

# MINUTES OF THE CITY COUNCIL OF LAUREL

February 5, 2019

A regular meeting of the City Council of the City of Laurel, Montana, was held in the Council Chambers and called to order by Council President Eaton at 6:30 p.m. on February 5, 2019.

COUNCIL MEMBERS PRESENT:      Emelie Eaton      Heidi Sparks  
   Bruce McGee      Richard Herr  
   Scot Stokes      Irv Wilke  
   Richard Klose      Bill Mountsier

COUNCIL MEMBERS ABSENT:      None

OTHER STAFF PRESENT:      Kurt Markegard, Public Works Director  
   Forrest Sanderson, Interim Planner

Council President Eaton led the Pledge of Allegiance to the American flag.

Council President Eaton asked the council to observe a moment of silence.

## MINUTES:

Motion by Council Member McGee to approve the minutes of the regular meeting of January 15, 2019, as presented, seconded by Council Member Mountsier. There was no public comment or council discussion. A vote was taken on the motion. All eight council members present voted aye. Motion carried 8-0.

CORRESPONDENCE: None.

COUNCIL DISCLOSURE OF EX PARTE COMMUNICATIONS: None.

## PUBLIC HEARING:

- Public Hearing: Annexation and Initial Zoning Request from Goldberg Investments for Residential Light Multi-Family on Nutting Brothers 2nd filing Lot 18 and Nutting Brothers 3rd Filing Lots 19-24 and Community Commercial on Lot 25 Nutting Brothers 3rd Filing.

Council President Eaton stated this is the time and place set for the public hearing on the City of Laurel's Annexation and Initial Zoning Request from Goldberg Investments for Residential Light Multi-Family on Nutting Brothers 2nd filing Lot 18 and Nutting Brothers 3rd Filing Lots 19-24 and Community Commercial on Lot 25 Nutting Brothers 3rd Filing.

Council President Eaton opened the public hearing and stated that Staff was present to answer any questions.

Forrest Sanderson, Interim Planner, and Kurt Markegard, Public Works Director showed maps of the area.

Forrest Sanderson, Interim Planner, read the staff annexation report into the record.

Forrest Sanderson, Interim Planner, read the staff zoning report into the record.

Council President Eaton opened the floor for public comment and stated that copies of the rules governing the public hearing were posted in the council chambers.

Council President Eaton asked if there were any proponents.

Scott Aspenliender, 608 N. 29<sup>th</sup> Street, Billings, MT, stated he was the agent for the developer, Goldberg Investments. He stated that this property had been considered for multiple projects throughout the years. The zoning requested does not allow for the development of a mobile home park or mobile home facilities. Requesting Community Commercial zoning adjacent to Yard Office

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Road and requesting Residential Light Multi-Family (RLMF) for the remainder of the property. RLMF zoning allows up to a 4-plex to be developed. They are not asking for any variances from the zoning requests. This type of zoning will offer a buffer for the single-family residential homes located on the bluff. He stated he would be in attendance at next weeks Workshop to answer any additional questions.

Council President Eaton asked if there were any proponents.

Doctor Ron Benner, 1408 E. Maryland Lane, stated he is not opposed to this project at all. He stated that the Planning Board discussed and unanimously approved the request. He stated being a landowner in the County, but next to the City, his past concerns have been alleviated by this plan. The concern is not what the developer will do, but rather what will happen to the City adjacent to the development. Items such as safe transportation, water, sewer, or parkland. In the past, there have been instances where the developer has not made those improvements. He gave further examples of no sidewalks being available for children walking to school from this development or the mobile home park on the other side of Yard Office. He stated that the City would need to be willing to invest some funds in upgrading the area around this development.

Council President Eaton asked three additional times if there were any proponents. There were no additional proponents.

Council President Eaton asked three times if there were any opponents. There were none.

Council President Eaton asked Staff to respond to any relevant questions. There were none.

Council President Eaton closed the public hearing.

#### CONSENT ITEMS:

- **Claims for the month of January 2019 in the amount of \$839,903.12.**  
A complete listing of the claims and their amounts is on file in the Clerk/Treasurer's Office.
- **Approval of Payroll Register for PPE 1/13/2019 totaling \$167,282.70.**
- **Approval of Payroll Register for PPE 1/27/2019 totaling \$185,141.06.**
- **Receiving the Committee/Board/Commission Reports into the Record.**
  - Budget/Finance Committee minutes of January 15, 2019, were presented.
  - Council Workshop minutes of January 29, 2019, were presented.
  - Safety Committee minutes of April 18, 2018, were presented.
  - Safety Committee minutes of July 18, 2018, were presented.
  - Safety Committee minutes of December 11, 2018, were presented.
  - Safety Committee minutes of January 15, 2019, were presented.
  - Laurel Airport Authority minutes of December 20, 2018, were presented.
  - City-County Planning Board minutes of January 3, 2019, were presented.
  - Public Works Committee minutes of January 22, 2019, were presented.

Council President Eaton asked if there was any separation of consent items. There was none.

Motion by Council Member McGee to approve the consent items as presented, seconded by Council Member Klose. There was no public comment or council discussion. A vote was taken on the motion. All eight council members present voted aye. Motion carried 8-0.



**CEREMONIAL CALENDAR:** None.

**REPORTS OF BOARDS AND COMMISSIONS:** None.

**AUDIENCE PARTICIPATION (THREE-MINUTE LIMIT):** None.

**SCHEDULED MATTERS:**

- **Confirmation of Appointments.**
  - Appointments of Ryan Robertus, Bridger Fournier, Levi Klamert, and Steven Hiller to the Laurel Volunteer Fire Department.

