

**MINUTES
CITY OF LAUREL
CITY COUNCIL WORKSHOP
TUESDAY, NOVEMBER 03, 2020**

A Council Workshop was held in Council Chambers and called to order by Mayor Tom Nelson at 6:35 p.m. on November 3, 2020.

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 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
KC Williams, County DES Director

Public Input:

There was none.

General Items:

Executive Review:

1. Resolution - A Resolution Of The City Council Adopting The Updated 2020 Yellowstone County Hazard Materials Response Plan.

KC Williams, County DES Director, briefly reviewed the updated Yellowstone County Hazard Materials Response Plan. This plan does not override local jurisdiction but is a Countywide plan. The final approved version will be available on Yellowstone County's website.

2. Resolution – A Resolution To Approve The Conditional Use Of The Property Located At 1009 East 6th Street In Laurel For The Construction And Operation Of A Union Meeting Hall At Such Address Within The City Of Laurel. (Public Hearing 11.10.2020)

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

A Council Member noted that they live half a block from that property and have never heard any loud noises coming from it. It was questioned if they will tear down the existing building before building the new structure. Secondly, will the public hearing be held in person? It was clarified that the building would be torn down before the new building is built. The public hearing will be held via Zoom.

3. Resolution – Variance for Street Continuity for the Proposed Goldberg Sporting Estates Subdivision (Public Hearing 11.10.2020)

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

It was questioned if the Council agrees with the recommendation to deny this, what will happen. It was clarified that if the Council votes to deny the request, then the developer will need to redesign the plat. In this case, they would need to align the roadway. Once redesigned, they would resubmit the plat to the Planning Department. After the variances are settled, then this will move to preliminary plat stage.

Craig Dalton, Performance Engineering, stated they had considered the alignment with Mulberry Avenue and the higher volume commercial property. They made a judgment call on safety and traffic to align with the commercial property driveway. They are also doubling the required offset for the road. They ask that Council consider this as they vote on this item next week.

4. Resolution – Variances for Roadway widths and Right-of-Way dedication for the Proposed Goldberg Sporting Estates Subdivision (Public Hearing 11.10.2020)

Nick Altonaga, Planning Director, briefly reviewed the attached Staff report. He stated that Staff does feel this project is good for Laurel due to its scale and location. There are just some issues with the designs of the subdivision.

Craig Dalton, Performance Engineering, stated that the only thing that consultants and developers can work off of is published documents—sighting the Long-Range Transportation Plan—looking at the right of way on a collector status road. The Planning Department is looking at this being a major corridor in the future; however, the Long-Range Traffic Study is what we have published and utilized right now. Proposed the 30-foot dedication because it takes the Yard Office right of way up to 110 feet. They feel this is sufficient space to build a collector road, as indicated in the Long-Range Traffic Study.

Council thanked the Planning Director for thinking ahead while working off an outdated Growth Management Plan.

Council Issues:

5. Growth Management Plan

Nick Altonaga, Planning Director, briefly reviewed the proposed changes to the Growth Management Plan. This item will come before Council at the end of the month. Please provide any feedback to the Planning Director before the next Workshop.

Other Items:

Review of Draft Council Agendas:

6. Review Draft Council Agenda of November 3, 2020.
There were no changes.

Attendance at Upcoming Council Meeting

Council Member Wilke will not be at next week's Council meeting.

Announcements

Council thanked Planning Director Altonaga for this work on this week's agenda items.

The council workshop adjourned at 7:33 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.



LAUREL CITY-COUNTY PLANNING DEPARTMENT

STAFF REPORT

TO: Laurel City-County Planning Board / Zoning Commission
FROM: Nicholas Altonaga, Planning Director
RE: Conditional Use Permit – USW Local 11-443
DATE: October 28, 2020

DESCRIPTION OF REQUEST

A Conditional Land Use application was submitted by Steve Jansma on behalf of the United Steelworkers Local 11-443. USW Local 11-443 proposes to demolish the existing union meeting hall and construct a newly designed and updated structure in its place. An approval of a conditional land use is required to rebuild and continue the use of the site as a union meeting hall because this use is not described or defined within the zoning district it resides in.

Owner: Pace Pioneer Local 8-443
Legal Description: NUTTING SUBD, S10, T02 S, R24 E, BLOCK 6, Lot 13 - 24
Address: 1009 East 6th Street
Parcel Size: 42,000 sqft.
Existing Land Use: Union Meeting Hall
Proposed Land Use: Union Meeting Hall
Existing Zoning: Residential Limited Multi-Family

BACKGROUND AND PROCEDURAL HISTORY

- Resolution 13-50 was approved on August 6, 2013 which granted a three-year window for the Union to enlarge, update, and reconstruct the existing Union Hall which was then classified as a nonconforming use within the RLMF zoning district.
- Planning Director met with the Applicant on September 9, 2020 to review the application form and required documentation.
- Planning Director met with the Applicant on September 23, 2020 to receive the Application Fee and conceptual design images of the proposed conditional use.
- A public hearing for the Conditional Land Use took place at the October 21, 2020 Planning Board meeting.

- The Planning Board voted on October 21, 2020 to approve the Conditional Land Use application with the suggested staff conditions.
- A public hearing for the Conditional Land Use has been placed on the November 10, 2020 City Council meeting agenda.
- The public hearing requirements of 1762.030 have been met.

STAFF FINDINGS:

The Applicant is requesting approval of a conditional land use to reconstruct and operate a union meeting hall on the property of 1009 East 6th Street in Laurel. This use is not specifically delineated or defined within Chapter 17 of the Laurel Municipal Code. As such, a Conditional Land Use Application was required to conduct the proposed rebuild of the site and continue to operate the property as its existing use as a union meeting hall. The following findings have been noted by the Planning Department after reviewing the Conditional Land Use application and supplementary documents.

- USW Local 11-443 has operated a union hall at 1009 E 6th Street for many years without an interruption in its use.
- The long-term operation of the union meeting hall at 1009 East 6th Street has had little to no known impact on the quality of life of surrounding residents.
- The reconstruction of the union meeting hall will include improved paved parking areas and landscaping.
- The current meeting hall building dates back to the 1920s and is in dire need of repairs.
- The current Union Hall building would require significant repairs and revitalization to continue functioning as it stands.
- The current Union Hall building and associated parking areas and landscaping are not aesthetically pleasing.
- The current use of the building and its lack of definition under the LMC as a union hall does not allow the Union to perform improvements or upgrades to the site.
- The Applicant has prepared conceptual plans to include adequate access and off-street parking.
- The demolition of the current structure and proposed new union meeting hall will include updated landscaping and parking on site.

PLANNING BOARD AND GOVERNING BODY REVIEW CRITERIA:

“17.62.020 – Requirements” contains the review criteria for the Zoning Commission to discuss and recommend actions on conditional land uses. The text of this subchapter is included below.

No structure or land use may be used for any purpose other than those allowed within a zoning district as specified in the zoning ordinance unless either a variance has been granted (under Chapter 17.60 or 17.64 of this code) or a conditional land use permit therefor has been provided. The zoning commission may recommend and the city can require any information that will allow the decision makers to comprehensively evaluate and decide on applications for conditional uses brought before them. The zoning commission may recommend and the city can require, after consideration of the application for

conditional use, those conditions under which such land use may be allowed to include but not be necessarily limited to the following:

- A. Adequate ingress and egress with concern for vehicular and pedestrian safety and convenience, traffic flow and control, and emergency access as reviewed and approved by the city public works director;
- B. Adequate off-street parking and loading with attention to vehicular and pedestrian safety and traffic flow;
- C. Conditions that control, specify, or plan for the generation of odors, noise, hours of operation, signage, or impact on the neighborhood of natural systems;
- D. Adequate landscaping, screening, mitigation of impact on adjacent property and buffering; and
- E. Compatibility with adjacent and neighborhood land uses and Laurel's GMP.

STAFF SUGGESTED CONDITIONS:

The Planning Director recommends the approval of the Conditional Land Use application to operate a union meeting hall at 1009 East 6th Street in Laurel. The Planning Director suggests the Planning Board/Zoning Commission and City Council consider the following conditions of approval.

Condition seven (7) was added by request of Planning Board members and the applicant was notified of this new condition.

1. No land uses shall be established on site that are not specifically included in this approval.
2. Any land use not specifically included in this approval shall be considered a violation of the City of Laurel zoning ordinance.
3. New construction regarding the approved conditional use shall apply for building permits when applicable.
4. The approved land use shall comply with the zoning requirements of the district the property falls within.
5. The approved land use shall comply to the City of Laurel Sign Code
6. The approved land use shall comply with the City of Laurel off-street parking requirements
7. Landowner will work with the city if noise abatement becomes an issue for the surrounding neighborhood

ATTACHMENTS:

1. Conditional Land Use Application
2. Map of 1009 E 6th Street with 150ft buffer
3. List of property Owners within 150ft of 1009 East 6th Street
4. Public Hearing Notice
5. USW Union Hall Concept Plan
6. USW Union Hall Concept Image
7. LMC 17.16 – Residential Districts
8. LMC 17.62 – Conditional Land Uses
9. Resolution R13-50



LAUREL CITY-COUNTY PLANNING DEPARTMENT

STAFF REPORT

TO: Laurel City-County Planning Board
FROM: Nicholas Altonaga, Planning Director
RE: Variance 1 – Goldberg Sporting Estates Subdivision
DATE: October 27, 2020

DESCRIPTION OF REQUEST

Three variances to the Laurel Municipal Code are being requested supporting the proposed Goldberg Sporting Estates Subdivision. Performance Engineering is acting as the representative of Tony Golden and Goldberg Investments LLP. Justification letters for the variance requests were submitted on July 31, 2020.

The Applicant has applied for a variance (Variance 1) to Laurel Municipal Code regarding roadway alignment and continuity in order to keep the proposed roadway for Krieghoff Loop as it is currently designed on the proposed subdivision plat. The current design does not conform to Laurel Municipal Code due to a lack of connection and continuation of the existing adjacent roadway. The Applicant would need to redesign the subdivision plat in order to conform to the Laurel Municipal Code unless a variance is approved.

