

**MINUTES
CITY OF LAUREL
CITY COUNCIL WORKSHOP
TUESDAY, OCTOBER 05, 2021**

A Council Workshop was held in Council Chambers and called to order by Council President Eaton at 6:31 p.m. on October 5, 2021.

COUNCIL MEMBERS PRESENT:

<input checked="" type="checkbox"/> Emelie Eaton	<input checked="" type="checkbox"/> Heidi Sparks
<input checked="" type="checkbox"/> Bruce McGee	<input checked="" type="checkbox"/> Richard Herr
<input checked="" type="checkbox"/> Scot Stokes	<input checked="" type="checkbox"/> Irv Wilke
<input checked="" type="checkbox"/> Richard Klose	<input type="checkbox"/> Don Nelson

OTHERS PRESENT:

Nick Altonaga, Planning Director
Bethany Langve, Clerk/Treasurer (Zoom)
Mayor Nelson (Zoom)
Sam Painter, City Attorney
Nathan Herman, Utilities Plant Superintendent
Karen Courtney, Building Official

Public Input:

There were none.

General Items

1. TIF District Training

Janet Cornish, Community Development Services of Montana, gave a presentation on the attached PowerPoint.

It was questioned on page 11 of the PowerPoint it states, "stabilize and/or renovate publicly owned historic buildings." Council asked for further clarification. It was clarified those are examples. They could also construct new publicly-owned buildings as well. However, in terms of historic facades belong to the people; however, the City should obtain an easement for those facades before improvements are made. You can use loans through the revolving loan fund for private buildings for capital improvement projects. You could use funds if it is a decay issue if a building has been abandoned and no one is taking care of it. Things such as mothballing or putting a roof on the building to keep it from decaying further or causing a hazard to adjacent buildings.

It was further questioned if the façade program that this district has is in agreement. It was clarified that is the case for historic buildings. Basic facades no.

It was questioned if any of the grants LURA is doing currently are they doing them correctly? It was clarified that it depends on what they are doing. When you get into renovation or energy savings, that is a gray area. What is the public purpose here? These kinds of things would be better suited with a revolving loan fund. For example, if you invest public tax dollars into a private business, it puts that business at an advantage over those not located within the district. The purpose of creating an Urban Renewal District is to invest in public infrastructure so that the businesses in that area thrive. It is not intended to invest in each individual business itself. Except for historic preservation or safety, the general rule is for a public purpose or public-owned property; it can be used.

It was questioned if the TIF District were to leverage other funding sources would have to be in connection to another project with a TIF District connection. It was clarified that it was correct. For example, if you get a TSEP or CBDG grant for a sewer system improvement, you could leverage the TIF District funds but just the portion that will benefit the district itself.

It was questioned where do privately-owned parking lots stand. They are not inside a building; they are outside, and the public can use parking lots. It was clarified that there is some gray area here. The easiest way to clarify this is that if it is a privately-owned parking lot, the City could enter into a lease with that owner to provide public spaces. In that case, there could be a joint agreement, and the City could lease for a lesser amount over time. It may be a privately-owned parking lot, but it is managed for public use. Another example was if the parking lots were unpaved and it was in the public interest to pave them due to a dust issue.

It was questioned if the recent grant applications involving renovating a bathroom, carpet, etc., is acceptable. They do not serve the public; it serves that business owners' customers. It was clarified that even the loan program would not be appropriate for those kinds of updates. You really want to invest money in capital improvements.

It was questioned if LURA approves applications and then sends them to Council. Then the Council votes them up or down. Recently requested that those applications be individualized and not as a package. It was further questioned that just because the City approved an incorrect application does not need to continue to approve something that is incorrect. It was clarified that now that Council is aware of this, they have not set a precedent. You may have given grants that don't fit the law, and you don't want to continue that mistake.

Sam Painter, City Attorney, stated that this training was substantially overdue. The City Council has not reviewed the program for a number of years. There has been Staff turnover for a number of years. Each Planner assigned to the LURA Board probably had different ideas of what is allowable. The statutes are very broad. Anything besides the public purpose has been broadly defined. This is an excellent time to review and redefine these programs. As for if there is a liability, should someone not receive a grant, no, there is no liability.

Council President Eaton asked if there was any public input for items not on the agenda. There was none.

Executive Review

2. Resolution - A Resolution Of The City Council Authorizing The Mayor And City Clerk To Execute An Underground Gas Pipeline Easement For Northwestern Corporation D/B/A Northwest Energy For The Purpose Of Constructing, Operating, And Maintaining An Underground Pipeline To Be Installed And Located Under The City's Riverside Park.

Nick Altonaga, Planning Director, briefly reviewed the easement. It is a 40-foot easement through Riverside Park. There will be no clear-cutting of trees. There is a \$500 annual fee for this easement.

It was questioned if they would be digging holes in the area. It was further questioned what would happen if they didn't clean up after themselves. Is the clean-up included in this resolution? It was clarified that it is a bore under the park; they are not anticipating any site work within the park.