Motion by Council Member Herr to approve the appointments of Ryan Robertus, Bridger Fournier, Levi Klamert, and Steven Hiller to the Laurel Volunteer Fire Department, seconded by Council Member McGee. There was no public comment or council discussion. A vote was taken on the motion. All eight council members present voted aye. Motion carried 8-0.

- Appointments of Mariah Haugen, David Jackson, Boady Harper and Bryanna Ruskanen to the Laurel Volunteer Ambulance Service.

Motion by Council Member Stokes to approve the appointments of Mariah Haugen, David Jackson, Boady Harper and Bryanna Ruskanen to the Laurel Volunteer Ambulance Service, seconded by Council Member Sparks. There was no public comment or council discussion. A vote was taken on the motion. All eight council members present voted aye. Motion carried 8-0.

- **Resolution No. R19-02: A Resolution of the City Council authorizing the release of funds from the Tax Increment Financing District Fund for Facade Improvements and Signage for the property located at 117 West Main Street, Laurel Montana.**

Motion by Council Member Wilke to approve Resolution No. R19-02, seconded by Council Member Mountsier. There was no public comment or council discussion. A vote was taken on the motion. All eight council members present voted aye. Motion carried 8-0.

- **Resolution No. R19-03: Resolution Authorizing And Approving An Employment Contract Between The City Of Laurel And Nicholas Altonaga Who Shall Serve As The City Planner Ii For The City Of Laurel.**

Motion by Council Member Klose to approve Resolution No. R19-03, seconded by Council Member Mountsier. There was no public comment or council discussion. A vote was taken on the motion. All eight council members present voted aye. Motion carried 8-0.

- **Resolution No. R19-04: A Resolution Approving An Amended Encroachment Permit For South Montana Avenue For C-Store Properties LLC, Innovative Properties LLC And, Rimrock II, LLC And To Authorize The Mayor To Execute The Permit On Behalf Of The City Of Laurel.**

Motion by Council Member Mountsier to approve Resolution No. R19-04, seconded by Council Member McGee. There was no public comment or council discussion. A vote was taken on the motion. All eight council members present voted aye. Motion carried 8-0.

**ITEMS REMOVED FROM THE CONSENT AGENDA:** None.

**COMMUNITY ANNOUNCEMENTS (ONE-MINUTE LIMIT):** None.

**COUNCIL DISCUSSION:**

Friends of the Yellowstone National Cemetery approached Representative Vince Ricci to carry a bill at the State. They are proposing that Buffalo Trail mile markers 1-2 be designated as Pearl Harbor Veterans Highway.

Park Board's next meeting is Thursday, February 7, 2019, at 5:30 PM.

Planning Board has canceled their meeting on February 7, 2019.

Public Works Committee has canceled their meeting on February 18, 2019.

Council Members were reminded to review Laurel Municipal Code and get a good understanding of annexation prior to next weeks meeting.

**UNSCHEDULED MATTERS:** None.

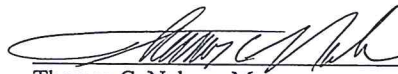
**ADJOURNMENT:**

Motion by Council Member Sparks to adjourn the council meeting, seconded by Council Member McGee. There was no public comment or council discussion. A vote was taken on the motion. All eight council members present voted aye. Motion carried 8-0.

There being no further business to come before the council at this time, the meeting was adjourned at 7:09 p.m.

  
Brittney Moorman, Administrative Assistant

Approved by the Mayor and passed by the City Council of the City of Laurel, Montana, this 19<sup>th</sup> day of February 2019.

  
Thomas C. Nelson, Mayor

Attest:

  
Bethany Langve, Clerk/Treasurer

CITY HALL  
115 W. 1<sup>ST</sup> ST.  
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# City Of Laurel

P.O. Box 10  
Laurel, Montana 59044



## Office of Planning

Office of the Director of Public  
Works

Date: January 7, 2019  
To: Laurel Mayor and City Council  
From: Laurel – Yellowstone City – County Planning Board and Zoning Commission  
Forrest Sanderson, AICP, CFM – Contract Planner  
Re: Initial Zoning Request, Goldberg Investment LLP

### **BACKGROUND:**

On November 13, 2018, an annexation request for Lot 18 Nutting Brothers 2<sup>nd</sup> Filing and Lots 19 – 25 Nutting Brothers 3<sup>rd</sup> Filing in Section 10, Township 2 South, Range 24 East was submitted along with a request for annexation.

The initial zoning request is for Residential Light Multi-Family (**RLMF**) on Nutting Brothers 2<sup>nd</sup> Filing Lot 18 and Nutting Brothers 3<sup>rd</sup> Filing Lots 19 – 24 and Community Commercial (**CC**) on Lot 25 Nutting Brothers 3<sup>rd</sup> Filing.

The Laurel – Yellowstone City County Planning Board and Zoning Commission did on January 3, 2019 conduct a public hearing on the proposed initial zoning request.

### **ANALYSIS OF REQUEST**

LEGAL DESCRIPTION: Lot 18 Nutting Brothers 2<sup>nd</sup> Filing and Lots 19 – 25 Nutting Brothers 3<sup>rd</sup> Filing in Section 10, Township 2 South, Range 24 East, P.M.M., Yellowstone County, Montana

### **GENERAL INFORMATION**

1. The RLMF is intended to provide a suitable residential environment for medium to high density residential dwellings and where possible a buffer between residential and commercial zones.
2. The CC is intended to accommodate retail, service, and office facilities offering a greater variety than would normally be found in a neighborhood or convenience retail development.
3. Both the RLMF and CC zones are generally applicable existing standard Zoning Districts within the City of Laurel. Further, the zoning classifications exist on properties annexed into the City of Laurel that are adjacent to the proposed annexation and initial zoning request.