Owner: Goldberg Investments LLP
Legal Description: S10, T02 S, R24 E, Nutting Bros 2nd Filing Lot 18, Nutting Bros 3rd Filing Lots 19-25
Address: Approximately 1850 East 8th Street
Parcel Size: 38.73 Acres
Existing Land Use: Agricultural, single dwelling unit.
Proposed Land Use: Residential and Commercial Subdivision
Existing Zoning: Residential Tracts

BACKGROUND AND PROCEDURAL HISTORY

- Subdivision Preapplication Meeting took place on February 2, 2019.
- Pre-Application Meeting Summary letter provided to Performance Engineering on February 7, 2019

- Annexation Agreement – Major Components email sent to Performance Engineering on February 15, 2019.
- Annexation of Lot 18, Nutting Bros 2nd Filing and Lot 19-25 Nutting Bros 3rd Filing approved by Resolution of Laurel City Council on August 20, 2019
- The Zoning requested during the annexation process will be updated to Residential Limited Multi-Family (RLMF) and Community Commercial (CC) upon filing of the final annexation agreement.
- Preliminary Plat Pre-Submittal comments email sent to Performance Engineering on October 30, 2019.
- Preliminary Plat Meeting Notes 11.08.19 comments follow-up email provided to Performance Engineering on November 21, 2019.
- Preliminary Plat application document Packet submitted to the Planning Department on December 17, 2019.
- Element Review Letter provided to Performance Engineering on December 24, 2019
- Sufficiency Review Letter provided to the Applicant on January 16, 2020.
- The Applicant and City Staff and City Engineers met to discuss the details of the sufficiency review letter on January 31, 2020.
- Submittal of updated documents by Applicant on July 31, 2020.
- Planning Board received public comment, discussed the variances, and made recommendations at the Public Hearing on October 21, 2020.
- Planning Board voted to recommend denial of the variances after the Public Hearings on October 21, 2020.
- A Public Hearing is scheduled at the City Council meeting on November 10, 2020 to receive public comment and approve, approve with conditions, or deny the variance requests.

DETAILS ON MAJOR CORRESPONDENCE DURING PROCESS

Pre-Application Meeting Summary letter provided to Performance Engineering on February 7, 2019. This letter included:

- Project summary
- Current and proposed zoning
- Public review process overview
- Discussion points including:
 - Fire coverage
 - Lot layout
 - Water and sewer systems
 - Right-of-way requirements
 - Solid waste provision
 - Parking
 - Parkland dedication
 - Off-site improvements

Annexation Agreement – Major Components email sent to Performance Engineering on February 15, 2019. This email contained further information regarding:

- Roadway dedication requirements
- Engineering estimates for public infrastructure improvements
- Annexation and plat approval process
- Water rights
- Zoning changes

Preliminary Plat Pre-Submittal comments email sent to Performance Engineering on October 30, 2019. Items identified in pre-submittal review included:

- Street connectivity within the Subdivision
- Street and intersection design
- Road continuity with the adjacent Laurel street system
- Parkland Dedication/Cash-in-Lieu
- Road Dedication
- Phased development

Preliminary Plat Meeting Notes 11.08.19 comments follow-up email provided to Performance Engineering on November 21, 2019. Items identified in this correspondence included:

- Utility and access easements
- Roadway connectivity
- Parkland dedication
- Review and submittal of previously discussed documents (Annexation and Waiver)

STAFF FINDINGS

The Applicant is requesting a variance to LMC 16.04.060.B.8 which states: "Street Continuity. Streets that are a continuation of streets in contiguous territory shall be so aligned as to assure that their centerlines shall coincide and shall have matching names. In cases where straight continuations are not physically possible, such centerline shall be continued by a centerline offset of not less than one hundred twenty-five feet."

A denial of this variance request will require the applicant to redesign the subdivision plat to meet the requirements of the Laurel Municipal Code.

The Applicant has provided a letter with details justifying the Variance request addressing the five (5) findings noted in LMC 16.11.010. These responses, as well as planning department findings are presented below:

- 1) The granting of the variance will not be detrimental to the public health safety, or general welfare or injurious to other adjoining properties**
 - **Applicant Response:** Granting of this requested variance will have no detrimental effects to the public health, safety, or general welfare or injurious to other adjoining properties. Granting this variance will benefit the public health, safety, and general

welfare of the surrounding area by aligning higher volume traffic entrances across from each other. The proposed alignment will minimize traffic conflicts during turning movements along East 8th at both the subdivision and the commercial property located south of the proposed project.

- **Planning Department Response:** The Planning Department accepts the stated reasoning that it will not be detrimental to the public health, safety, or general welfare or injurious to adjoining property owners.
- **Planning Department Finding:** The standard of the Laurel Municipal Code for Chapter 16.11.010.1 has been met.

2) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, an undue hardship to the owner would result if the strict letter of the regulations was enforced.

- **Applicant Response:** The proposed development is designed to keep the entrance across from a higher traffic commercial entrance and preserve the existing lot and infrastructure across from the dead-end Mulberry Avenue. This design prevents the offset of the subdivision alignment from conflicting with the higher volume of commercial traffic across the street. Should the road be aligned with Mulberry Avenue it would require modification of the existing property, access, and personal property intended to stay intact throughout the development of the property. This does create an undue and unnecessary hardship on the developer and the resident within the existing residence. Additionally, Mulberry Avenue cannot be developed further to change its status as a dead-end road due to location of commercial businesses along East Main Street at the end of Mulberry Avenue.
- **Planning Department Response:** The Planning Department does not accept the stated reasoning of the applicant's response to the second point.
- **Planning Department Finding:** The standard of the Laurel Municipal Code for Chapter 16.11.010.2 have not been met. The following information supports this claim.
 - Lot 1 and Lot 2, Block 4 of Goldberg Sporting Estates do not currently exist.
 - The existing residential structure is located on the Western portion of the currently platted Lot 18, Nutting Brothers Subdivision 2nd Filing.
 - The existing residential structure and its accessory buildings located on the current Lot 18 Nutting Bros Subdivision 2nd Filing and would be unaffected by the realignment of Mulberry and Krieghoff Loop.

- The existing residential structure on the current Lot 18 Nutting Bros 2nd Filing has multiple points of access to the site which would be unaffected by the roadway alignment.
- The existing access to this parcel that partially aligns with Mulberry Avenue is used to access an undeveloped farm field which includes Lot 18 of Nutting Bros 2nd Filing and Lot 19 of Nutting Bros Subdivision 3rd Filing.
- There is no known access and/or encroachment permit for the lot access located immediately across from Mulberry Avenue filed with Yellowstone County Public Works Department.
- The proposed Goldberg Sporting Estates Subdivision will be changing the use of the current land from agricultural use to residential use.
- There are no permanent structures, infrastructure, or personal property erected on the proposed Lot 2, Block 4 that could not be relocated in case of roadway alignment.
- The alignment of Mulberry Ave and Krieghoff Loop would only require the owner and/or resident of the residential structure on the current Lot 18, Nutting Bros Subdivision 2nd Filing to remove any fencing and stored personal items from the proposed right-of-way.
- Mulberry Avenue is physically a dead-end roadway. Despite this current condition, Mulberry Avenue connects to the currently undeveloped but fully platted East 7th Street at its southern terminus.
- The currently undeveloped but fully platted East 7th Street could be a major east-west connector within the city limits which covers approximately nine (9) blocks of residential-zoned property.
- Conversations have begun between the Planning Department and Public Works Department about this undeveloped roadway and the possibility of development in order to complete a major east-west travel corridor.

3) The variance will not result in an increase in taxpayer burden;

- **Response:** The result of granting the variance for alignment of the proposed western entrance of the subdivision with Mulberry Avenue will have no effect on the taxes of the proposed development, adjoining land or the taxpayers of the town of Laurel and Yellowstone County.
- **Planning Department Response:** The Planning Department accepts the reasoning that the granting of the variance would not increase the tax burden of the adjoining taxpayers and landowners.
- **Planning Department Finding:** The standard of the Laurel Municipal Code for Chapter 16.11.010.3 has been met.

4) The variance will not in any manner place the subdivision in nonconformance with any adopted zoning regulations or growth policy; and

- **Applicant Response:** This requested variance will not in any manner place the subdivision in nonconformance with the adopted zoning regulations.
- **Planning Department Response:** The Planning Department accepts the reasoning that the granting of a variance would not place the rest of the Subdivision in nonconformance with the adopted zoning regulations and growth policies.
- **Planning Department Finding:** The standard of the Laurel Municipal Code for Chapter 16.11.010.4 has been met.

5) The subdivider must prove that the alternative design is equally effective and the objectives of the improvement are satisfied.

- **Applicant Response:** The proposed design still aligns with an ingress/egress directly across the street that experiences higher traffic volumes than the dead-end Mulberry Avenue which only provides access for four (4) residential lots. In addition, the proposed entrance maintains street continuity with the commercial access across the street, preserves the existing Lot 1, Block 4 of the subdivision, and mitigates against potential traffic alignment issues between the subdivision entrance and the commercial access across the street while maintaining more than 125-feet of centerline alignment separation from Mulberry Avenue as set forth in Section 16.04.060.B.8 of the City of Laurel Subdivision Regulations.
- **Planning Department Response:** The Planning Department does not accept the reasoning to the 5th point that the alternative design is equally effective.
- **Planning Department Finding:** The standards of the Laurel Municipal Code for Chapter 16.11.010 have not been met. The following information supports this claim.
 - The proposed Lot 1, Block 4 is currently Lot 18, Nutting Bros 2nd Filing would not be impacted by a roadway alignment of Mulberry Avenue and Krieghoff Loop.
 - The Proposed Lot 2, Block 4 does not currently exist.
 - There are no permanent structures, infrastructure, or affixed personal property present within the proposed aligned right-of-way besides fencing.
 - The code states that “In cases where straight continuations are not physically possible, such centerline shall be continued by a centerline offset of not less than one hundred twenty-five feet.”
 - The Planning Department does not find any physical obstruction to connecting Krieghoff Loop to Mulberry Avenue.

- The terrain and topography is flat and open creating no impediments to the alignment of Krieghoff Loop and Mulberry Avenue
- The existing access to Lot 18 Nutting Bros 2nd Filing and lot 19 Nutting Bros 3rd Filing is to an undeveloped farm field.
- There is no known access and/or encroachment permit for the existing field access immediately north of Mulberry Avenue.
- Mulberry Avenue is connected to the currently undeveloped but fully platted East 7th Street. This undeveloped route traverses up to nine (9) blocks of Laurel.
- East 7th Street would provide a major east-west travel corridor if constructed.
- The alignment of Krieghoff Loop and Mulberry Avenue would provide additional road continuity to the wider road network once East 7th Street is constructed.

ADDITIONAL INFORMATION

The Applicant also provided four (4) reasonings for the Variance request in addition to the specific justifications to the Laurel Municipal Code.

1. Mulberry Avenue is a dead-end road with access for only four (4) residential Lots
2. There is approximately 225 feet of separation between centerline alignments for Mulberry Avenue and the proposed western entrance of Goldberg Sporting Estates Subdivision (minimum required offset is 125 feet).
3. The Proposed subdivision entrance is aligned instead with a commercial lot entrance having more traffic volume than the dead-end road along Mulberry Avenue.
4. In addition, Lot 1, Block 4 of Goldberg Sporting Estates Subdivision is an existing lot that physically prevents the alignment of the western entrance (Krieghoff Loop) from aligning across from Mulberry.

Planning Department Response to Point #1.