Roy Ishkanian, Northwestern Energy, it is going to be 40 to 50 feet below the park with no surface disturbance.

It was questioned how many easements are through Riverside Park. It was clarified that there is at least one. It was clarified that there are easements for Exxon, Williston Basin, MDU, and NorthWestern Energy.

Roy Ishkanian, NorthWestern Energy, clarified that they had purchased the old Phillips 66 line. However, that line was washed out. This is a new bore under the river.

It was questioned how the \$500 annual compared to the other easements within the park. It was clarified that Exxon negotiated a price after an oil spill and was willing to pay more. The Mayor and Public Works Director negotiated the \$500 annually. NorthWestern Energy preferred to do a lump sum vs. an annual payment. Each pipeline easement is negotiated separately.

3. Resolution - A Resolution Approving Zone Changes For Property Owned By Northwestern Corporation D/B/A Northwestern Energy Located Near Lindy Lane Within The City Of Laurel's Zoning Jurisdiction.

Nick Altonaga, Planning Director, briefly reviewed the attached Staff report.

It was questioned if they would be on City services. It was clarified that there had been discussions with NorthWestern Energy regarding annexing into the City. At this time, NorthWestern Energy has not sought that out. The need for City water and sewer will depend on the needs of the plant.

Council noted that they had read in the paper that this project was not moving forward.

Roy Ishkanian, NorthWestern Energy, stated that the article was confusing. They had an application before the Public Service Commission asking for approval of this proposed project.

They had a contract with finite terms. They opted to pull their pre-approval and apply for reimbursement after the fact to keep the costs fixed.

4. Resolution - A Resolution Authorizing The Mayor To Execute A Contract With "In Control, Inc." To Prepare A Pre-Engineering Survey For The City's Water Treatment Plant.

Nathan Herman, Utilities Plant Superintendent, stated In Control does the control work for the plants. They program the system to run how we would like. This small service contract is the pre-engineering for rebuilding the PLCs. They will diagram everything, so there are no surprises when they replace them. The current processors are no longer available, and they do not make parts anymore. The spare parts the City has had have been used. They will trace all wires and update our schematics. This contract is not to exceed \$50k.

5. Resolution - A Resolution Authorizing The Mayor To Execute A Contract With Groshelle Construction For Repairs To The City Water Plant Roof.

Nathan Herman, Utilities Plant Superintendent, handed a photo of the area this roof will be built; see attached. This pad becomes a hazard in the winter as it is flat it will not drain. It is starting to crack and leak down to the pipe gallery below. The roof will go from the bottom of the windows to the gutters. Only one quote was returned for \$17,340. It will be a metal roof with wood framing. All wood will be wrapped in metal. It should last for quite some time.

6. Resolution - A Resolution Authorizing The Mayor To Execute A Contract With SR Landscaping, Inc. For Installation Of An Automatic Water Sprinkler System At The City Water Plant.

Nathan Herman, Utilities Plant Superintendent, stated that since the SED Basins were removed, there is a large bare area. They would like to install sprinklers to get this area back to look how it did before the project. The previous sprinkler system was removed during that project and not reinstalled after construction.

7. Resolution - Resolution Of Annexation And Zoning For Property Located At 810 West 7th Street, As An Addition To The City Of Laurel, Yellowstone County, Montana.

Nick Altonaga, Planning Director, briefly reviewed the attached Staff report.

8. Ordinance No. O21-04: An Ordinance Amending Certain Chapters Of Title 8 Of The Laurel Municipal Code Relating To Health And Safety Matters, Including Nuisances For The City Of Laurel.

Karen Courtney, Building Official, clarified some of the changes that were done between the first reading and the second reading.

It was questioned if this ordinance would be enforceable. It was clarified that this ordinance would be enforceable. It does have penalties and abatement included. It also gives due process to

the abatement portion. If a code violation is not cleaned up, the City can have the Court abate the property and put the cost on the tax rolls.

Council Issues

9. Parking Study Discussion

Emergency Services Committee has requested a parking study be done in the Central Business District. The Mayor met with KLJ to discuss a potential parking study. The Police Department may be open to diagonal parking on the east side of 3rd Avenue, which could potentially help solve the issues there. Very soon, those vehicles will need to be moved due to the unlawful striping being removed.

It was clarified that a parking study would identify what spots we have currently and their utilization. The parking study would also identify areas of improvement. There have been studies that gave visioning for parking in the Central Business District, but never an actual study for what parking should look like. The issue on 3rd Avenue is because it was done without proper approval by Council.

Other Items

Review of Draft Council Agendas

10. Draft City Council Agenda of October 12, 2021.

There were no changes.

Attendance at Upcoming Council Meeting

All Council Members present plan on attending the next Council meeting.

Announcements

Park Board's next scheduled meeting is October 7, 2021, at 5:30 p.m. in Council Conference Room.

