

MINUTES OF THE CITY COUNCIL OF LAUREL

May 28, 2024

A regular meeting of the City Council of the City of Laurel, Montana, was held in the Council Chambers and called to order by Mayor Dave Waggoner at 6:30 p.m. on May 28, 2024.

COUNCIL MEMBERS PRESENT:

Thomas Canape	Heidi Sparks
Michelle Mize	Jessica Banks
Casey Wheeler	Irv Wilke
Richard Klose	Jodi Mackay

COUNCIL MEMBERS ABSENT:

None

OTHER STAFF PRESENT:

Britney Harakal, Administrative Assistant
Kelly Strecker, Clerk/Treasurer
Kurt Markegard, Planning Director
Forrest Sanderson, Contract Planner
Stan Langve, Police Chief
Jared Anglin, Police Captain
Haley Swan, Police Sargent
Jackson Booth, Police Sargent
Ryan Sedgwick, Police Officer
Steven Baumgartner, Police Officer
Jeremiah Johnson, Police Officer

Mayor Waggoner led the Pledge of Allegiance to the American flag.

MINUTES:

Motion by Council Member Wilke to approve the minutes of the regular meeting of May 14, 2024, as presented, seconded by Council Member Mackay. With no objection, the minutes of the regular meeting of May 14, 2024, as presented, were approved. There was no public comment or Council discussion.

CORRESPONDENCE: None.

COUNCIL DISCLOSURE OF EX PARTE COMMUNICATIONS: None.

PUBLIC HEARING:

- **Public Hearing on A Resolution Of The City Council To Adopt Updated Growth Management Policy For The City Of Laurel-Yellowstone County Joint Planning Jurisdiction.**

Mayor Waggoner opened the public hearing and asked Staff to present the item.

Kurt Markegard, Planning Director, briefly reviewed the schedule of events to bring the Growth Management Policy before the Council as included in the Growth Management Policy.

Forrest Sanderson, Contract Planner, reviewed the attached changes to the maps. If Council would like to move forward with the amended maps they will need to include that in the motion.

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

Mayor Waggoner asked three (3) times if there were any proponents. There were none.

Mayor Waggoner asked if there were any opponents.

Karen Jurassi, 1131 N. 32nd Street, Billings, MT, read the attached statement into the record.

DW

Steve Krumm, 249 24th Avenue W., read the attached statement into the record.

Kasey Felder, 1434 McMullen Lane, asked that the Council postpone voting until the maps were correct.

Arron Felder, 1434 McMullen Lane, noted the Planning Director had stated at the County Commission Public hearing that the maps were correct. He hopes that the maps are correct. He questioned who the Planning Director works for and asked for transparency.

Ms. Jurrasi noted that there are Type I and Type II zoning requests. Type I is owner-initiated. Type II is initiated by the zoning authority. Type II requires a Growth Management Policy. She stated that until the County has adopted subdivision regulations or zoning regulations, Laurel should still have zoning jurisdiction.

Mayor Waggoner stated that he would have Staff respond to questions.

Kurt Markegard, Planning Director, clarified that SB382 will eliminate the growth policy. The City will be creating a Land Use Plan. There are ten cities affected by this new law; now, counties are included in the law. Yellowstone County will stay on the old Planning laws while the City moves to the new laws. Currently, this is an unfunded mandate. The City of Helena was quoted \$200k to \$750k for the house data portion of the Land Use Plan. Council can choose to accept the Growth Management Policy, deny it, or they can send it back to the City/County Planning Board.

Mayor Waggoner closed the public hearing.

- **Public Hearing on An Ordinance Repealing And Replacing Certain Sections Of Title 17 Of The Laurel Municipal Code Related To Zoning.**

Mayor Waggoner opened the public hearing and asked Staff to present the item.

Kurt Markegard, Planning Director, stated the City received a Community Development Block Grant for 50k to redo the Zoning regulations. The City had a 16k match. During the last legislative session, four bills affected zoning regulations. Two have received an injunction and the other two are under review. The City decided to move forward while waiting for those legal decisions to be made through the court. Once this ordinance is adopted it will close out our grant.

Forrest Sanderson, Contract Planner, briefly reviewed the attached Staff report and zoning map.

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

Mayor Waggoner asked three (3) times if there were any proponents. There were none.

Mayor Waggoner asked if there were any opponents.

Karen Jurassi, 1131 N. 32nd Street, Billings, MT, stated the City's Growth Management Plan is good through 2025. It has been rushed through because of the County and their particular agenda. SB 382 was passed on May 17, 2023, and is effective immediately. The new law has a much more stringent plan, and the City should follow at least the spirit of the new law. It may be expensive, but it needs to have data and studies. When Northwest Energy passes the cost of the electric plant onto its customers, the rates will go up. Choose your costs.