- Mulberry Avenue is currently a dead-end roadway but is connected to the currently undeveloped but fully platted East 7th Street.
- East 7th Street is a fully platted right-of-way for nine (9) blocks.
- East 7th Street could provide a major improvement to East-West travel within Laurel as well as development opportunities.
- The City is in the process of finalizing the Growth Management Policy which contains goals regarding the installation and improvement of current roadways and important possible roadways adjacent to the city.
- The Planning Department and Public Works Departments have held discussions about how future build-out of East 7th Street could enhance and improve transportation on the East side of Laurel.

Planning Department Response to Point #2.

- The requirements for non-alignment are partially met, but there is no physical, topographic, or geographic reason for the lack of alignment with the existing road network.

Planning Department Response to Point #3.

- The Planning Department agrees that the alignment of a public-right-of-way to a private commercial entrance with higher traffic will reduce traffic conflicts.
- The Planning Department would also like to note that this ignores the need for public right-of-way to connect to existing public right-of-way to ensure road continuation and connectivity.

Planning Department Response to Point #4.

- The Planning Department does not agree that there is a physical obstruction to connecting the proposed Krieghoff Loop to the existing Mulberry Avenue.
- The proposed Lot 2, Block 4 of the Goldberg Sporting Estates is the area in question.
- The proposed Lot 2, Block 4 is not an existing lot.
- The proposed Lot 1 and Lot 2, Block 4 is currently made up of a portion of Lot 18, Nutting Bros 2nd Filing, and Lot 19, Nutting Bros 3rd Filing.
- The stated area is part of an undeveloped farm field.
- The existing residential structure on the current Lot 18, Nutting Bros Subdivision 2nd Filing has an existing driveway access.
- The existing residential structure currently on Lot 18, Nutting Bros 2nd Filing is not located within the area where any proposed right-of-way would be located.
- The existing access to the proposed Lot 2, Block 4 is for field access to the undeveloped parcel.
- There are no physical structures or obstructions which would preclude alignment of the proposed Krieghoff Loop to the existing Mulberry Avenue.

PLANNING BOARD AND GOVERNING BODY REVIEW CRITERIA

LMC 16.11.010 – Variances provides the review criteria for the Planning Board and Governing Body to review, consider, and decide on variances. The text of this subchapter is provided below:

The AGB may grant reasonable variances from only the design and improvement standards of these regulations when strict compliance would result in undue hardship and the result would not negatively affect public health and safety. The granting of a variance shall not have the effect of nullifying the intent and purpose of these regulations. The AGB may not approve a variance that would permit structures within the one hundred-year floodplain, as defined in MCA § 76-5-101.

The planning board shall conduct a public hearing on any variance requested for all subdivisions prior to taking action on the preliminary plat application.

- A. Requesting a Variance. The subdivider shall include with the submission of the preliminary plat a written statement describing the facts of hardship upon which the request for the variance is based. Each requested variance shall be deemed a separate application, for which a fee shall be required, to be processed concurrently with the preliminary plat. Information addressing each of the following findings shall accompany the application to be approved by the AGB. The latter shall not approve variances unless the subdivider has demonstrated that the request satisfies the following findings:
 - 1. The granting of the variance will not be detrimental to the public health, safety, or general welfare or injurious to other adjoining properties;
 - 2. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, an undue hardship to the owner would result if the strict letter of the regulation was enforced;
 - 3. The variance will not result in an increase in taxpayer burden;
 - 4. The variance will not in any manner place the subdivision in nonconformance with any adopted zoning regulations or growth policy; and
 - 5. The subdivider must prove that the alternative design is equally effective and the objectives of the improvements are satisfied.
- B. In granting variances, the AGB may require conditions of approval that will, in their judgment, secure the objectives of these regulations.
- C. When any such variance is granted, the motion of approval of the proposed subdivision shall contain a statement describing the variance and the facts and conditions upon which the issuance of the variance is based.
- D. An application for a variance is not necessary where planned neighborhood developments are proposed, as modifications to the standards and requirements of these Regulations may be approved by the AGB.

RECOMMENDATIONS

The Planning Director recommends that the Planning Board deny the variance request. The Planning Director has prepared drafted conditions of denial which are presented below.

1. Waive Chapter 16 variance review fee.
2. Waive Chapter 16 requirement to rename any aligned/continued roadways through subdivisions
3. Set the waiting period for Preliminary Plat resubmittal to three (3) months.
4. Applicant submittal of updated subdivision design to Planning Department prior to official resubmittal

ATTACHMENTS

1. Variance Request Letter 1
2. List of Adjacent Property Owners from Parcels Requesting Variance
3. Preliminary Plat for Goldberg Sporting Estates Subdivision
4. Pre-application meeting summary letter dated February 7, 2019
5. Annexation Agreement – Major Components email sent to Performance Engineering on February 15, 2019.
6. Preliminary Plat Pre-Submittal comments email sent to Performance Engineering on October 30, 2019.
7. Preliminary Plat Meeting Notes 11.08.19 comments follow-up email provided to Performance Engineering on November 21, 2019.



LAUREL CITY-COUNTY PLANNING DEPARTMENT

STAFF REPORT

TO: Laurel City-County Planning Board
FROM: Nicholas Altonaga, Planning Director
RE: Variance 2 & 3 – Goldberg Sporting Estates Subdivision
DATE: October 27, 2020

DESCRIPTION OF REQUEST

Three variances to the Laurel Municipal Code are being requested supporting the proposed Goldberg Sporting Estates Subdivision. Performance Engineering is acting as the representative of Tony Golden and Goldberg Investments LLP. Justification letters for the variance requests were submitted on July 31, 2020.

The Applicant has applied for a variance (Variance 2) to the Laurel Municipal Code regarding the dedication of right-of-way. The Applicant is applying for this variance in order to retain an additional ten (10) foot portion of property along Yard Office Road within the proposed lots and not dedicated to the public as right-of-way as city staff had previously discussed with the Applicant. The Applicant would need to update the subdivision plat in order to conform with the requirements of Laurel Municipal Code and the many requirements discussed by Laurel staff through meetings and correspondence.

The Applicant is requesting a variance (Variance 3) to the Laurel Municipal Code regarding roadway and right-of-way widths. The design of the proposed Goldberg Sporting Estates subdivision contains a fifty-six (56) foot wide private road which does not meet the right-of-way requirements of the Laurel Subdivision Code. The Applicant would need to redesign the subdivision plat in order to conform to the Laurel Municipal Code

Owner: Goldberg Investments LLP
Legal Description: S10, T02 S, R24 E, Nutting Bros 2nd Filing Lot 18, Nutting Bros 3rd Filing Lots 19-25
Address: Approximately 1850 East 8th Street
Parcel Size: 38.73 Acres
Existing Land Use: Agricultural, single dwelling unit.
Proposed Land Use: Residential and Commercial Subdivision

Existing Zoning: Residential Tracts

BACKGROUND AND PROCEDURAL HISTORY

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- The Applicant and City Staff and City Engineers met to discuss the details of the sufficiency review letter on January 31, 2020
- Submittal of updated documents by Applicant on July 31, 2020
- Planning Board received public comment, discussed the variances, and made recommendations at the Public Hearing on October 21, 2020.
- Planning Board voted to recommend denial of the variances after the Public Hearings on October 21, 2020.
- A Public Hearing is scheduled at the City Council meeting on November 10, 2020 to receive public comment and approve, approve with conditions, or deny the variance requests.

DETAILS ON MAJOR CORRESPONDENCE DURING PROCESS

Pre-Application Meeting Summary letter provided to Performance Engineering on February 7, 2019. This letter included:

- Project summary
- Current and proposed zoning
- Public review process overview
- Discussion points including:
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 - Lot layout

- Water and sewer systems
- Right-of-way requirements
- Solid waste provision
- Parking
- Parkland dedication
- Off-site improvements

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- Roadway dedication requirements
- Engineering estimates for public infrastructure improvements
- Annexation and plat approval process
- Water rights
- Zoning changes

Preliminary Plat Pre-Submittal comments email sent to Performance Engineering on October 30, 2019. Items identified in pre-submittal review included:

- Street connectivity within the Subdivision
- Street and intersection design
- Road continuity with the adjacent Laurel street system
- Parkland Dedication/Cash-in-Lieu
- Road Dedication
- Phased development

Preliminary Plat Meeting Notes 11.08.19 comments follow-up email provided to Performance Engineering on November 21, 2019. Items identified in this correspondence included:

- Utility and access easements
- Roadway connectivity
- Parkland dedication
- Review and submittal of previously discussed documents (Annexation and Waiver)

STAFF FINDINGS

The Applicant is requesting a variance to LMC 16.04.060.B.7 which states: “Right-of-Way and Street and Road Developments. In all cases, the right-of-way must be provided when developing the property. If the property is being developed on only one side of an existing or proposed road or street and dedicated right-of-way or a road easement is required, the property owner developing must secure the additional right-of-way or easement from the adjacent property owner. If the additional required right-of-way or easements cannot be secured, the developer must provide the full width of right-of-way on the subject property.”

The Applicant is also requesting a variance to LMC 16.04.060.C.8 which states: “Right-of-Way and Street Widths. Street right-of-way and surface widths for all roads, public or private, including those located in the Laurel zoning jurisdiction with the exception of those zoned Agricultural Open and Residential Suburban shall be provided as shown in Table 16.4.C.1 below.”

The Applicant has provided a letter with details justifying the Variance requests addressing the five (5) findings noted in LMC 16.11.010. These responses, as well as planning department findings are presented below:

1) The granting of the variance will not be detrimental to the public health safety, or general welfare or injurious to other adjoining properties

- **Applicant Response:** Granting of the variance will have no detrimental effects to the public health, safety, or general welfare or injurious to other adjoining properties. Granting this variance will still provide more than the minimum required ROW width for the projected road use along Yard Office Road as classified by the City of Laurel Long Range Transportation Plan.
- **Planning Department Response:** The Planning Department does not accept that the roadway widths will not be detrimental to the general welfare of the City of Laurel.
- **Planning Department Findings:** The standard of the Laurel Municipal Code for Chapter 16.11.010.1 has not been met. The proposed width of Yard Office Road and Perazzi Way will not provide adequate services or provide for the general welfare of the city.
 - The current Yard Office Road right-of-way is made up of approximately fifty (50) feet of area dedicated to a drainage ditch. This area should not be considered as viable for vehicular or pedestrian traffic.
 - The eighty (80) feet of the Yard Office Road west of the Section line was dedicated on Village Subdivision 1st Filing.
 - Village Subdivision First Filing identifies these eighty (80) feet of right-of-way as containing a drain ditch.
 - If the area currently containing a drainage ditch is planned as part of a roadway, the applicant must prepare engineering and construction costs as well as funding to cover the build out of this portion of right-of-way.
 - City staff specified during the Pre-application period that a connection between East 8th Street and Yard Office Road was necessary for the cohesive growth of Laurel.
 - The proposed subdivision contains 88 buildable lots. It is important to ensure traffic coverage with an adequate ingress and egress point to Yard Office Road.
 - The proposed fifty-six (56) foot private road Perazzi Way is not sufficient at meeting the needs of Laurel residents.
 - Adequate traffic connection between East 8th Street and Yard Office Road was specifically mentioned in the Subdivision pre-application meeting on February 2, 2019 and the following email correspondence.

2) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, an undue hardship to the owner would result if the strict letter of the regulations was enforced.

- **Applicant Response:** The 30 Feet of proposed ROW aligns with surrounding property and satisfies the required ROW width outlined by City of Laurel Subdivision Regulations while allowing for future development of Yard Office Road that is consistent with long-range planning.
- **Planning Department Response:** The Planning Department does not accept this reasoning for hardship due to topographic conditions.
- **Planning Department Findings:** The standard of the Laurel Municipal Code for Chapter 16.11.010.2 has not been met. There are no topographic or physical conditions present that create an undue hardship to meet roadway standards. The following information supports this claim.
 - There are no physical or topographic conditions which create an undue burden on the applicant to dedicate the additional ten (10) feet of right-of-way to meet the requirements stated by the city.
 - The right of way directly north of the area designated as Yellowstone County parkland makes up approximately 123 feet of right-of-way.
 - This one-hundred-twenty-three (123) foot width was established when High Point Subdivision provided forty (40) feet of dedicated right-of-way west of the section line on its subdivision plat in 1970.
 - The Planning Department and Public Works Department anticipate Yard Office Road to act as a major transportation route for future development on the East side of Laurel as the immediate area develops.
 - It is important that the city obtain a consistent right-of-way width to ensure that future roadway development and improvements have uniform dimensions.
 - The proposed thirty (30) feet of right-of-way is insufficient to align the area of Yard Office Road along the proposed Goldberg Sporting Estates with the right-of-way along High Point Subdivision to the north.

3) The variance will not result in an increase in taxpayer burden;

- **Response:** The result of granting the variance for providing 30 feet of ROW to the west of the section line along Yard Office Road will have no effect on the taxes of the proposed development or adjoining undeveloped land. Keeping the 30-feet under private ownership will increase the tax base for the City and the County providing benefit the taxpayer base.
- **Planning Department Response:** The Planning Department does not accept that the variance would not result in an increase in taxpayer burden.

- **Planning Department Findings:** The standard of the Laurel Municipal Code for Chapter 16.11.010.3 has not been met. The following information supports this claim.
 - Yard Office Road is expected to become a major transportation corridor as properties on the East side of Laurel develop and annex into the city.
 - The dedication of the additional ten (10) feet of right-of-way at the time of subdivision is advantageous for the city of Laurel and its citizens.
 - The purchase of this right-of-way at a later date would represent an astronomically high price for the city and its residents if additional right of way were needed to accommodate an increase in traffic in the future.
 - It was stated in correspondence between the contract planner and engineer that this dedication of right-of-way would be taken care of at the time of SIA and Subdivision. This correspondence is attached.

4) The variance will not in any manner place the subdivision in nonconformance with any adopted zoning regulations or growth policy; and

- **Response:** The requested variance will not in any manner place the subdivision in nonconformance with the adopted zoning regulations.
- **Planning Department Response:** The Planning Department does not accept the stated reasoning that this variance will not place the subdivision in nonconformance with the adopted zoning regulations or growth policy.
- **Planning Department Findings:** The standard of the Laurel Municipal Code for Chapter 16.11.010.4 has not been met. The following information supports this claim.
 - The updated 2020 Laurel Growth Management Policy which will be officially approved in November 2020 highlights the need for consistent roadway widths as a transportation system goal.
 - The current proposed thirty (30) feet of right-of-way dedication does not align with the right-of-way directly north of the Yellowstone County Park.
 - Inclusion of the additional ten (10) feet of right-of-way will align with the roadway adjacent to High Points Subdivision which was established in 1970.

5) The subdivider must prove that the alternative design is equally effective and the objectives of the improvement are satisfied.

- **Response:** The proposed ROW dedication width not only aligns with the surrounding ROW widths, but also provides more total width along Yard Office Road than is necessary for the projected road classification of a collector road as outlined in the City of Laurel Long Range Transportation Plan – 2014 and the

Required ROW as outlined in Table 16.4.C1 within section 16.04.060.C.8 of the City of Laurel municipal code.

- **Planning Department Response:** The Planning Department does not accept that the proposed design is equally effective as the requirements of the Laurel Municipal Code.
- **Planning Department Findings:** The standards of the Laurel Municipal Code for Chapter 16.11.010.5 have not been met. The following information supports this claim.
 - The email dated February 15, 2019 from Interim Planner Forrest Sanderson to Scott Aspenlieder outlined requirements for platting and design that followed from the Pre-Application meeting.
 - This includes “Dedicate additional ROW for Yard Office (Where you can) to the City of Laurel as Commercial Collector (80’) ROW.”
 - The existing right-of-way East of the Section Line is made up of at least forty (40) feet of area dedicated to a drainage ditch identified on the plat for the Village Subdivision First Filing.
 - This portion of right-of-way should only be considered as useable if the developer is willing to prepare and execute the engineering and construction of this portion of right of way.

ADDITIONAL INFORMATION

The Applicant also provided Two (2) reasonings for the Variance request in addition to the specific justifications to the Laurel Municipal Code.

The Developer is requesting to dedicate 30 feet of ROW from the section line along Yard Office Road west toward the proposed subdivision in-lieu of a 40-foot-wide ROW width. The variance is requested for the following reasons:

1. A 30-foot ROW dedication on the west side of the section line along Yard Office Road aligns and is consistent with the existing ROW directly to the north of the proposed subdivision.
2. The City of Laurel Long Range Transportation Plan – 2014 classifies Yard Office Road as a collector, which by section 16.04.060.C.8, Table 16.4.C.1 “required Dedications and Street Improvements for Subdivision” only requires an 80-foot ROW. There is already 80 feet of ROW dedicated on the east side of the section line along Yard Office Road and the additional 30 feet of ROW dedicated on the west side would give a total of 110 feet of ROW which is more than required ROW for a collector road, it would even provide more than is necessary for a minor arterial road (100 ft) per Table 16.4.C.1 within section 16.04.060.C.8

Planning Department Response to Point #1:

High Point Subdivision, which is directly north of the Yellowstone County Park, provided a total of forty (40) feet of right-of-way west of the section line to Yard Office Road on its subdivision plat which was created in March 1970. Consistent right-of-way widths are key to ensuring traffic management. Providing this additional road dedication at this time is proper and financially responsible for the City of Laurel. The cost to acquire these ten (10) feet of right-of-way due to increased traffic flow at a later date would be a major financial burden for the city and its taxpayers.

Planning Department Response to Point #2:

It is anticipated that Yard Office Road will be a major transportation route for future development on the east side of Laurel. Approximately fifty (50) feet of the existing right-of-way for Yard Office Road east of the section line is made up of a drainage ditch. This ditch and right-of-way was identified on the plat of Village Subdivision First Filing. This portion of right-of-way should not be considered viable for roadway development unless the developer is prepared to finance and construct adequate infrastructure above the Ditch along its length of the subdivision.

The property directly to the south of the proposed Goldberg Sporting Estates subdivision is unplatted and outside of Laurel city limits. If this situation were to change, either through subdivision or annexation, the City of Laurel would require the dedication of forty (40) feet of right-of-way west of the Section line to provide consistent road widths from East Main Street to the culvert of the Nutting Drain Ditch north of East Maryland Lane.

PLANNING BOARD AND GOVERNING BODY REVIEW CRITERIA

LMC 16.11.010 – Variances provides the review criteria for the Planning Board and Governing Body to review, consider, and decide on variances. The text of this subchapter is provided below:

The AGB may grant reasonable variances from only the design and improvement standards of these regulations when strict compliance would result in undue hardship and the result would not negatively affect public health and safety. The granting of a variance shall not have the effect of nullifying the intent and purpose of these regulations. The AGB may not approve a variance that would permit structures within the one hundred-year floodplain, as defined in MCA § 76-5-101.

The planning board shall conduct a public hearing on any variance requested for all subdivisions prior to taking action on the preliminary plat application.

- A. Requesting a Variance. The subdivider shall include with the submission of the preliminary plat a written statement describing the facts of hardship upon which the request for the variance is based. Each requested variance shall be deemed a separate application, for which a fee shall be required, to be processed concurrently with the

preliminary plat. Information addressing each of the following findings shall accompany the application to be approved by the AGB. The latter shall not approve variances unless the subdivider has demonstrated that the request satisfies the following findings:

1. The granting of the variance will not be detrimental to the public health, safety, or general welfare or injurious to other adjoining properties;
 2. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, an undue hardship to the owner would result if the strict letter of the regulation was enforced;
 3. The variance will not result in an increase in taxpayer burden;
 4. The variance will not in any manner place the subdivision in nonconformance with any adopted zoning regulations or growth policy; and
 5. The subdivider must prove that the alternative design is equally effective and the objectives of the improvements are satisfied.
- B. In granting variances, the AGB may require conditions of approval that will, in their judgment, secure the objectives of these regulations.
- C. When any such variance is granted, the motion of approval of the proposed subdivision shall contain a statement describing the variance and the facts and conditions upon which the issuance of the variance is based.
- D. An application for a variance is not necessary where planned neighborhood developments are proposed, as modifications to the standards and requirements of these Regulations may be approved by the AGB.

RECOMMENDATIONS

The Planning Director recommends the Planning Board deny variance request 2 and 3 with the following conditions.

1. Set the waiting period for Preliminary Plat resubmittal to 3 months
2. The applicant provide an updated redesign of the subdivision to the City prior to resubmittal
3. Provide for curb, gutter, sidewalk, and stormwater drainage on designs

ATTACHMENTS

1. Variance Request Letter 2 and 3
2. List of Adjacent Property Owners from Parcels Requesting Variance
3. Preliminary Plat for Goldberg Sporting Estates Subdivision
4. Pre-application meeting summary letter dated February 7, 2019
5. Annexation Agreement – Major Components email sent to Performance Engineering on February 15, 2019.
6. Preliminary Plat Pre-Submittal comments email sent to Performance Engineering on October 30, 2019.
7. Preliminary Plat Meeting Notes 11.08.19 comments follow-up email provided to Performance Engineering on November 21, 2019.



608 North 29th Street • Billings, MT 59101 • 406-384-0080

July 21, 2020

City of Laurel Planning Department
P.O. Box 10
Laurel, MT 59044



To Whom it May Concern:

The Developer of Goldberg Sporting Estates, First Filing, a 73-lot proposed residential development and 15 lot proposed commercial development, is submitting this written petition respectfully requesting a variance from Sections 16.04.060.B.7 and 16.04.060.C.8 and Table 16.4.C.1 in the City of Laurel Subdivision Regulations which states:

“Right-of-Way and Street and Road Developments: In all cases, the right-of-way must be provided when developing the property. If the property is being developed on only one side of an existing or proposed road or street and dedicated right-of-way or a road easement is required, the property owner developing must secure the additional right-of-way or easement from the adjacent property owner. If the additional required right-of-way or easements cannot be secured, the developer must provide the full width of right-of-way on the subject property.”