The Clerk/Treasurer took a moment to thank the Council Secretary for all her work to get these meetings ready to go. Council echoed this statement.

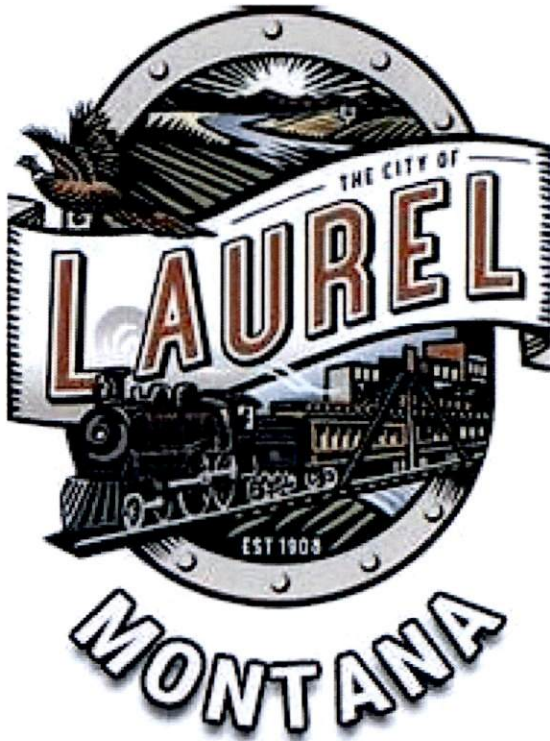
The council workshop adjourned at 8:10 p.m.

Respectfully submitted,



Brittney Moorman
Administrative Assistant

NOTE: This meeting is open to the public. This meeting is for information and discussion of the Council for the listed workshop agenda items.



Urban Renewal and Tax Increment Financing

CDS of Montana

October 5, 2021

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Workshop Overview

Purposes of Urban Renewal

Fundamentals of Tax Increment Financing

Laurel URD Summary

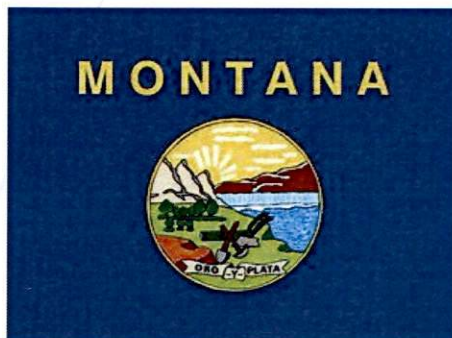
District Management

Eligible Projects and Activities

Urban Renewal Experiences Across the State
and Cautionary Tales

Questions and Discussion

Statutory Authority for Urban Renewal



"...the prevention and elimination of [blighted] areas is a matter of state policy and state concern in order that the state and its municipalities shall not continue to be endangered by areas which...consume an excessive proportion of its revenues because of the extra services required for police, fire, accident, hospitalization, and other forms of public protection, services, and facilities." (§7-15-4202 MCA)

Types of URDs



Urban Renewal (URD)

Available only within incorporated cities and towns in areas that exhibit at least three conditions of blight

Provides for investments in public improvements in support of commercial, industrial and residential revitalization

CDS - 2021



Targeted Economic Development (TEDD)