## FINDINGS OF FACT

The City of Laurel is an incorporated City within the State of Montana with powers established by the City Charter. The power and processes for the City to establish zoning regulations are found in §76-2-301 et. seq. M.C.A.

In the State of Montana, all jurisdictions proposing to zone or rezone property or to adopt or revise their zoning regulations must issue findings of fact on a twelve-point test that constitutes the rational nexus/legal basis for the adoption of or amendments to a zoning district or zoning regulations, as follows:

I. Is the zoning in accordance with the growth policy;

- The proposed zoning regulations and map are based on the 2013 Growth Policy. A quick comparison of the Future Land Use Map verifies that the proposed zoning is consistent with the anticipated future zoning for the area.
- The RLMF and CC zones are generally applicable existing standard Zoning Districts within the City of Laurel that are supported by the 2013 Growth Policy.
- The zoning classifications exist on properties annexed into the City of Laurel that are adjacent to the properties proposed annexation and initial zoning request.
- Several strategies from the Growth Policy pertaining to the residential development are met with the new zoning. Most notably; The regulations are designed to provide easier use, reuse and restoration of existing structures and properties and the regulations encourage infill development and expanded use opportunities.

Finding: The requested zoning is in accordance with the Growth Policy and other adopted rules and regulations of the City of Laurel.

II. Is the zoning designed to lessen congestion in the streets;

- The requested zoning encourages compact walkable development as well as expanded opportunities within new developments.
- The requested zoning encourages compact urban development as such the need for vehicular travel is limited.
- The requested zoning in conjunction with the development standards adopted with the Subdivision Regulations will provide for flow through development, logical extension of the gridded infrastructure network, and encourage pedestrian- friendly growth.

Finding: The requested zoning will lessen congestion in the streets by ensuring orderly growth and development of the property that is consistent with the zoning and other regulations adopted by the City of Laurel.

III. Is the zoning designed to secure safety from fire, panic, and other dangers;

- The requested zoning will provide for consistency in development along with provision of urban services including but not limited to water, sewer, police and fire protection.
- The requested zoning regulations incorporates enforcement of development standards, setbacks and compliance with the Building Code program adopted by the City of Laurel.

- The requested zoning has restrictions on lot coverage, grading and development on steep slopes and other areas that are potentially hazardous.

Finding: The recommended zoning will provide safety to residents and visitors to the City from fire, panic and other dangers.

IV. Is the zoning designed to promote health and the general welfare;

- The requested zoning imposes limitations on uses, setbacks, height limits and building restrictions.
- The requested zoning groups together like and consistent uses within existing neighborhoods.
- The requested zoning is consistent with the prevailing zoning established by the City of Laurel on lands already located within the City limits.
- The proposed zoning implements the legislative intent of the City Council, provide consistency in the administration of the regulations and encourages responsible growth and development in and adjacent to the City of Laurel.

Finding: The grouping together of like and consistent uses promotes the health and general welfare of all citizens of the City of Laurel. Further, the requested zoning is substantially consistent with the land use in the neighborhood.

V. Is the zoning designed to provide adequate light and air;

- The requested zoning imposes building setbacks, height limits, limits on the number of buildings on a single parcel, and reasonable area limits on new development.
- The text of the regulations in the requested zones implement the concept that the City of Laurel was developed historically on a gridded network. The requested zoning requires the perpetuation of this pattern. In doing so as the City plans for growth, the spacing and layout of new development will facilitate provision of light and air to new development.

Finding: The requested zoning will ensure the provision of adequate light and air to residents of the City through various development limitations.

VI. Is the zoning designed to prevent the overcrowding of land;

- The zoning regulations impose minimum lot size, use regulations and other limitations on development.
- The minimum lot size established with the requested zoning provides for ease of transition from rural to urban development. These standards encourage annexation to the City and development at a scale that justifies the capital extension of water and sewer while spreading the costs out on an equitable basis.
- The text of the proposed regulations encourages compact urban scale development while preventing undue overcrowding in any given segment of the community.
- The regulations encourage the creation of adaptive open space uses in conjunction with more intensive uses of property.



Finding: The existing standards of the requested zoning will prevent the overcrowding of land.

VII. Is the zoning designed to avoid undue concentration of population;

- The requested zoning is part of the holistic approach to land use regulation for the entirety of the City of Laurel and is not focused on any single special interest.
- The requested zoning takes advantage of areas that were created and intended as suitable for residential and commercial uses.
- The existing RLMF regulations are a part of the City residential zoning districts that provide a continuum of residential densities and managed development to create land use compatibility.
- The existing CC regulations are a part of the City commercial zoning districts that provide a tiered set of commercial uses, bulk of structures, and densities to enhance land use compatibility within the City.
- The requested zoning imposes minimum lot sizes, reasonable use restrictions on the subject properties, fencing limitations and setback standards.

Finding: The existing standards of the requested zoning will prevent the undue concentration of population by encouraging the most appropriate use and development on the subject property.