Mayor Waggoner asked two (2) additional times if there were more opponents. There were none.

Mayor Waggoner stated that he would have Staff respond to questions, but there were none.

Mayor Waggoner closed the public hearing.

CONSENT ITEMS:

Dr

- **Claims entered through May 24, 2024.**
A complete listing of the claims and their amounts is on file in the Clerk/Treasurer's Office.
- **Approval of Payroll Register for PPE 5/12/2024 totaling \$239,169.93.**
- **Council Workshop Minutes of May 7, 2024.**
- **Council Workshop Minutes of May 21, 2024.**

The Mayor asked if there was any separation of consent items. There was none.

Motion by Council Member Klose to approve the consent items as presented, seconded by Council Member Wilkke. With no objection, the Consent Agenda of May 28, 2024, as presented, was approved. There was no public comment or Council discussion.

CEREMONIAL CALENDAR:

- Captain Pinning Ceremony
- Jared Anglin was promoted to Police Captain.

- Sergeant Pinning Ceremony

Haley Swan was promoted to Police Sergeant.

REPORTS OF BOARDS AND COMMISSIONS:

- Budget/Finance Committee Minutes of May 14, 2024.
- Emergency Services Committee Minutes of May 20, 2024.
- Public Works Committee Minutes of May 20, 2024.
- Laurel Urban Renewal Agency Minutes of May 20, 2024.

AUDIENCE PARTICIPATION (THREE-MINUTE LIMIT): None.

SCHEDULED MATTERS:

- **Appointment of John Collins and Killian Mayo to the Laurel Police Department.**

Motion by Council Member Sparks to approve the Mayor's appointment of John Collins and Killian Mayo to the Laurel Police Department, seconded by Council Member Wilkke. There was no public comment or council discussion. A vote was taken on the motion. All eight Council Members present voted aye. Motion carried 8-0.

Stan Langve, Police Chief, briefly introduced Mr. Collins and Mr. Mayo to Council.

Mr. Collins and Mr. Mayo were sworn in as

- **Resolution No. R24-40: A Resolution Of The City Council Authorizing The Mayor To Execute The Agreement For Provision Of Fire Services By And Between The City Of Laurel And Fire District 5.**

Motion by Council Member Banks to approve Resolution No. R24-40, seconded by Council Member Wilkke. There was no public comment or council discussion. A vote was taken on the motion. All eight Council Members present voted aye. Motion carried 8-0.

- **Resolution No. R24-41: A Resolution Of The City Council To Adopt Updated Growth Management Policy For The City Of Laurel-Yellowstone County Joint Planning Jurisdiction.**

Motion by Council Member Canape to approve Resolution No. R24-41 with amended maps, seconded by Council Member Mize.

DW

Steve Krum, 249 24th Avenue W, in SB 382, states you have an existing one. You cannot change it after the Governor signs the bill. So, changing this may not be legal either. Let Billings get their own growth policy because joint growth policies may not be legal.

It was questioned if the County is waiting on the City to make its maps. The Growth Policy is the same. However, their map did not include a buffer zone that CHS had asked for years ago. The City limits are the only changes being made.

Kasey Felder, 1434 McMullen Lane, asked that the vote be postponed until the changes have been made to the maps.

Aaron Felder, 1434 McMullen Lane, stated that they are asking for the maps to be updated correctly. They have not seen the maps. He stated that it sounded like a helicopter was in the air the whole day. He asked for transparency.

It was questioned if the new maps would be included in the final draft. It was clarified that this was correct. The only changes being made to the maps are the City limits for the Golf Course annexation and the right of way going to Riverside Park.

A roll call vote was taken on the motion. Council Members Sparks, Banks, Wilke, Mackay, Klose, Wheeler, Mize, and Canape voted aye. Motion carried 8-0.

- **Resolution No. R24-42A: Prosecutor Contract**

Motion by Council Member Mackay to approve Resolution No. R24-42A (Non-Renewing), seconded by Council Member Sparks. There was no public comment or council discussion. A vote was taken on the motion. All eight Council Members present voted aye. Motion carried 8-0.

- **Ordinance No. O24-02: An Ordinance Repealing And Replacing Certain Sections Of Title 17 Of The Laurel Municipal Code Related To Zoning. (Second Reading)**

Motion by Council Member Wheeler to adopt Ordinance No. O24-02, seconded by Council Member Wilke. There was no public comment or council discussion. A roll call vote was taken on the motion. Council Members Sparks, Banks, Wilke, Mackay, Klose, Wheeler, Mize, and Canape voted aye. Motion carried 8-0.

ITEMS REMOVED FROM THE CONSENT AGENDA: None.

COMMUNITY ANNOUNCEMENTS (ONE-MINUTE LIMIT):

June 1, 2024, is Crazy Days in Downtown Laurel. There is a City-wide lemonade stand competition for the kids.