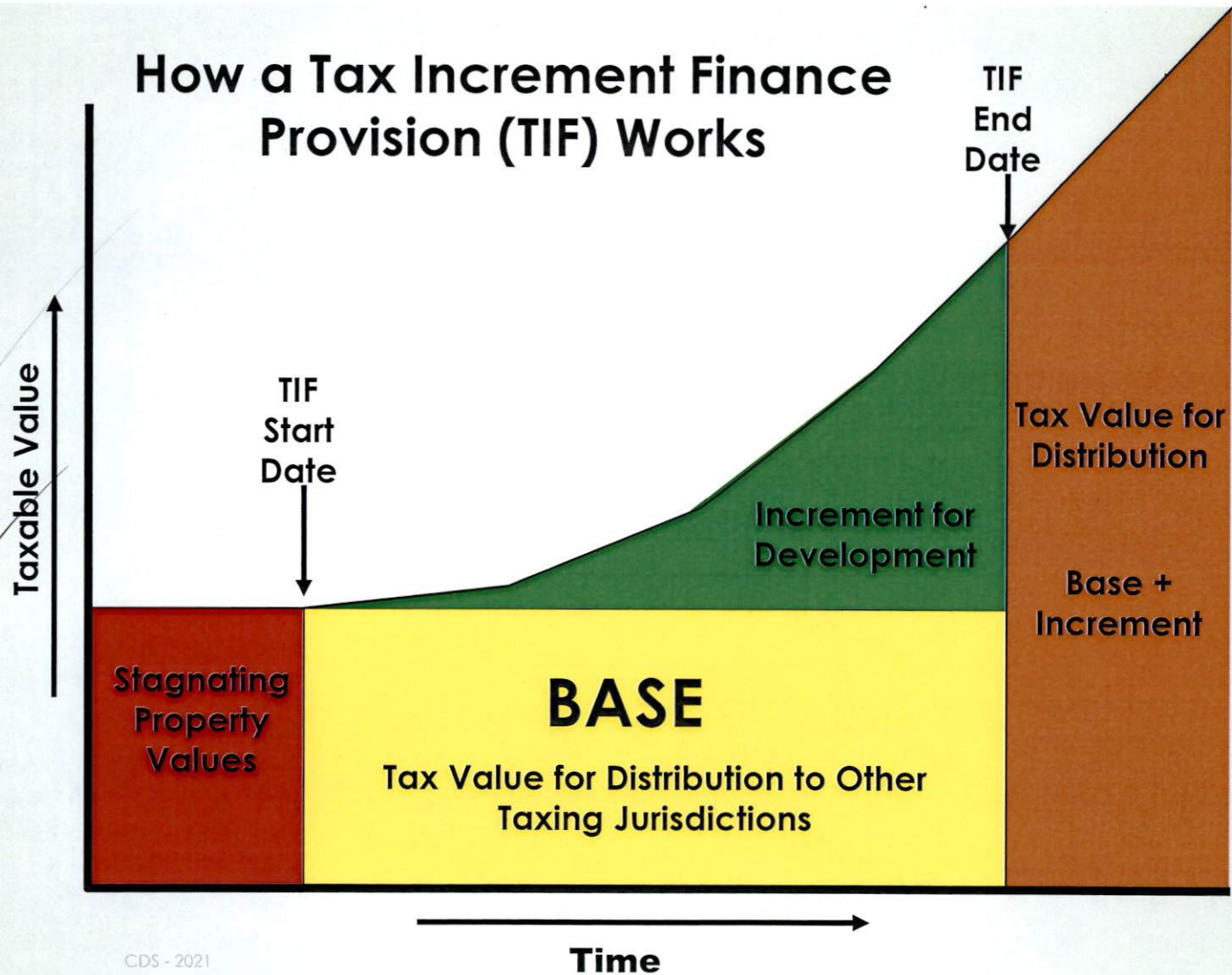
Available to cities, towns and counties in areas that exhibit public infrastructure deficiencies

Supports value-added economic development, usually industrial with limited commercial uses through investments in public infrastructure

Urban Renewal and Tax Increment Financing

- The plan for a URD may include a provision to use Tax Increment Financing (TIF).
- TIF is a state authorized, locally driven funding mechanism that allows cities and counties to direct property tax dollars that accrue from new investment within a URD or TEDD, to development activities *within* that district.
- TIF is not a special taxing district; it does not add any new taxes. Rather, it affects the way that incremental increases in property taxes are distributed once collected.
- Projects and programs that are funded by TIF dollars **must** serve a public purpose.

How a Tax Increment Finance Provision (TIF) Works



The Calculation

- Assume: \$10,000,000 dollars of net New Appraised Value
- Assume: Class 4 commercial property valued at a tax rate of 1.89% (2021)
- Taxable Value = \$189,000
- Assume: 600 *net* mills (total mills minus the six-mill university levy and any voted mills after TIF effective date)
- Tax Increment = \$113,400



Potential Funding Strategies

- TIF dollars can be used to:
 - Directly fund public projects and programs
 - Retire debt
 - Leverage other funding sources, both public and private.
- Funds may be used to establish a revolving loan fund to provide financing.
 - Interest rates can be set based on project feasibility.
 - The revolving fund may continue in perpetuity, even after the TIF provision has “sunsetted”, but funds must be used in accordance with the adopted urban renewal plan.