VIII. Is the zoning designed to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements;

- The existing RLMF regulations are a part of the City residential zoning districts that provide a continuum of residential densities and managed development to create land use compatibility.
- The existing CC regulations are a part of the City commercial zoning districts that provide a tiered set of commercial uses, bulk and densities to enhance land uses within the City.
- The prevailing zoning along with the City Subdivision Regulations establishes minimum standards for the provision of infrastructure such as roads, sidewalks, water sewer, wire utilities and storm water management.
- The prevailing zoning encourages compact urban scale development and groups together similar uses that will not detract from the quality of life expected in Laurel while providing the economies of scale to extend water, sewer, streets, parks, quality schools and other public requirements.

Finding: The standards of the requested zoning will ensure the adequate provision of transportation, water, sewerage, school, parks and other public requirements.

IX. Does the zoning give reasonable consideration to the character of the district and its peculiar suitability for particular uses;

- The requested zoning (CC and RLMF) specify development standards and solidify the legislative intent of the City Council that was stated in the initial adoption of the regulations and the 2013 Growth Policy.

- The proposed changes do not impact any of the adopted district standards that were established to ensure that the regulations provide for land uses that are compatible with existing uses and neighborhood characteristics.
- The requested zones, by definition, are designed to be adjacent to each other, provide buffers and transitional areas between residential and commercial development.
- The petitioner has not proposed to change height limits and other building restrictions. These restrictions ensure compatible development.
- The requested zoning groups together like and consistent uses and is consistent with the existing zoning in the neighborhoods currently within the City of Laurel.

Finding: The requested zoning gives due consideration to the character of the existing neighborhoods, within the City as well as suitability for the particular uses.

X. Does the zoning give reasonable consideration to the peculiar suitability of the property for its particular uses;

- The requested zoning assignments are districts created by the City to implement the significant sections of the 2013 Growth Policy.
- The 2013 Growth Policy represented a major turning point in the theory of land use and land use regulation for the City of Laurel.
- The Growth Policy ties directly to and values the City's history and existing use of property and structures, the tools used to encourage development of property needed to be designed to reflect this change in direction.
- The proposed changes do not impact any of the currently adopted district standards that were established to ensure that the regulations provide for land uses that are compatible with existing uses and neighborhood characteristics.
- The requested zones, by definition, are designed to be adjacent to each other, provide buffers and transitional areas between residential and commercial development.
- The requested zoning groups together like and consistent uses and is consistent with the existing zoning in the neighborhoods currently within the City of Laurel.

Finding: The recommended zoning gives reasonable consideration to the peculiar suitability of the property for its particular uses.

XI. Will the zoning conserve the value of buildings;

- The requested zoning groups together like and consistent uses and is consistent with the existing zoning in the various neighborhoods of the City of Laurel.
- The requested zoning reinforces that RLMF (residential) and CC (commercial) flexibility in the location and development of the permitted and conditionally permitted uses. In doing so the value of both residential and commercial properties is enhanced.
- The RLMF and the CC are compatible adjoining land uses per the 2013 Growth Policy.
- The requested zoning was proposed by the property owner. Any consideration of the value of existing buildings on the property would have been considered in the selection of the available Laurel Zoning Districts.
- Where the requested zoning is currently in place on surrounding properties the value of existing buildings should not be impacted because of the development of property with the same land use restrictions as the adjoining property.



Finding: The recommended zoning will conserve or in many cases enhance the value of buildings.

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

- The requested zoning provides for grouping like and compatible uses.
- The proposed zoning recognizes that buildings that are in residential or commercial areas have options either to remain as they are or to be utilized in a manner that reflect the highest and best use, in the owner's opinion, for the subject property.
- The requested zoning groups together like and consistent uses and is consistent with the existing zoning in the various neighborhoods of the City of Laurel.
- The requested zones, by definition, are designed to be adjacent to each other, provide buffers and transitional areas between residential and commercial development.

Finding: The recommended zoning will encourage the most appropriate use of land throughout the municipality.

#### **RECOMMENDATIONS AND CONDITIONS OF APPROVAL**

Staff Recommends that the Zoning Commission find that the proposed Zoning Assignment submitted by Goldberg LLP reflects the 2013 Growth Policy; that the rational nexus for the adoption of zoning has been met or exceeded by the proposed amendments; and that the citizens of Laurel have participated in the amendment of the Zoning Regulations.

The request to proceed with initial zoning of Lot 18 Nutting Brothers 2<sup>nd</sup> Filing and Lots 19 – 25 Nutting Brothers 3<sup>rd</sup> Filing in Section 10, Township 2 South, Range 24 East Subdivision should be APPROVED subject to the following conditions:

1. The annexation request is completed in accordance with Montana Law and the City of Laurel Annexation Policy.
2. The zoning shall be assigned at the time of filing the annexation map.
3. That all adjacent public road rights of way outside of the boundaries of the Goldberg LLP properties shall be included on the final annexation map and the exhibit prepared for final approval of the annexation by the City Council.



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# City Of Laurel

P.O. Box 10  
Laurel, Montana 59044



## Office of Planning

Office of the Director of Public  
Works

Date: January 7, 2019  
To: Laurel Mayor and City Council  
From: Laurel – Yellowstone City – County Planning Board and Zoning Commission  
Forrest Sanderson, AICP, CFM – Contract Planner  
Re: Annexation Request, Goldberg Investment LLP

### **BACKGROUND:**

On November 13, 2018, an annexation request for Lot 18 Nutting Brothers 2<sup>nd</sup> Filing and Lots 19 – 25 Nutting Brothers 3<sup>rd</sup> Filing in Section 10, Township 2 South, Range 24 East was submitted along with a request for initial zoning. The initial zoning request, which is analyzed in a separate Report is for Residential Limited Multi-Family (RLMF) and Community Commercial (CC).