“Right-of-Way and Street Widths: Street right-of-way and surface widths for all roads, public or private, including those located in the Laurel zoning jurisdiction with the exception of those zoned Agricultural Open and Residential Suburban shall be provided as shown in Table 16.4.C.1 below.”

The Developer is requesting to dedicate 30 feet of ROW from the section line along Yard Office Road west toward the proposed subdivision in-lieu of a 40-foot-wide ROW width. The variance is requested for the following reasons:

- A 30-foot ROW dedication on the west side of the section line along Yard Office Road aligns and is consistent with the existing ROW directly to the north of the proposed subdivision.



- The City of Laurel Long Range Transportation Plan - 2014 classifies Yard Office Rd as a collector, which by section 16.04.060.C.8, Table 16.4.C.1 "Required Dedications and Street Improvements for Subdivision" only requires an 80-foot ROW. There is already 80 feet of ROW dedicated on the east side of the section line along Yard Office Road and the additional 30 feet of ROW dedicated on the west side would give a total of 110 feet of ROW which is more than the required ROW for a collector road, it would even provide more than is necessary for a minor arterial road (100 ft) per Table 16.4.C.1 within section 16.04.060.C.8.

City of Laurel Subdivision Regulations Section 16.11.1.A the following are addressed:

1. *The granting of the variance will not be detrimental to the public health, safety, or general welfare or injurious to other adjoining properties;*

Response: Granting of this requested variance will have no detrimental effects to the public health, safety, or general welfare or injurious to other adjoining properties. Granting this variance will still provide more than the minimum required ROW width for the projected road use along Yard Office Road as classified by the City of Laurel Long Range Transportation Plan.

2. *Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, an undue hardship to the owner would result if the strict letter of the regulation was enforced;*

Response: The 30 feet of proposed ROW aligns with surrounding property and satisfies the required ROW width outlined by City of Laurel Subdivision Regulations while allowing for future development of Yard Office Road that is consistent with long-range planning.

3. *The variance will not result in an increase in taxpayer burden;*

Response: The result of granting the variance for providing 30 feet of ROW to the west of the section line along Yard Office Road will have no effect on the taxes of the proposed development or adjoining undeveloped land. Keeping the 30-foot under private ownership will increase the tax base for the City and County providing benefit to the taxpayer base.

4. *The variance will not in any manner place the subdivision in nonconformance with any adopted zoning regulations; and*

Response: This requested variance will not in any manner place the subdivision in nonconformance with the adopted zoning regulations.



5. *The subdivider must prove that the alternative design is equally effective and the objectives of the improvements are satisfied.*

Response: The proposed ROW dedication width not only aligns with surrounding ROW widths, but also provides more total width along Yard Office Road than is necessary for the projected road classification of a collector road as outlined in the City of Laurel Long Range Transportation Plan – 2014 and the required ROW as outlined in Table 16.4.C.1 within section 16.04.060.C.8 of the City of Laurel municipal code.

Feel free to contact PE Project Manager Scott Aspenlieder with any questions or concerns at (406) 384-0080 or scott@performance-ec.com.

Sincerely,

Scott Aspenlieder, PE
Project Manager

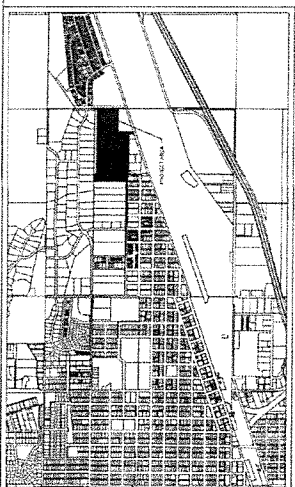


SITE DATA	
# OF LOTS	88
MAXIMUM LOT AREA	± 0.64 AC
MINIMUM LOT AREA	± 0.17 AC
TRAIL/PARKLAND AREA	± 1.10 AC
LINEAL FEET OF STREETS	± 5,874 LF
GROSS TOTAL ACREAGE	± 36.77 AC
NET RESIDENTIAL ACREAGE	± 17.90 AC
GROSS COMMERCIAL ACREAGE	± 27.79 AC
NET COMMERCIAL ACREAGE	± 8.06 AC
GROSS COMMERCIAL ACREAGE	± 8.98 AC

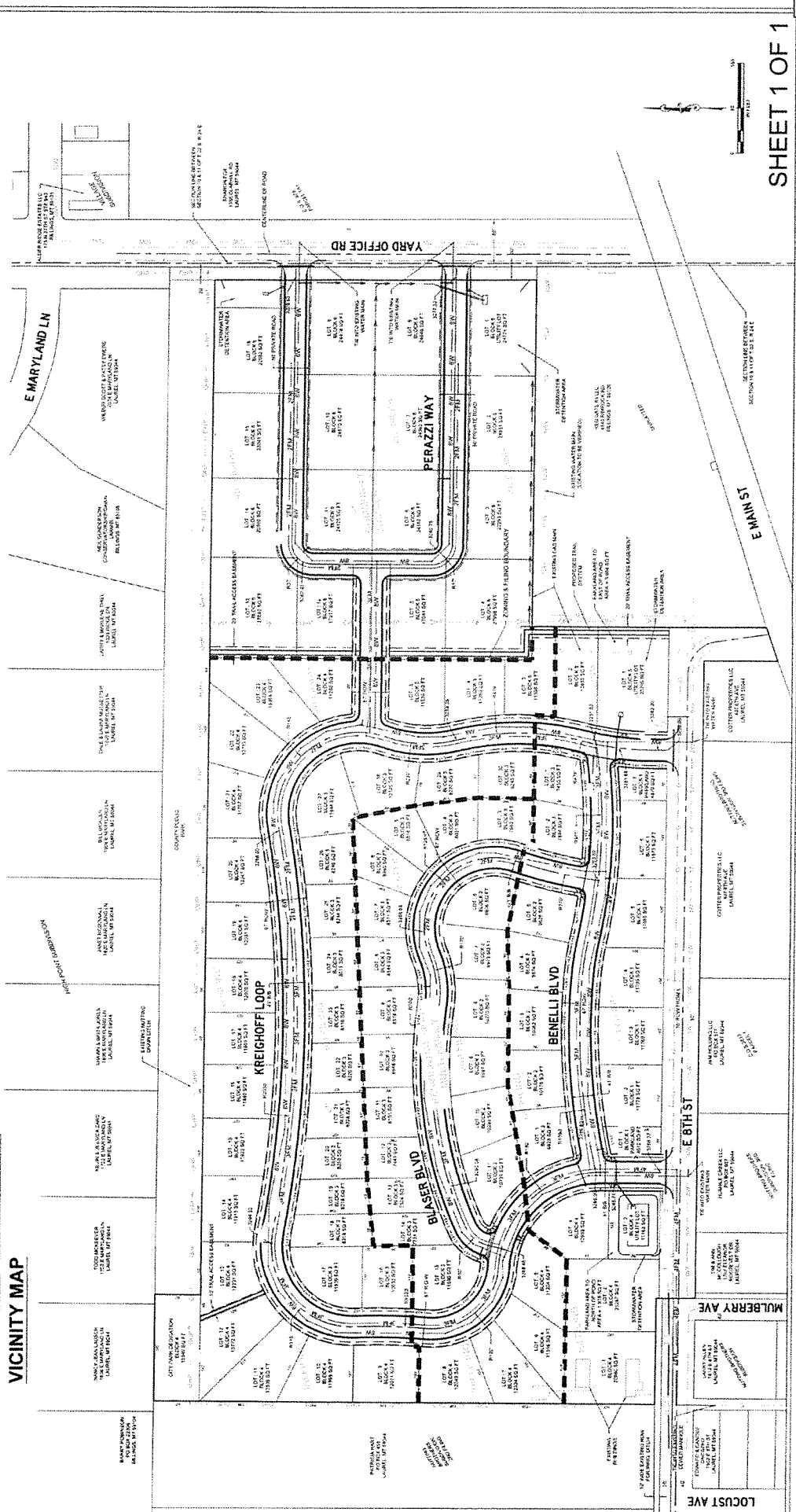
PRELIMINARY MASTER PLAT OF
GOLDBERG SPORTING ESTATES, FIRST FILING
 BEING LOT 18 OF NUTTING BROTHERS SUBDIVISION, 2ND FILING & LOTS 19-25 OF NUTTING BROTHERS SUBDIVISION, 3RD FILING SITUATED IN THE NE 1/4 OF SECTION 10, T 02 S. R 24 E. P.M.M. LOCATED IN CITY OF LAUREL, YELLOWSTONE COUNTY, MONTANA

EXISTING LAND USE: AGRICULTURAL
 EXISTING ZONING: RESIDENTIAL LIGHT MULTI-FAMILY (RLMF) & COMMUNITY COMMERCIAL (CC)
 PROPOSED LAND USE: RESIDENTIAL & COMMERCIAL
 PROPOSED ZONING: RLMF & CC

PREPARED FOR: GOLDBERG INVESTMENTS, LLC
 PREPARED BY: PERFORMANCE ENGINEERING, LLC
 PRELIMINARY PLAT DATE: FEBRUARY 2020
 PROPERTY OWNER: GOLDBERG INVESTMENTS, LLC



VICINITY MAP



CITY HALL
115 W. 1ST ST.
PUB. WORKS: 628-4796
WATER OFC.: 628-7431
COURT: 628-1964
FAX 628-2241

City Of Laurel

P.O. Box 10
Laurel, Montana 59044



Office of the Director of Public
Works

Department of Planning

February 7, 2019

Performance Engineering
Craig Dalton
7100 Commercial Ave #4
Billings MT 59101

Re: Yard Office Major Subdivision Pre-Application -Meeting Summary/Required Information

Dear Mr. Dalton:

The following is a Summary of the Pre-Application meeting conducted with City Staff on the above described Subdivision within the City of Laurel Subdivision Jurisdiction conducted on Monday, February 4, 2019.

Meeting Attendees:

City of Laurel

Kurt Markegard, Jamie Sweeker, Tim Reiter, Matt Wheeler, Stan Langve, Forrest Sanderson

Developer

Craig Dalton, Katrina Svingen, Tony Golden

General Information:

Legal:

Lot 18 Nutting Brothers 2nd Filing and Lots 19 – 25 Nutting Brothers 3rd Filing in Section 10, Township 2 South, Range 24 East

Summary:

The project submitted for consideration includes 77 Residential Lots ranging in size from approximately 8,000 square feet to 22,500 square feet in size and 5 Commercial Lots approximately 1.3 to 2.9 acres in size.

Zoning:

The property is currently under consideration for Annexation and Initial Zoning by the City of Laurel. The requested zoning is Residential Light Multi-Family (RLMF) and Community Commercial (CC). It is

important to note that should the annexation or requested zoning be denied or modified by the City Council you may be required to reconsider or abandon this subdivision proposal.