Laurel URD Summary



Laurel Urban Renewal District created in 2007



City created an urban renewal agency in 2008



Created a Facade Improvement Grant program in 2010



Created Technical Assistance Grant program in 2010



Large Grant Requests Program in 2015



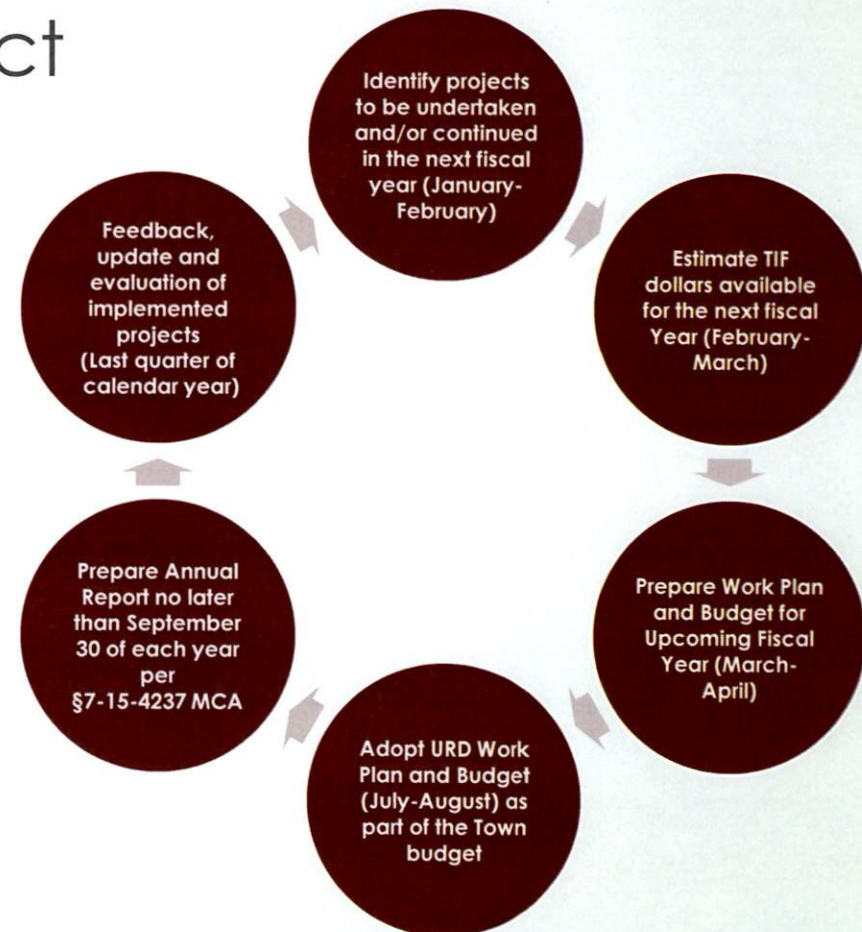
General Small Grant Program in 2019



Issued a 25-year TIF bond in 2020

Management of an Urban Renewal District

- Ongoing process of project identification, analysis and implementation
- Work plan and budget due when required by local government
- Annual report due by Sept. 30



Allowable Uses of TIF Funds

Stabilize and/or
renovate
publicly owned
historic buildings

Construct and
connect public
infrastructure

Mitigate unsafe
decay

Improve
streetscapes
and public
green spaces

Improve
accessibility to
publicly owned
infrastructure

Study, plan and
promote



Project Evaluation Criteria

- Public purpose
- Urban Renewal Plan conformance
- Beneficiaries – community or district vs. business?
- Leverage – percent of total project cost
- Partnerships brought to the project
- Measurable objectives
- Property tax growth
- Opportunity cost
- Ongoing maintenance requirements



Urban Renewal Plan Conformance – Identified Conditions that Contribute to Blight

Flooding

Storm Drain
System
Inadequacies

Lack of Green
Space

Need for Street
Improvements

Need for
Intersection
Improvements

Lack of
streetlights,
sidewalks, curbs
and gutters

Urban Renewal Sample Projects

Capital improvements

- Water main replacement
- Sewage system expansion pro-rata share
- Repaving/rebuilding streets
- Broadband installations

Branding/Beautification

- Unified street fixtures/colors
- Intersection identification
- Signs and Wayfinding
- Utility box graphics/anti-graffiti





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Sample Projects

Economic development

- Public parking lot construction
- Revolving loan fund
- Historic Façade Improvements

Safety

- HAWK (High Intensity Activated Cross Walk) light
- Traffic Signals
- Fire hydrant connections
- ADA in publicly owned buildings

Neighborhoods

- Sidewalks
- Streetlights
- Connectivity
- Leveraging LMI grant applications

Decay

- Acquisition
- Removal
- Resale

Cautionary Tales

Questionable
public benefit

"Build it and
they will come"

Lack of buy-in

Dependency
on centrally
assessed
taxpayers

Change in
taxable status

Single use
districts



18 Questions and Discussion



LAUREL CITY-COUNTY PLANNING DEPARTMENT

STAFF REPORT

TO: Laurel City-County Planning Board
FROM: Nicholas Altonaga, Planning Director
RE: Zone Change Request – Northwestern Energy
DATE: September 29, 2021

DESCRIPTION OF REQUEST

A Zone Change application has been submitted by Sanderson-Stewart on behalf of their client, Northwestern Energy Corporation on August 16, 2021 for their two properties described as:

- Parcel 2, COS 1677, S15, T02S, R24E
- Parcel 1, COS 1239, S15, T02S, R24E

Parcel 1, COS 1239 currently has two zoning designations, half the parcel is Heavy Industrial (HI), and half is Agricultural Open (AO). Parcel 2, COS 1677 currently has two zoning designations, approximately a quarter of the parcel is zoned Heavy Industrial (HI), a quarter of the parcel is zoned Agricultural Open (AO), and half of the parcel lacks a zoning classification.