The Laurel – Yellowstone Planning Board and Zoning Commission did on January 3, 2019 conduct a public hearing on the proposed annexation request.

### **ANALYSIS OF REQUEST**

City Council Resolution #R08-22 (March 4, 2008) and the aforementioned Application Form establishes the criteria and requirements for the annexation of property.

Standard:

1. Only parcels of land adjacent to the City of Laurel will be considered for annexation. If the parcel to be annexed is smaller than one city block in size (2.06 acres), the city council must approve consideration of the request; the applicant must make a separate written request to the city council stating their wish to annex a parcel of land less than one city block in size. Once the council approves the request, the applicant can apply for annexation.

Findings:

- A. The property requested for consideration is adjacent to the existing Laurel city limits;
- B. The property requested for consideration is 32.56 acres in size;
- C. The property owner (Goldberg Investments LLP) owns or has been authorized to submit the annexation petition.;

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- D. Should the request for annexation be denied by the City of Laurel the request for initial zoning will not proceed further;
- E. This is the type of comprehensive annexation and initial zoning requests that are desired under the City of Laurel Annexation Policy.
- F. The annexation and initial zoning appears to be consistent with your 2013 Growth Policy. (Infrastructure, Land Use, and Transportation Sections). These sections encourage comprehensive 'big picture' looks at development, growth and the extension of public infrastructure.

### **MOVING FORWARD**

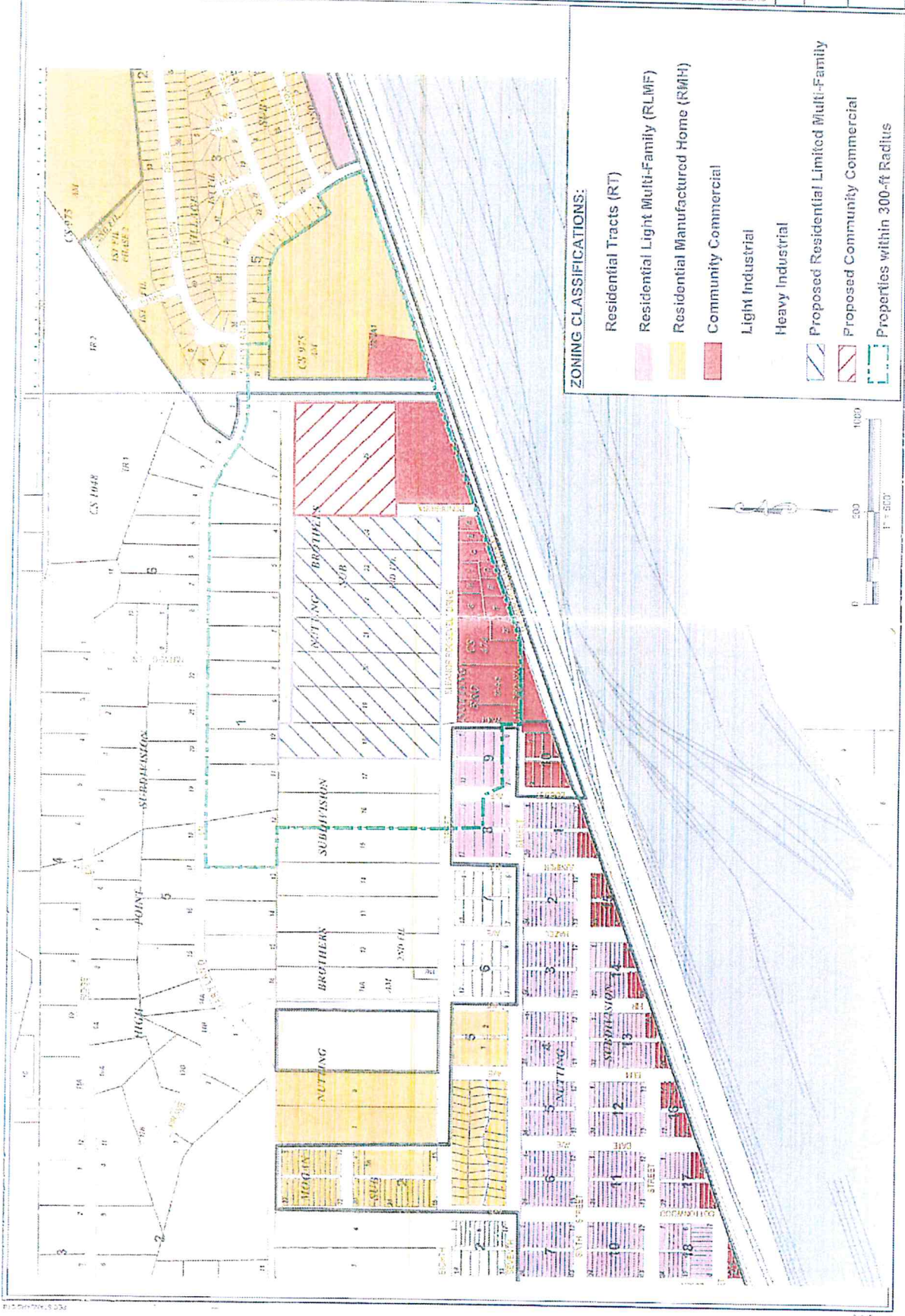
1. The application adequately addresses the following items as required by Council Policy:
  - a. An extension of City Streets, Water, Sewer, Sidewalks, Storm Water, Curb and Gutter and how the developer/owner intends to pay for these infrastructure extensions;
  - b. An executed waiver of the right to protest the creation of SID's;
  - c. Adequate discussion of the suitability of the proposed zoning for the property to be annexed;
  - d. A notarized signature from the record property owner authorizing the annexation and requested initial zoning;
  - e. Adequate discussion of the subdivision process to create lots that conform to the minimum district requirements and use limitations imposed by the Laurel Zoning Regulations.
2. The application did include a fee for the consideration of annexation and zoning.
  - a. The fee is adequate for the application as presented.
3. The annexation map, to be prepared at the developers expense shall include all adjacent public rights-of-way