Public Review Process:

The proposal is a Major Subdivision as defined in the Laurel Subdivision Regulations. As such, the following steps and timelines are applicable:

1. Complete Application submitted to City; §16.12.030 B, LMC
2. The Planner shall complete an Element Review within five (5) working days after submittal notice of findings shall be sent to the Developer and/or the Agent §16.16.030 C 1, LMC
3. If all Elements are included, the Planner shall complete a Sufficiency Review of the application within fifteen (15) working days after completion of the Element Review. Notice of findings shall be sent to the Developer and/or Agent. §16.16 C 2 and 3 LMC
4. Once the Application contains all the Elements and is deemed Sufficient a 60-working day public review timeline shall commence. During this timeline, a public hearing will be noticed and scheduled before the Laurel – Yellowstone Planning Board. Prior to a decision being rendered by the Laurel City Council. §16.16 C 3 LMC

Discussion Points:

- Fire has concerns that there will be sufficient water within the development for fire protection.
- Lot layout (Planning, Required Setbacks Water, Sewer, Streets, Parking, and Traffic).
- Follow the Design Standards in the Regulations §16.16 LMC
- The water system must be looped with isolation valves both internal and external.
- Traffic. A TIS will be required that looks at intersections with Highway 10, East 8th, Yard Office as well as the intersection of Alder near the school.
- Connectivity of this subdivision to surrounding properties is important to future development in the neighborhood. East 8th should be extended to Yard Office Road.
- Rights-of-way need to meet minimum standards. The ROW for Yard Office may need to meet Arterial Road standards.
- Sanitary Sewer. Sewer in the area is shallow and a lift station may be necessary. Concerns were expressed about surcharging the system as well as timing of lift station operation with the existing lift station.
- Solid Waste. The Developer may use the Laurel service with roll outs. The choice of service provider is governed by Montana Law and decision is up to the developer.
- Storm Water. Follow the rules and regulations for Utilities.
- Parkland. 11% of net area in residential lots. Parkland does not include areas for storm water detention/retention or for other facilities such as the lift station.
- Parking. Design must reflect if on-street parking will be allowed. Concern with multi-family and provision of adequate area for parking. Inadequate parking reservation is a major problem for Law Enforcement.
- Street Lighting. Strongly recommend that the lighting be incorporated into design rather than after the fact.
- Off site improvements to existing public improvements will be required with the First Filing in anticipation of total build out.

- Stainless steel bolts and shafts will be required for all fixtures because of corrosive nature of soils and groundwater in the area.
- Be sure to address items identified in either the Environmental Assessment or Summary of Probable Impacts and propose mitigations.
- Provide a comprehensive Subdivision Improvements Agreement. (Appendix K)
- You may want to provide the Montana Department of Transportation a copy of you plan as the project is anticipated to have measurable impacts on the intersections of Highway 10 with Yard Office Road and Eleanor Roosevelt Drive.

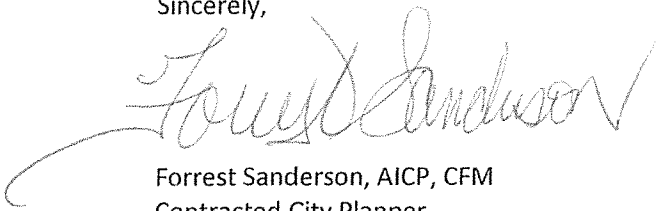
In addition to addressing the Discussion Points listed above, you will need to submit the information identified Appendix D of the Laurel Subdivision Regulations along with the required review fees.

1. Submit four (4) 24"x 36" plat and supplements;
2. Submit nine (9) 11"x 17" plats and supplements.

My hand-written notes and the Pre-Application Meeting Checklist are attached and are hereby incorporated into this summary by reference and are made a portion of this summary.

Should you have any questions concerning the Laurel Subdivision Regulations, the Review Process or the information required for Public Review, please contact me.

Sincerely,



Forrest Sanderson, AICP, CFM
Contracted City Planner

Enclosures: Fee Schedule, Preliminary Plat Application, Meeting Checklist (dated 3/28/18), Meeting Notes (dated 3/28/18)

cc: Kurt Markegard, File City, File KLJ, City-County Fire Department

Forrest Sanderson

From: Scott Aspenlieder <scott@performance-ec.com>
Sent: Friday, February 15, 2019 1:08 PM
To: Forrest Sanderson
Cc: Kurt Markegard; Sam Painter - Thompson Painter Law; Craig Dalton
Subject: RE: Annexation Agreement - Major Components

Forrest

Thanks for your clarification. We'll wait to hear from Sam and Kurt for further clarification on Questions 2 and 4 as they're important to have clear expectations set going in. Thanks for your help.

Thanks,

Scott Aspenlieder, P.E.
scott@performance-ec.com
Office: (406) 384-0080
Mobile: (406) 461-8392



608 North 29th Street • Billings, MT 59101
www.performance-ec.com

From: Forrest Sanderson [mailto:Forrest.Sanderson@kljeng.com]
Sent: Friday, February 15, 2019 12:01 PM
To: Scott Aspenlieder <scott@performance-ec.com>
Cc: Kurt Markegard <kmarkegard@laurel.mt.gov>; Sam Painter - Thompson Painter Law <sam@thompsonpainterlaw.com>
Subject: RE: Annexation Agreement - Major Components

Scott:

1. I don't really have an issue with the future dedication of the extension of Eleanor Roosevelt/East 8th to Yard Office as the development plan progresses but the connectivity issue was discussed as part of the pre-application both to Yard Office and from this development to the lands adjacent to. By taking this approach it will give you and the design team a chance to work the extension into the plan in a manner that is most advantageous to both the Developer and City of Laurel.
2. As I read Resolution R-08-22 (Attached) Annexation Criteria and Requirements Section A 3rd bullet, it appears that the intent of the City is that you will be required to install all of the existing or proposed public improvements but I have included Kurt and the City Attorney on this response for clarification on the matter and will defer the Decision to the Employees/Counsel of the City for the Final Answer.
3. You are correct, the internal subdivision infrastructure will be addressed via the SIA for each subdivision filing as the development progresses and it will be at this point the extension of Eleanor Roosevelt/East 8th along with infrastructure will be addressed.
4. The house on Lot-18 really complicates the annexation issue. There are resolutions and ordinances of the City that prohibit septic and drainfields within the City and from what I understand the structure is on a private 2" water line that does not meet with City regulations post annexation. It also has the potential to bring Section

B (2nd and 3rd paragraphs) in to play with respect to external improvements. The advantage is the two-year window for completion and a legitimate argument could be raised that you would have 2-years post Final Annexation to connect the house to water and sewer in accordance with the Laurel Standards for Public Works Improvements, the MPWSS, and the Laurel Rules and Regulations Governing Utility Services and Streets. Again, I will defer final determination on this issue to the City Employees/Attorney for the final answer on the interpretation possible timelines and application of the requirements of R-08-22.

At this point my suggestion is work the easy sections forward and we will get clarifications on these outstanding points!

Forrest Sanderson, A.I.C.P. and C.F.M.



406-373-7240 Direct
406-794-1460 Cell
2611 Gabel Road
Billings, MT 59102-7329
klijeng.com

From: Scott Aspenlieder <scott@performance-ec.com>
Sent: Friday, February 15, 2019 11:06 AM
To: Forrest Sanderson <Forrest.Sanderson@klijeng.com>
Cc: Craig Dalton <craig@performance-ec.com>
Subject: RE: Annexation Agreement - Major Components

Forrest

Couple things jump out to me at this point that need direct attention/clarification.

1. Dedicating the ROW for a connection from 8th through to Yard Office seems premature at this point. I'm concerned that we're only at the planning stages and not ready to commit what that connection would be. Seems like we can easily address that as part of the SIA when we go through subdivision. I just don't think we're ready for it right now and I don't want to do it based on a preliminary layout only to be asking the City to work with us to adjust it if the plan changes.
2. I assume we're only paying for improvements to our side of the roads adjacent to the development (8th/Eleanor Roosevelt and Yard Office) as is done in Billings. If the City has a different idea or thought on that we need to talk about it. Other communities/counties have gotten into significant legal trouble requiring off-site improvements that are neither adjacent to the subject development or are not identified by the traffic study (ie intersections). Just want to make sure we're all clear on that and off on the right foot. It wasn't terribly clear to us coming out of the Pre-App meeting what the City's expectations were.
3. Engineer's Estimate and bonding for improvements makes sense for the directly adjacent improvements identified in #2 above. I think that's what you were referring too but wanted to make sure all internal stuff was taken care of in the SIA of a subsequent development.
4. The existing house on Lot 18 can be hooked up to water fairly easily but a connection to sewer was assumed to be worked into the development of a subsequent subdivision. The existing house discharges out the back to the north with the drainfield in the back. Sewer service would be much easier to incorporate and manage to collection mains internal to a subdivision without tearing up 8th and searching for a sewer main in that area. If we hooked up to water within the two years after annexation and sewer when the main is installed to lots adjacent to that house internal to the subdivision is that doable. Sewer connection to existing collection south of 8th isn't a good or viable option I don't believe.

I'll start crafting the Annexation Agreement on the issues below if you can give me some feedback on the 4 points above that would be much appreciated. Thanks!

Thanks,

Scott Aspenlieder, P.E.
scott@performance-ec.com
Office: (406) 384-0080
Mobile: (406) 461-8392



608 North 29th Street • Billings, MT 59101
www.performance-ec.com

From: Forrest Sanderson [<mailto:Forrest.Sanderson@kljeng.com>]
Sent: Friday, February 15, 2019 10:07 AM
To: Scott Aspenlieder <scott@performance-ec.com>
Subject: Annexation Agreement - Major Components
Importance: High

Scott:

Your team can use the following bullet points as a guide on the issues for the Annexation Agreement:

- ✓ Quiet the Title to the 30 feet of the property adjacent to Yard Office Road.
- ✓ Dedicate East 8th to the City of Laurel as Residential Collector (70') ROW.
- ✓ Dedicate Eleanor Roosevelt to the City of Laurel as Residential Collector (70') ROW (Where you can).
- ✓ Dedicate additional ROW for Yard Office (Where you can) to the City of Laurel as Commercial Collector (80') ROW.
- ✓ Dedicate additional ROW as Residential Collector (70') such that Eleanor Roosevelt/East 8th provides connectivity to Yard Office Road. This will be required with the first filing of subdivision so it is best to just do it now.
- ✓ Prepare a Final Annexation Exhibit showing:
 - All lands included in the annexation
 - All existing Rights-of-Way adjacent to or proposed to be dedicated to the City of Laurel as part of the annexation;
 - All Park lands or other public lands that will be included with the annexation.
- ✓ Provide an Engineers' Estimate of Cost for:
 - The cost of Engineering design of Water, Sewer, Street, Curb, Gutter, Sidewalks and a Bike Pedestrian path in all of the to be annexed ROW where the infrastructure does not meet the minimum standards of the Laurel Standards for Public Works Improvements, the MPWSS, and the Laurel Rules and Regulations Governing Utility Services and Streets.
 - The cost of Construction of the designed improvements, discussed above, to the Water, Sewer, Street, Curb, Gutter, Sidewalks and a Bike Pedestrian path where the infrastructure does not meet the minimum standards of the Laurel Standards for Public Works Improvements, the MPWSS, and the Laurel Rules and Regulations Governing Utility Services and Streets.
 - A performance bond or other security, consistent with the Laurel Subdivision Regulations (Title 16) at 125% of the Engineers Estimate of Probable Cost to complete the design and construction of the improvements discussed above. The Engineers Estimate of Probable Costs may be submitted to the Contract City Engineer for review and comment prior to acceptance and Final Annexation approval.
 - The executed security mechanism will be required at the time of application for Final Annexation.
- ✓ A signed and notarized acknowledgment by the Developer that is binding upon their heirs, successors and assigns that all required improvements to the off-site public improvements will be completed within two (2)

years of the approval of the Final Annexation or that the City of Laurel may utilize the performance bond or other acceptable securities to complete the improvements outlined above.