The Applicant seeks to amend the official Laurel Zoning Map to expand the zoning jurisdiction to include the entirety of the parcels and provide Heavy Industrial (HI) zoning to the entirety of the two parcels. Approval of this Zone Change request would amend the Laurel Zoning district to fully encompass the parcels in question, as well as apply Heavy Industrial (HI) zoning to the entirety of Parcel 2, COS 1677 and Parcel 1, COS 1239.

Owner: Northwestern Corporation
Legal Description: S15, T02 S, R24 E, C.O.S. 1677, PARCEL 2
Legal Description: S15, T2S, R24E, C.O.S. 1239, PARCEL 1 (CENTRALLY ASSESSED)
Address: Lindy lane (Approximate)
Parcel Size: 44.179 Acres (total)
Existing Land Use: Power Generation (Parcel 1), Agricultural (Parcel 2)
Existing Zoning: Heavy Industrial (HI), Agricultural Open (AO), unzoned
Proposed Land Use: Heavy Industrial (HI)

BACKGROUND AND PROCEDURAL HISTORY

- February 23, 2021 – Contractors for Northwestern Energy begin conversations with the Planning Department regarding amending the zoning of parcels.
- March 23, 2021 – City Staff provide data and details on the quality of water within the City water system as well as other utility data.
- May 17, 2021 – Sanderson Stewart staff contact City Planning Dept inquiring on the process for re-zoning the parcels in question.
- May 18, 2021 – City Staff provide all information on the Zone Change process to Sanderson Stewart and explain the process.
- August 16, 2021 – Zone Change Application packet submitted to the City Planning Department.
- September 15, 2021 – Public Hearing took place at the Laurel City-County Planning Board for review as per the criteria in the Laurel Municipal Code. The Planning Board voted to approve the Zone Change request with the conditions stated within this staff report.
- October 12, 2021 – Public Hearing scheduled in front of the Laurel City-Council.
- Subsequent governing Body Action to follow as necessary.

STAFF FINDINGS

1. August 16, 2021 - The Applicant submitted a physical and digital copy of the Zone Change application
2. The Application contains all necessary items to move forward in review process.
3. The applicant is requesting a zone change for the above identified parcels to Heavy Industrial (HI).
4. The applicant has stated their goal of installing a power generation station that will generate 175-megawatts from natural gas in order to reinforce current power system capacity.
5. The parcels in question are already partially zoned as Heavy Industrial (HI).
6. The surrounding area to the immediate west is zoned Heavy Industrial (HI) and is used for those purposes by CHS Inc. as a petroleum refinery and by the City of Laurel as a Sewer Treatment Facility.
7. The current use of Parcel 1 as a public utility service installation is allowable within the Heavy Industrial (HI) zoning classification.
8. The proposed use of Parcel 2 as a public utility service installation is allowable within the Heavy Industrial (HI) zoning classification.

PLANNING BOARD AND GOVERNING BODY REVIEW CRITERIA

17.72.060 - Zoning commission action.

- A. The zoning commission shall review and take action upon each application in accordance with the provisions of this chapter, and after a public hearing at which the application shall

be presented to the zoning commission by the planning director together with his findings and conclusions on the matter. A report of the commission's recommendation and the planning director's findings and conclusions shall be submitted to the city council.

- B. The zoning commission shall make a recommendation to the city council to:
 - 1. Deny the application for amendment to the official map;
 - 2. Grant action on the application for a period not to exceed thirty days;
 - 3. Delay action on the application for a period not to exceed thirty days;
 - 4. Give reasons for the recommendation.
- C. The zoning commission shall adopt such rules and regulations for the conduct of public hearings and meetings, which shall be published and available to the public, as well as conflict of interest rules, to ensure that no member is entitled to vote on a matter in which he has an interest directly or indirectly.

RECOMMENDATIONS

The Planning Director recommends that the Planning Board and Zoning Commission approve the zone change request and grant action on the application not to exceed thirty days for:

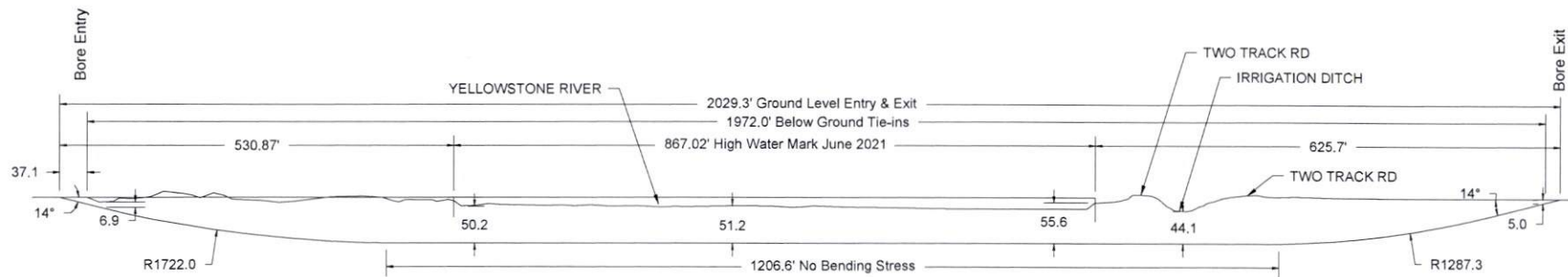
- Parcel 2, COS 1677, S15, T02S, R24E
- Parcel 1, COS 1239, S15, T02S, R24E