### **RECOMMENDATION:**

The request to proceed with annexation of Lot 18 Nutting Brothers 2<sup>nd</sup> Filing and Lots 19 – 25 Nutting Brothers 3<sup>rd</sup> Filing in Section 10, Township 2 South, Range 24 East Subdivision should be APPROVED for the following reasons:

1. The annexation request is consistent with the City of Laurel Annexation Policy.
2. The requested annexation is consistent with the 2013 Laurel Growth Policy.
3. The requested initial zoning for the properties is existing Laurel Zoning classifications.

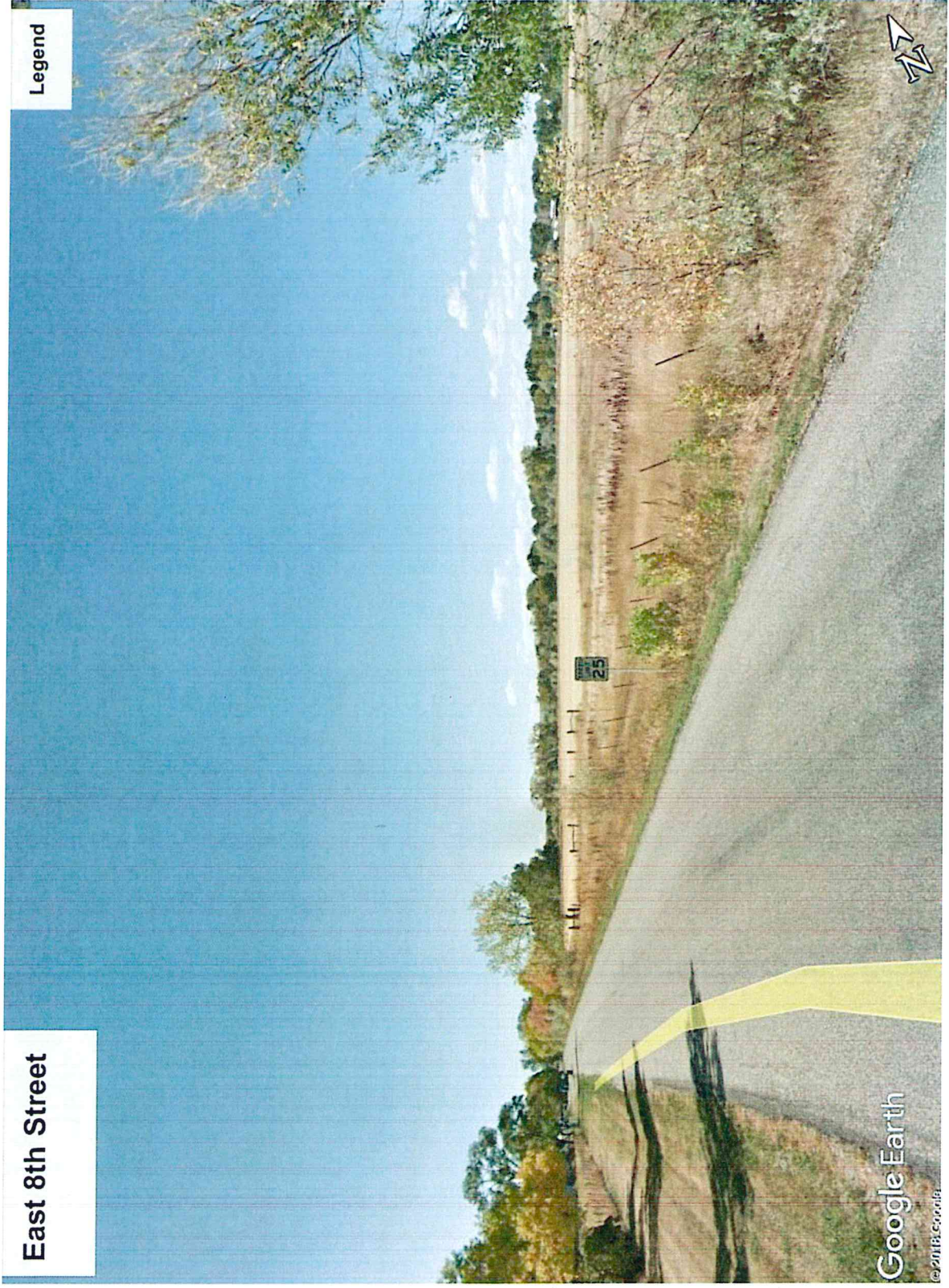












Legend

East 8th Street

Google Earth

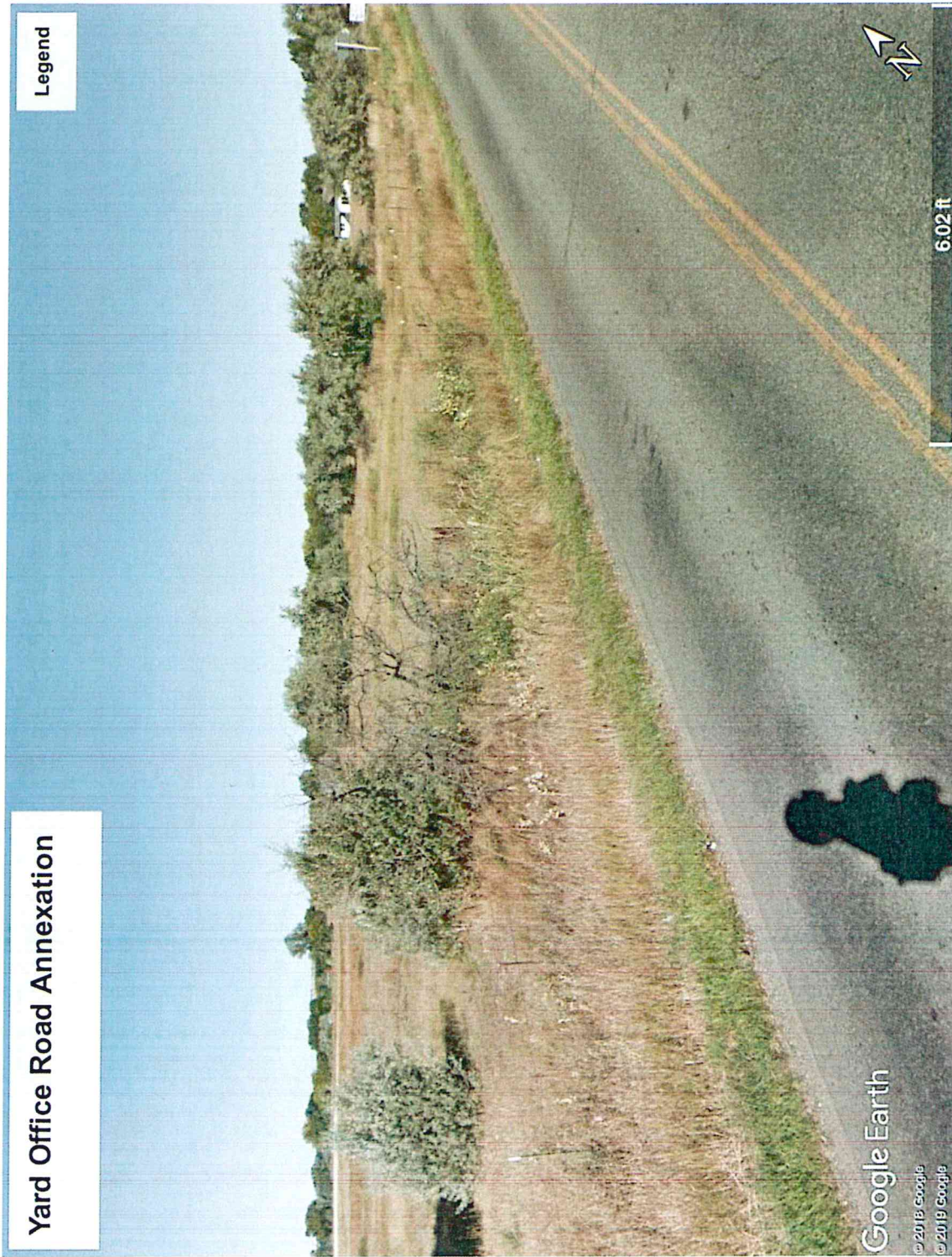
© 2018 Google

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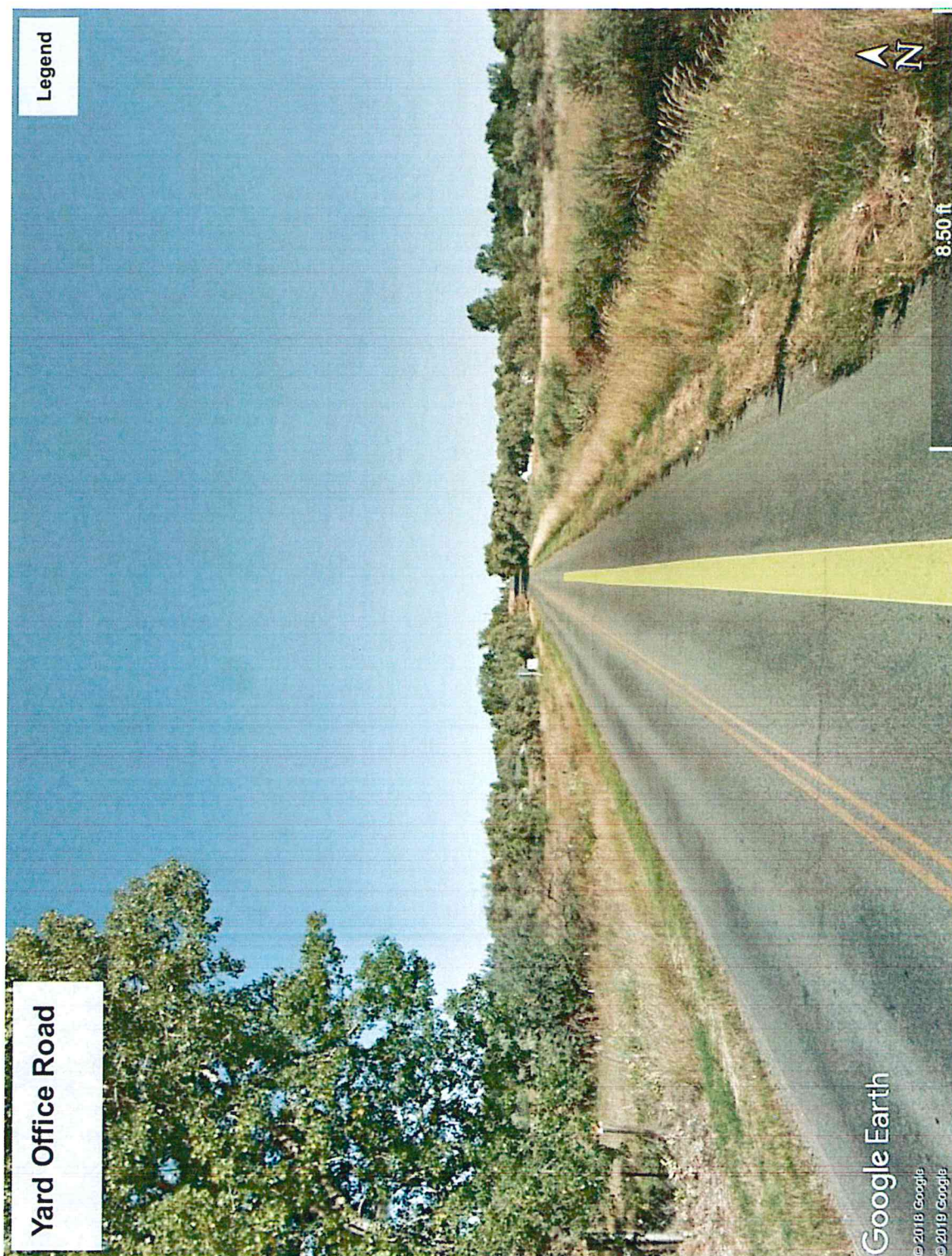
# Yard Office Road Annexation