- ✓ The City agrees to assign Laurel RLMF and Laurel CC Zoning to the subject properties at the time of Final Annexation Approval in accordance with the petition of annexation and request of initial zoning as submitted by the Developer.
- ✓ That the Developer may apply for Preliminary Subdivision Plat approval during the term of the Annexation Agreement but that NO FINAL PLAT will be approved until such time that the City APPROVES the Final Annexation of the property. Final annexation will NOT occur until such time as the terms of the Annexation agreement have been met.
- ✓ The City of Laurel recognizes the significant costs associated with the improvements necessary to the existing Roads, Water, Sewer, Curb, and Gutter and will consider the creation of a 'Late Comers Agreement' to spread these costs to other benefited properties via the Subdivision processes should the Developer so desire and request.
- ✓ A revised Waiver of all right to protest, including judicial review the creation of any Special Improvements District. This waiver shall be deemed by the City to be a Covenant that runs with the land, the form of which must be approved by City Staff and the City Attorney.
- ✓ The City will assign the properties to be annexed to an Election Ward at the time of Final Annexation consistent with the Montana Code Annotated.
- ✓ At the time of Final Annexation Approval, the existing house on Lot-18 must:
 - Either be removed from the property; OR
 - Connected to the Laurel Water System in a manner consistent with the Laurel Standards for Public Works Improvements, the MPWSS, and the Laurel Rules and Regulations Governing Utility Services and Streets.
 - Connected to the Laurel Waste Water Collection and Treatment System in a manner consistent with the Laurel Standards for Public Works Improvements, the MPWSS, and the Laurel Rules and Regulations Governing Utility Services and Streets.
 - That any outstanding fees or assessments, including but not limited to System Development Fees, shall be paid to the City of Laurel.
- ✓ Should the property have water rights, irrigation or otherwise, that they will be 100% transferred to the City of Laurel at the time of Final Annexation Approval.
- ✓ That with the exception of the house on Lot-18, that the balance of the property will be served by the Laurel Solid Waste Services.

I hope that this list will give you the backbone of the agreement and I fully recognize that there may be other items that you may want to include in the agreement as you move forward.

The Council Schedule for the next month is:

2/19 Action
2/26 Work Session
3/5 Action
3/12 Work Session
3/19 Action

Given the time I would expect for you to complete the annexation agreement I submit that we are looking at the Work Session on March 12 and Action on 3/19. In order to make this schedule work, we would need your draft agreement for Staff and Legal review on or before 2/27. Just so you know, Kurt will be on vacation from 2/20 to 2/27 and his input will be crucial to the review and approval process.

If you have questions please feel free to give me a call!

Forrest Sanderson, A.I.C.P. and C.F.M.



406-373-7240 Direct
406-794-1460 Cell
2611 Gabel Road
Billings, MT 59102-7329
kljeng.com

Laurel City Planner

From: Laurel City Planner
Sent: Wednesday, October 30, 2019 3:41 PM
To: Craig Dalton
Cc: Scott Aspenlieder; 'Tony Golden (tgolden.realty@gmail.com)'; Katrina Svingen
Subject: RE: Goldberg Sporting Estates - Preliminary Plat Pre-Submittal
Attachments: LMC - Schedule of Fees 2018.pdf

Hi Craig,

I spent some time reviewing the Preliminary Plat and draft SIA with Kurt. We have identified some concerns with the preliminary plat and SIA. I have provided some links to our Subdivision Code which will be important for your review.

- [Chapter 16.03 – Subdivision Review Procedures](#)
- [Chapter 16.04 – Development Requirements](#)
- [Chapter 16.10 – Dedication of Parks, Trails, And Open Space](#)
- [Chapter 16 – Appendix C – Pre-Application Meeting Form](#)
- [Chapter 16 – Appendix D – Preliminary Plat Requirements](#)
- [Chapter 16 – Appendix E – Preliminary Plat Application](#)

Some items discussed in our initial review included:

- Street connectivity within the Subdivision
- Street and intersection design
- Road continuity with the adjacent Laurel street system
- Parkland Dedication/Cash-in-Lieu
- Road Dedication
- Phased development

I suggest specifically reviewing Ch. 16-04.060 – Streets and Roads, as this section contains some points which will need to be addressed. It would be best to review the codes and develop your rationale for the current preliminary design decisions or begin to update the draft documents.

It would be best if we could plan to set up a pre-application meeting to have an in-depth discussion about the proposed subdivision and the requirements of our subdivision codes and our public works standards. I have also attached Laurel's Schedule of Fees for your review. Please let me know if you have any questions or comments. Thank you for your time and I look forward to hearing from you.

Regards,
Nick Altonaga
City Planner

406.628.4796, Ext. 5 (office)
406.628.2241 (fax)
naltonaga@laurel.mt.gov

City of Laurel
PO Box 10
115 West First St.
Laurel, MT 59044-0010



From: Laurel City Planner
Sent: Tuesday, October 22, 2019 9:54 AM
To: Craig Dalton <craig@performance-ec.com>
Cc: Scott Aspenlieder <scott@performance-ec.com>; 'Tony Golden (tgolden.realty@gmail.com)' <tgolden.realty@gmail.com>; Katrina Svingen <katrina@performance-ec.com>
Subject: RE: Goldberg Sporting Estates - Preliminary Plat Pre-Submittal

Hi Craig,

Thank you for the email. I will take a look at this preliminary plat and SIA and get back to you by early-mid next week with my initial comments. I look forward to working with you on this process.

Regards,
Nick Altonaga
City Planner

406.628.4796, Ext. 5 (office)
406.628.2241 (fax)
naltonaga@laurel.mt.gov

City of Laurel
PO Box 10
115 West First St.
Laurel, MT 59044-0010



From: Craig Dalton <craig@performance-ec.com>
Sent: Tuesday, October 22, 2019 9:32 AM
To: Laurel City Planner <naltonaga@laurel.mt.gov>
Cc: Scott Aspenlieder <scott@performance-ec.com>; 'Tony Golden (tgolden.realty@gmail.com)' <tgolden.realty@gmail.com>; Katrina Svingen <katrina@performance-ec.com>
Subject: Goldberg Sporting Estates - Preliminary Plat Pre-Submittal

Good Morning Nick,

Please find the attached preliminary plat and SIA for the Goldberg Estates Subdivision. While this is not an official preliminary plat submittal, I wanted to get this over to you to review and provide feedback prior to our official submittal

coming in November. Upon our official submittal the statutory timelines will start so I am hoping we can get most of the details addressed prior to that time. Upon your review, please contact me to discuss questions/comments you may have.

Thank you,

Craig Dalton, P.E.
Project Manager/Principal
craig@performance-ec.com
Office: (406) 384-0080
Mobile: (406) 459-8456



608 North 29th Street • Billings, MT 59101
www.performance-ec.com

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Laurel City Planner

From: Laurel City Planner
Sent: Thursday, November 21, 2019 4:21 PM
To: Katrina Svingen
Cc: Craig Dalton; Scott Aspenlieder; Tony Golden
Subject: RE: GSE Prelim Plat Meeting Notes - 11.08.19
Attachments: Yard Office - Resolution No. R19-43 - AA - Waiver.pdf; Pre_Application_LTR2019022.pdf; LMC - Schedule of Fees 2018.pdf; Rules and Regulations Governing Utility Services and Streets Div. 1.pdf; Rules and Regulations Governing Utility Services and Streets Div. 2.pdf; Standards for Public Works Improvements 2003.pdf; Yard Office Annexation Agreement CC APPROVED.pdf

Hi Katrina,

First and foremost, I was reviewing Yard office and GSE files and have not been able to locate fully signed/executed copies of the Annexation Agreement and Waiver of Right to Protest for the lots in the subdivision. I have attached the City of Laurel's approved resolution which has unsigned copies of the Annexation Agreement and Waiver of Right to Protest which were found to be up to city standards. I have also attached a clearer copy of the AA and Waiver PDF to ensure any final signed version is clear. Right now I recommend moving onto an official preliminary plat application. At this point city staff are looking at the proposed preliminary plat piece by piece. Moving onto the official process would allow staff to fully review the preliminary plat and all required supporting documentation.

The Current situation:

- Subdivision Pre-Application Meeting took place on February 4, 2019.
- Summary of Subdivision Pre-Application Meeting was prepared by Forrest Sanderson dated February 7, 2019. (Attached)
- No preliminary plat application was submitted.
- No Preliminary Plat application fee was submitted.

Before submitting a preliminary plat application and supporting documents I would suggest to:

- Review the approved Annexation agreement
- Review the subdivision pre-application meeting summary sheet
- Review Chapter 16 for specific regulations
- Update the preliminary plat and supporting documents to ensure that the items included with the AA and pre-App meeting summary been included/addressed in the preliminary plat and SIA
- Ensure that the preliminary plat conforms to Chapter 16.
- Provide us with a signed Annexation Agreement and Waiver of Right to Protest for filing with the YC Clerk and Recorder

Please ensure that the Preliminary Plat and documents follows the rules laid out in [Ch. 16 - Subdivisions](#). Below I have also linked important and pertinent subchapters in Ch. 16.

- [16.03 – Subdivision Review Procedures](#)
 - 16.03.030 – Major Preliminary Plat application submittal
- [16.04 – Development Requirements](#)
- [16.05 – Guarantee of Public Improvements](#)

- 16.05.020 – Security Guarantee, Part C, Sequential Development.
- [16.09 – Environmental Assessment](#)
- [16.10 – Dedication of Parks, Trails, and Open Space](#)
- [Ch. 16 Appendix E – Preliminary Plat Application](#)
- [Ch. 16 Appendix F – Required Supporting Documents for Major Preliminary Plat Applications](#)

Some Follow-Up on comments from our previous conversations:

Kurt would like to see a full road connection between the CC and RLMF portions of the subdivision for both traffic flow and ensuring utility access. He reported that a 20ft wide utility easement was not sufficient for running utilities as per Laurel standards, which would need a 30ft easement.