The Zone Change approval specifically notes that:

- 1. The parcels in question shall be fully included within the Laurel Zoning Jurisdiction.
- 2. The parcels in question shall have their zoning classification changed to fully be within the Heavy Industrial (HI) zoning district.
- 3. The parcels in question shall have no use on them which are not deemed allowable within the Heavy Industrial (HI) zoning district.
- 4. Any future change of zoning for said parcels shall follow the same process as this approval.

ATTACHMENTS

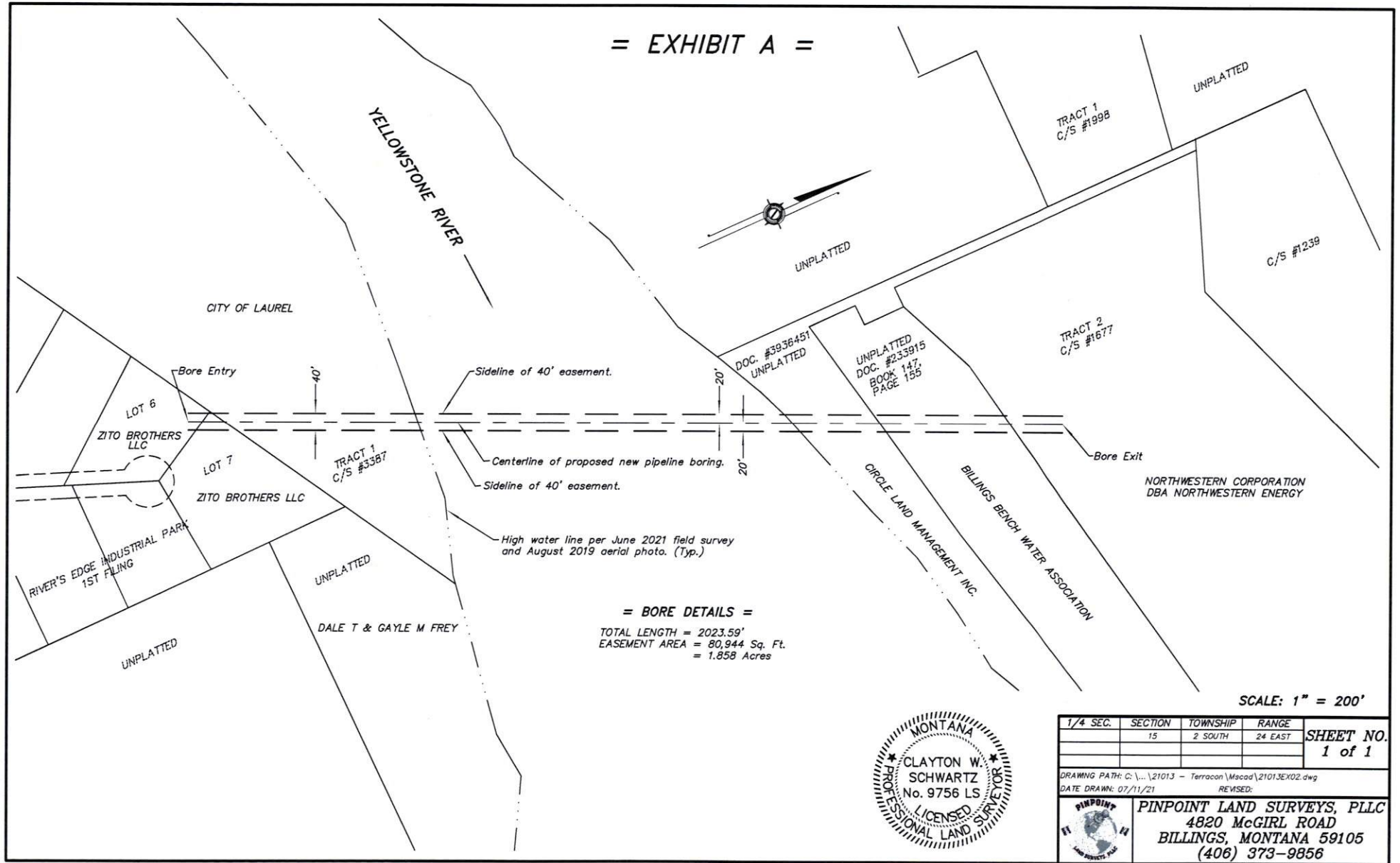
- 1. Zone Change Request Letter and Justification
- 2. Zone Change Application Form
- 3. Aerial Parcel Maps for effected properties
- 4. Aerial Parcel Map with concept drawing of proposed use
- 5. Site Concept Plan for proposed use
- 6. Declaration of Covenants and Conditions
- 7. LMC 17.20 – Commercial-Industrial Use Regulations
- 8. LMC 17.72 – Amendments



