with the Growth Policy.
 - The property is compatible with surrounding development which is, for the most part, multi-family or commercial.
 - The water and sewer infrastructure proposed with the annexation is adequate for the intended use of the property.

Finding:

The requested zoning is consistent with surrounding uses, the Growth Policy and provides for opportunities for additional development with suitable uses.

- X. Does the zoning give reasonable consideration to the peculiar suitability of the property for its particular uses;
- The requested zoning is consistent with the Growth Policy.
 - The property is compatible with surrounding development which is, for the most part, multi-family or commercial.

- The water and sewer infrastructure proposed with the annexation is adequate for development of the property that is consistent with the requested RMF zoning.

Finding:

The requested zoning is in keeping with the character of the development in the area. It also provides for opportunities for additional development with suitable uses.

XI. Will the zoning conserve the value of buildings;

- The extension and availability of public water and sewer resultant from annexation and initial zoning will add value to buildings as the proposed use is substantially similar to or complementary to surrounding buildings and uses.
- The requested zoning is consistent with the Growth Policy.
- The proposed zoning is a logical transition/replacement of County for City, it is not anticipated that there would be any adverse effect on the value of surrounding buildings or lands.

Finding:

The value of existing buildings both on and adjacent to the requested zone will either be enhanced or not effected by the proposed zoning.

XII. Will the zoning encourage the most appropriate use of land throughout the municipality?

- The requested zoning is consistent with the Growth Policy.
- The requested zoning is consistent with the prevailing land uses and zoning surrounding the property.
- A healthy mix of land uses encourages growth and development in the community as a whole. The addition of RMF at this location will benefit not only the housing in Laurel but the need for support and other essential services.

Finding:

The requested zoning provides for the most appropriate use of land in the municipality. It also provides for a significant amount of flexibility for a mixture of uses as contemplated by the District Regulations.

Conclusion:

The petition for annexation into the City of Laurel with the initial zoning assignment of Laurel Multi-Family (RMF) appears to be consistent with the requirements of Part 46 Annexation and City Council Resolution R-08-22. Additionally, the annexation, extension of services, and initial zoning assignment in the best interest of both the City of Laurel and the Mr. Hull.

PUBLIC HEARING NOTICE

Lance Hull Annexation:

The Laurel City Council will conduct a public hearing at 5:35 p.m., or as soon as practicable thereafter, on Tuesday, August 9, 2022, in the City Council Chambers of Laurel City Hall (115 West 1st Street, Laurel Montana) on a request submitted by Lance Hull. Mr. Hull, representing 100% of the ownership of lands involved, has Petitioned the City of Laurel for Annexation of approximately 1.0 acre of property adjacent to the City of Laurel with an initial Zoning Designation of Laurel Residential Multi-Family (RMF) for concurrent review.

The subject property is generally described as that portion of Section 8, Township 2 South, Range 24 East, P.M.M., Yellowstone County, Montana, on Certificate of Survey No. 1642 amended Parcel A1 Less Herman Addition. An annexation Exhibit has been submitted in support of the Petition and Requested Initial Zoning. All documents related to this petition/request are available for inspection in the Office of the Laurel Planner, 115 West 1st Street, during regular business hours.

The City Council will consider the recommendation of the Planning Board and Zoning Commission in addition to requirements of City Resolution R-08-22 (City Annexation Policy), the processes and considerations afforded under 7-2-4601 et. seq. MCA (Annexation by Petition) and 76-2-301 et. seq. MCA (Municipal Zoning), the benefits to the City of Laurel, and the appropriateness of the requested initial Zoning Designation. In particular the City Council must consider the current Laurel Growth Policy, the prevailing use of the subject property, and existing County Zoning, if any. Following the Public Hearing, the City Council may make a decision regarding the Petition for Annexation as well as the Requested Initial Zoning Designation.

Questions concerning this request should be directed to Kurt Markegard, Director of Public Works by phone (406) 628-4796 or electronically at kmarkegard@laurel.mt.gov. Written/e-mailed comments will be accepted until 5:00 p.m. MST on Tuesday, August 2, 2022 and can be submitted in person, by mail or electronically to the following addresses:

Laurel Public Works Department
Attn. Kurt Markegard (Lance Hull Annexation)
115 West 1st Street
Laurel MT 59044

E-mail:
kmarkegard@laurel.mt.gov Be sure to include "Lance Hull Annexation" in the Subject Line!

The City of Laurel is committed to open and transparent government and associated public decision-making processes. Public comment is encouraged.

Publish July 22, 2022 and July 29, 2022.