Legend

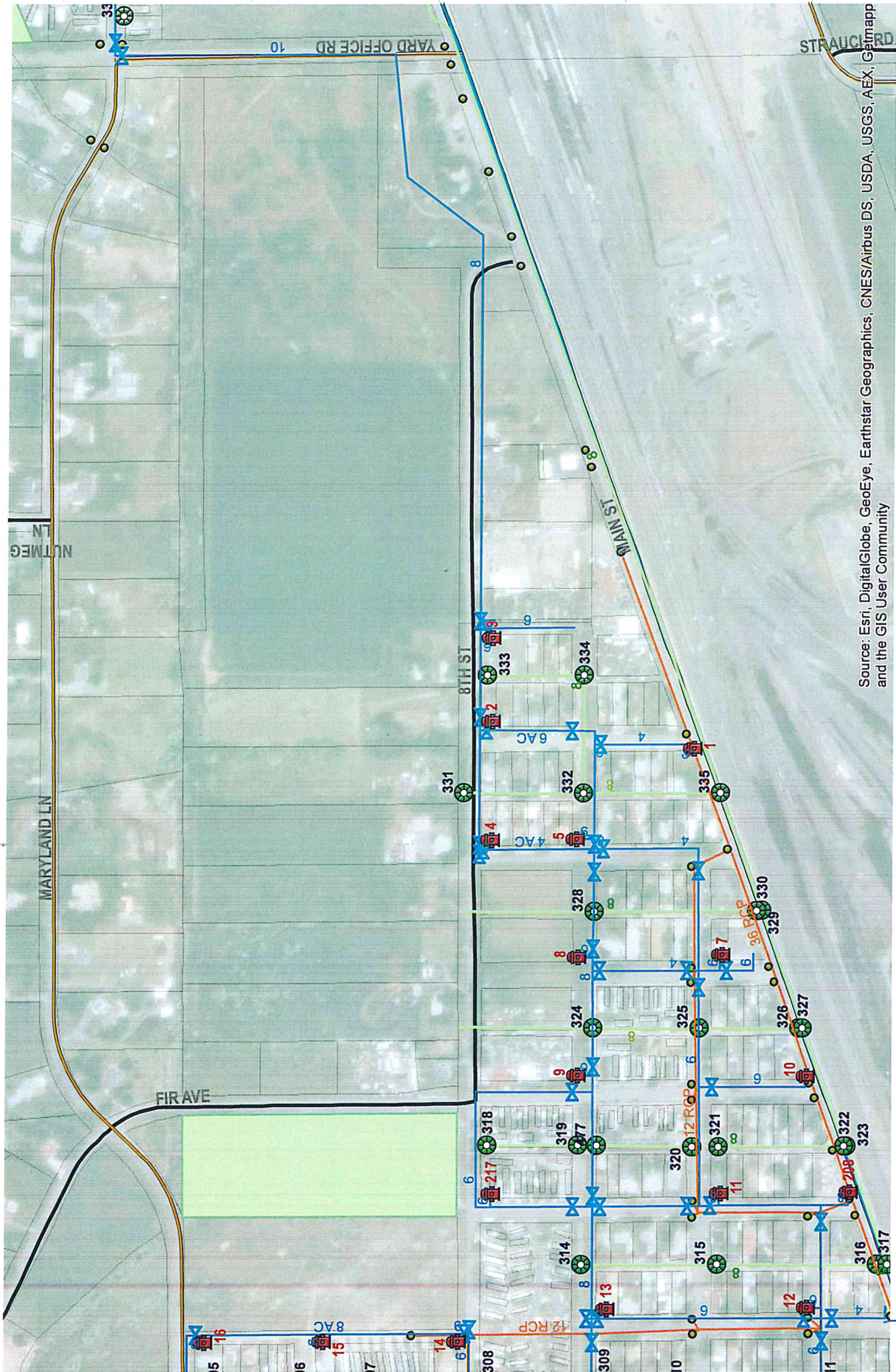


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Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Geomapp and the GIS User Community