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LAUREL CITY-COUNTY PLANNING DEPARTMENT

STAFF REPORT

TO: Laurel City-County Planning Board and Zoning Commission
FROM: Nicholas Altonaga, Planning Director
RE: Annexation and Zoning Request for 810 W 7th Street
DATE: September 29, 2021

DESCRIPTION OF REQUEST

Scott and Amy Slothower submitted a request on August 9, 2021 for Annexation and Zoning for their property located at 810 W 7th Avenue. The Slothower family has sought to annex 810 W 7th Street due to the failure of the septic system on the property and the lack of options for fixing or repairing it.

Scott and Amy Slothower were granted permission by the Laurel City Council on July 14, 2020 to submit an application for annexation as per the Laurel Annexation Policy. Approval of the annexation and zoning petition would expand the Laurel city limits to include the property at 810 W 7th Street, zone the parcel as enable the property in question to connect to city services, and would

Owner: Scott & Amy Slothower
Legal Description: INGRAHAM SUBD (LAUREL), S08, T02 S, R24 E, BLOCK 1, Lot 36 -
Address: 810 W 7th Street Laurel, MT
Parcel Size: 7,800sqft
Existing Zoning: Residential Tracts
Existing Land Use: Single Family Residential
Proposed Zoning: Residential 6000 (R-6000)
Proposed Land Use: Single Family Residential

BACKGROUND AND PROCEDURAL HISTORY

- June 22, 2020 – Slothower Family submit letter to petition City Council for permission to submit an annexation and zoning application.
- August 9, 2021 – The Application for Annexation and Zoning was submitted to the Laurel Planning Department.

- September 1, 2021 – Planning Director provided clarification on the legal documents (AA and Waiver of Right to Protest) submitted with the Annexation application.
- September 15, 2021 – Planning Board held a Public Hearing on the proposed Annexation and zoning for 810 W 7th Street. Planning Board voted to approve the annexation and zoning for 810 W 7th Street with the stated staff conditions.
- October 12, 2021 – City Council has scheduled a Public Hearing to review the application for annexation and zoning for 810 W 7th Street and to make a final decision on the matter.

STAFF FINDINGS

1. The applicant has submitted an application for the annexation and zoning of the property at 810 W 7th Street.
2. The applicant has submitted this application due to the inadequate septic system on the property that is unable to be repaired or improved.
3. The applicant seeks to connect the property into the city water and sewer system.
4. 810 W. 7th Street is immediately adjacent to the Laurel municipal city limits.
5. The applicant is requesting the zoning to be changed to Residential 6000
6. The immediately adjacent parcels to the east are zoned Residential 6000
7. The current use of the property as a single-family residence is allowable within the proposed R6000 district.
8. As per the criteria within the Annexation Policy:
 - a. The property is located within an area identified by the city for future expansion
 - b. There are existing water and sewer lines immediately to the east of the property
 - c. The property will meet the standard of the adjacent parcels within the municipal city limits.
 - d. The property owners have executed a Waiver of Right to Protest
 - e. The property will be zoned as R6000, to match the adjacent zoning of parcels to the east and south.
 - f. The land use (single-family residential) conforms with the goals of the Laurel Growth Policy (2020)

RECOMMENDATIONS

The Planning Director recommends the Planning Board to approve the annexation and zoning request for the property at 810 W. 7th Street with the following conditions.

1. The Property shall connect to the municipal water and wastewater utility system.
2. The Property shall be zoned as Residential 6000 (R-6000)
3. The Annexation Agreement shall be updated as per the comments made by the Laurel Planning Department prior to filing with the Yellowstone County Clerk & Recorder.

4. The Waiver of Right to Protest shall be updated as per the comments made by the Laurel Planning Department prior to filing with the Yellowstone County Clerk & Recorder.
5. The Annexation Agreement, Waiver of Right to Protest, and City Council Resolution shall be filed with the Yellowstone County Clerk & Recorder within 90 days of annexation approval.
6. The proposed connections to the municipal water system shall be approved by the Laurel Department of Public Works.
7. Any and all public improvements and infrastructure connections shall be completed within one (1) calendar year from the date of the annexation approval.

ATTACHMENTS

1. Annexation Application Form
2. Satellite view with parcel lines
3. Survey plat with parcel highlighted
4. Estimate for work regarding Water and Sewer extension.
5. Annexation Agreement
6. Waiver of Right to Protest (Signed)
7. Initial Annexation Permission Letter dated June 22, 2020.
8. Resolution R20-38 – Approval of request to file a petition to annex property.
9. Annexation Policy (2008)