Overall I want to ensure that subdivisions coming into the city conform to our codes. We can go back and forth on discussions regarding road connectivity inside and outside of the subdivision and designs but the bottom line would be that anything that does not follow our code would require a variance.

At this point I see the parkland dedication location as very low priority and would not need to be brought to council for their suggestion. I just want to ensure that the cash-in-lieu and the acreage/sqft amounts are correct. I also reviewed Chapter 16.05.020 Part C which discusses phased (Sequential) development. We can use this to guide how we ensure the phases of development move smoothly.

If you have any questions about this please let me know. Thank you for your time and I look forward to hearing from you.

Regards,
Nick Altonaga
City Planner

406.628.4796, Ext. 5 (office)
406.628.2241 (fax)
naltonaga@laurel.mt.gov

City of Laurel
PO Box 10
115 West First St.
Laurel, MT 59044-0010



From: Laurel City Planner
Sent: Tuesday, November 19, 2019 8:11 AM
To: Katrina Svingen <katrina@performance-ec.com>
Cc: Craig Dalton <craig@performance-ec.com>; Scott Aspenlieder <scott@performance-ec.com>; Tony Golden

<tgolden.realty@gmail.com>

Subject: RE: GSE Prelim Plat Meeting Notes - 11.08.19

Hi Katrina,

I will be finalizing comments and try to send them by the end of the workday today. Thanks for checking in.

Regards,
Nick Altonaga
City Planner

406.628.4796, Ext. 5 (office)
406.628.2241 (fax)
naltonaga@laurel.mt.gov

City of Laurel
PO Box 10
115 West First St.
Laurel, MT 59044-0010



From: Katrina Svingen <katrina@performance-ec.com>
Sent: Monday, November 18, 2019 10:16 AM
To: Laurel City Planner <naltonaga@laurel.mt.gov>
Cc: Craig Dalton <craig@performance-ec.com>; Scott Aspenlieder <scott@performance-ec.com>; Tony Golden <tgolden.realty@gmail.com>
Subject: RE: GSE Prelim Plat Meeting Notes - 11.08.19

Morning Nick,

Just wanted to follow up with you and see if you have comments ready for the Goldberg Sporting Estates Subdivision?

-Katrina

Katrina Svingen, P.E.
Associate Engineer
katrina@performance-ec.com
(406) 384-0080



From: Laurel City Planner <naltonaga@laurel.mt.gov>
Sent: Friday, November 8, 2019 1:04 PM
To: Katrina Svingen <katrina@performance-ec.com>
Cc: Craig Dalton <craig@performance-ec.com>; Scott Aspenlieder <scott@performance-ec.com>; Tony Golden <tgolden.realty@gmail.com>
Subject: RE: GSE Prelim Plat Meeting Notes - 11.08.19

Hi Katrina,

Thanks to you and Craig for the conversation this morning. I will work to try and have my comments and follow-ups done by the end of next week. Feel free to contact me with any other questions or comments in the meantime. Thanks again.

Regards,
Nick Altonaga
City Planner

406.628.4796, Ext. 5 (office)
406.628.2241 (fax)
naltonaga@laurel.mt.gov

City of Laurel
PO Box 10
115 West First St.
Laurel, MT 59044-0010



From: Katrina Svingen <katrina@performance-ec.com>
Sent: Friday, November 8, 2019 11:35 AM
To: Laurel City Planner <naltonaga@laurel.mt.gov>
Cc: Craig Dalton <craig@performance-ec.com>; Scott Aspenlieder <scott@performance-ec.com>; Tony Golden <tgolden.realty@gmail.com>
Subject: GSE Prelim Plat Meeting Notes - 11.08.19

Nick,

As a follow up to our phone call this morning, here's a marked up PDF with comments, concerns and points for moving forward. I've made a bullet list below as well and outlined who has committed to doing different tasks going forward.

- (1) Street connectivity within the Subdivision
 - o Possible private road connecting residential and commercial areas
 - o Nick to comment on any concerns with proposed private road with public access easement for the commercial area and connection road between residential and commercial area.
- (2) Street and intersection design
 - o PE to double check minimum distances (50' for internal roads and 100' for external road connections)
- (3) Road continuity with the adjacent Laurel street system

- Question about continuity with Mulberry Avenue
 - Reasoning for location includes:
 - Mulberry is a dead end that does not connect to E Main Street,
 - Approximately 240' separation between access points off of Eleanor Roosevelt Dr, and
 - Proposed entrance is aligned with existing driveway of business to the south (Cotter's Sewer, Septic, and Portable Toilet Services)
- (4) Parkland Dedication/Cash-in-Lieu
 - PE to double check numbers for parkland areas and ensure existing public park to north and stormwater pond areas are not included in proposed areas
 - Nick mentioned Section 16.10.010C of code that outlines governing body recommendations for parkland...City of Laurel to comment on preference or okay proposed parkland dedication with additional cash-in-lieu option.
- (5) Road Dedication
 - Dedication of Eleanor Roosevelt Dr to be shown on the plat
- (6) Phased development
 - Deed restriction and release example for Nick (included in this email)

Thanks again for taking the time to go over the project and let us know if you want clarity on anything or have any additional questions concerning the proposed preliminary plat.

-Katrina

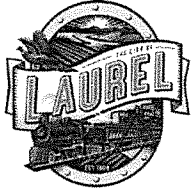
Katrina Svingen, P.E.
Associate Engineer
katrina@performance-ec.com
(406) 384-0080



608 North 29th Street • Billings, MT 59101

File Attachments for Item:

6. Approve Meeting Minutes: September 16, 2020



**AGENDA
CITY OF LAUREL
CITY/COUNTY PLANNING BOARD
WEDNESDAY, SEPTEMBER 16, 2020
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

Chair called the meeting to order at 5:35PM

Evan Bruce
Roger Geise
Dan Koch
Ron Benner
Gavin Williams
Judy Goldsby

Nick Altonaga (City of Laurel)

General Items

2. Approve Meeting Minutes: August 19, 2020

Ron Motioned to Approve the Minutes from August 19, 2020 as written.
Evan Seconded.
Motion Carried.

3. Public Hearing: Review and Comments on Laurel High School Sign Replacement

Planning Director Altonaga provided an overview of the Laurel High School Sign and the required public process.

Wayne Fjare, Facilities Director of Laurel Public Schools was in attendance. He provided details on the sign that they plan to install. The sign will be an electronic reader board, and will be 20 inches higher off the ground, and a much higher resolution. The current sign is not working, so this will be a full replacement.

Ron asked if this will be a video sign?

Wayne answered that yes it will be able to do full video.

The Chair and other members want the School District to know that this is outside of the zoning parameters. It would not look good to allow signs like this.

Members reported that it might not look good when the district has developments like this. It might not look good when we allow the School District to install this type of sign versus private businesses being denied for these types of signs.

Gavin spoke for the sign. He reported that he is a Laurel High School graduate and is happy to see something presenting information about the school. There are a lot other issues distracting people than animated signs for the High School. Sign could boost community relations and help with making the school district more a part of the community.

Ron disagreed with it not being a distraction, stating that it might cause issues with more distraction, especially with kids and students crossing during the day.

Judy: There are some allowable uses for the sign, including 30 second repeats. We can work with the sign maker to come up with a middle ground.

Wayne stated that they do not want to create a hazard or an issue for the community. I will bring these concerns back to the School Board.

Nick will send along a set of baseline rules for the sign to pass along to the Board.

Roger: Would just like some more parameters, Board meetings, sporting events, upcoming events, Games, etc.

There were no proponents or opponents present at the hearing.

The Chair closed the Public Hearing.

New Business

4. Growth Management Policy - Chapter Review

Nick presented the Growth Policy for review. Nick reported that it has not changed much since the last review, but all chapters have been prepared.

Board members reviewed the plan and discussed a number of items.

Is there any update from MDT on road development off the new Interchange? It would impact Laurel if there are plans for more road network connections such as Buffalo Trail or towards the south.

Nick reported that there is nothing major that he is aware of.

Roger asked if there is any interest in companies developing by the new interchange?

Nick reported that no one has contacted him and is unaware of any other city departments hearing anything about development near there.

Ron: **Chapter 10:** Local routes and maintenance section: Add verbiage for adding roads, COMPLETING roads, improving roads. (Many roads are not full width and are lacking curbs and gutters). Have a goal of future development

Gavin: **Page 29: Chapter 4** – Student/Teacher ratio – Exactly the same as the United States? Please double check this. Try to find a better data source for this?

Ron: Should there be a disclaimer for the facts and figures? Possibly a **bibliography**? Should state the data sources?

Nick stated that he will see if that is the normal way things or done, or if it will be necessary, with only a few separate sources of information.

Nick asked the board members to please review the document and get back to him with any comments or concerns. He then discussed the updated schedule for review and approval of the Growth Management Policy.

Old Business

Other Items

5. Upcoming Items

Nick provided a summary of some projects that will be coming up in the next few months. These included The review and approval of the Growth Policy, the proposed Goldberg Sporting Estates which is under review by the Planning Department, and a Conditional Land Use Permit for 1009 East 6th Street.

Ron: Can Kurt be present at the meeting to discuss the Water and Sewer system for the upcoming subdivision?

Roger: Have you addressed any of the issues with Regal Land Development?

- Karen and the Planning Director are working on these issues.
- City Council has also discussed their concerns at length.

Ron: Many people have built their fences directly on the property line to the Soccer fields. Have you addressed the issue with fence setbacks or difficulty for players to retrieve balls?

- Planning has not been aware of this issue but can look into the issue.

Roger: Any movement on the Downtown District development or planning?

Nick reported that he would like to put together a downtown revitalization plan after the Growth Policy is completed, possibly next spring or summer.

Members generally discussed downtown development and possible projects to help the district.

- Different projects taking place
- Possible projects that could improve the area
- Nick mentioned the numerous vacant lots that could be used for infill development.

Judy discussed the recent session with outside Rural development specialists with Laurel Revitalization League to help with Laurel.

Ron: We need to see ourselves like the Heights, slow steady, consistent development to not have everyone just go to Billings for services.

Members discussed options for downtown and outside funding supports and parcels available for development or redevelopment. We could position ourselves as a regional hub for the nearby rural communities.

Announcements

6. Next Meeting: October 21, 2020

Ron Motioned to Adjourn.

Roger Seconded.

Motion Carried.

Meeting Adjourned at 6:44PM.

The City makes reasonable accommodations for any known disability that may interfere with a person's ability to participate in this meeting. Persons needing accommodation must notify the City Clerk's Office to make needed arrangements. To make your request known, please call 406-628-7431, Ext. 2, or write to City Clerk, PO Box 10, Laurel, MT 59044, or present your request at City Hall, 115 West First Street, Laurel, Montana.