COUNCIL DISCUSSION:

The Splash Parks Grand Opening is scheduled for May 30, 2024, at 5:00 p.m. at the Billie Riddle Splash Park.

MAYOR UPDATES:

There is a Community Clean Up this weekend. If you need items picked up, please call to schedule a pick-up.

UNSCHEDULED MATTERS: None.

ADJOURNMENT:

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

There being no further business to come before the Council at this time, the meeting was adjourned at 7:55 p.m.

DW


Britney Harakal, Administrative Assistant

Approved by the Mayor and passed by the City Council of the City of Laurel, Montana, this 11 day of June, 2024.


Dave Waggoner, Mayor

Attest:

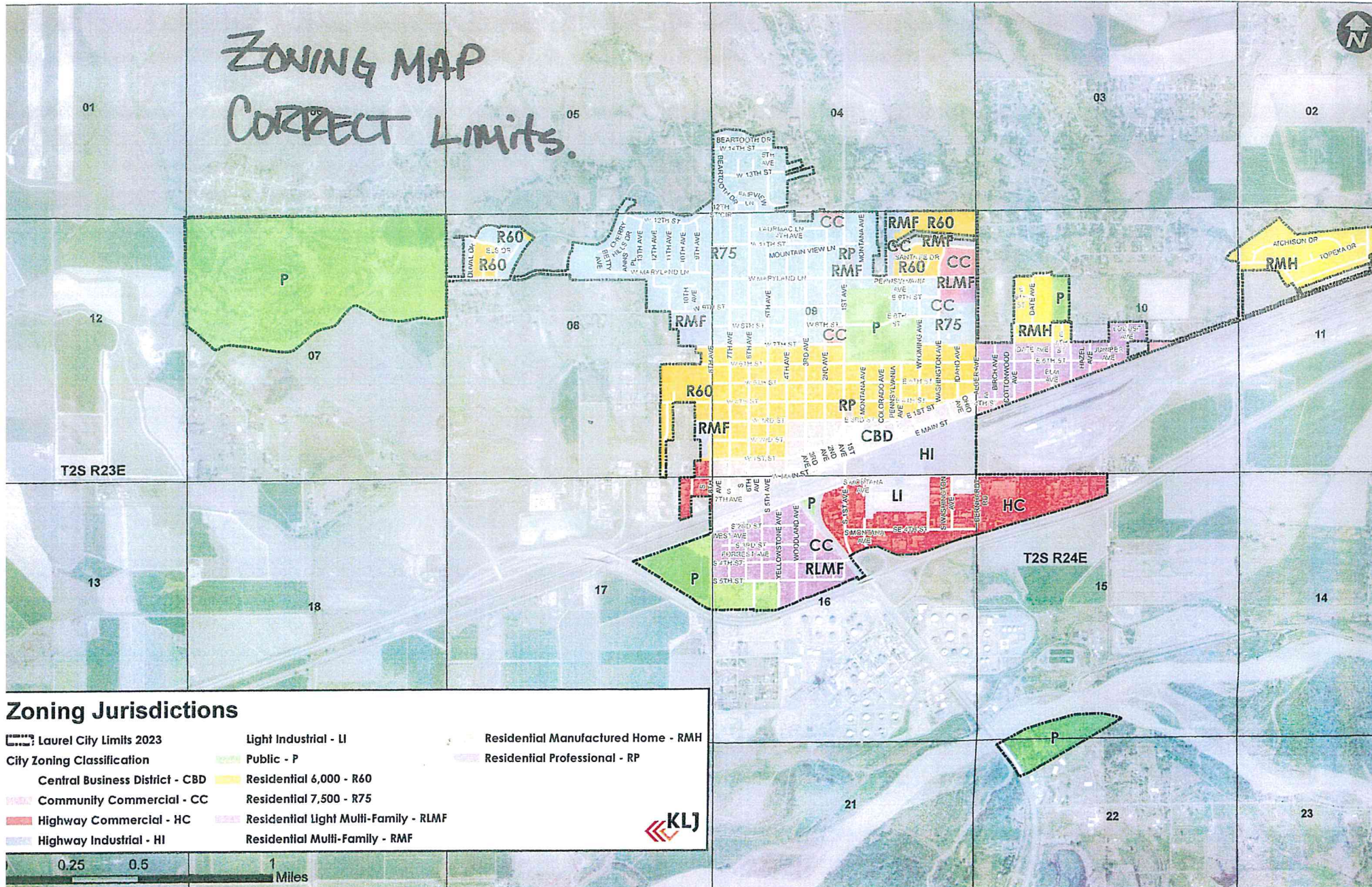

Kelly Streckler, Clerk/Treasurer





ZONING MAP

CORRECT LIMITS.

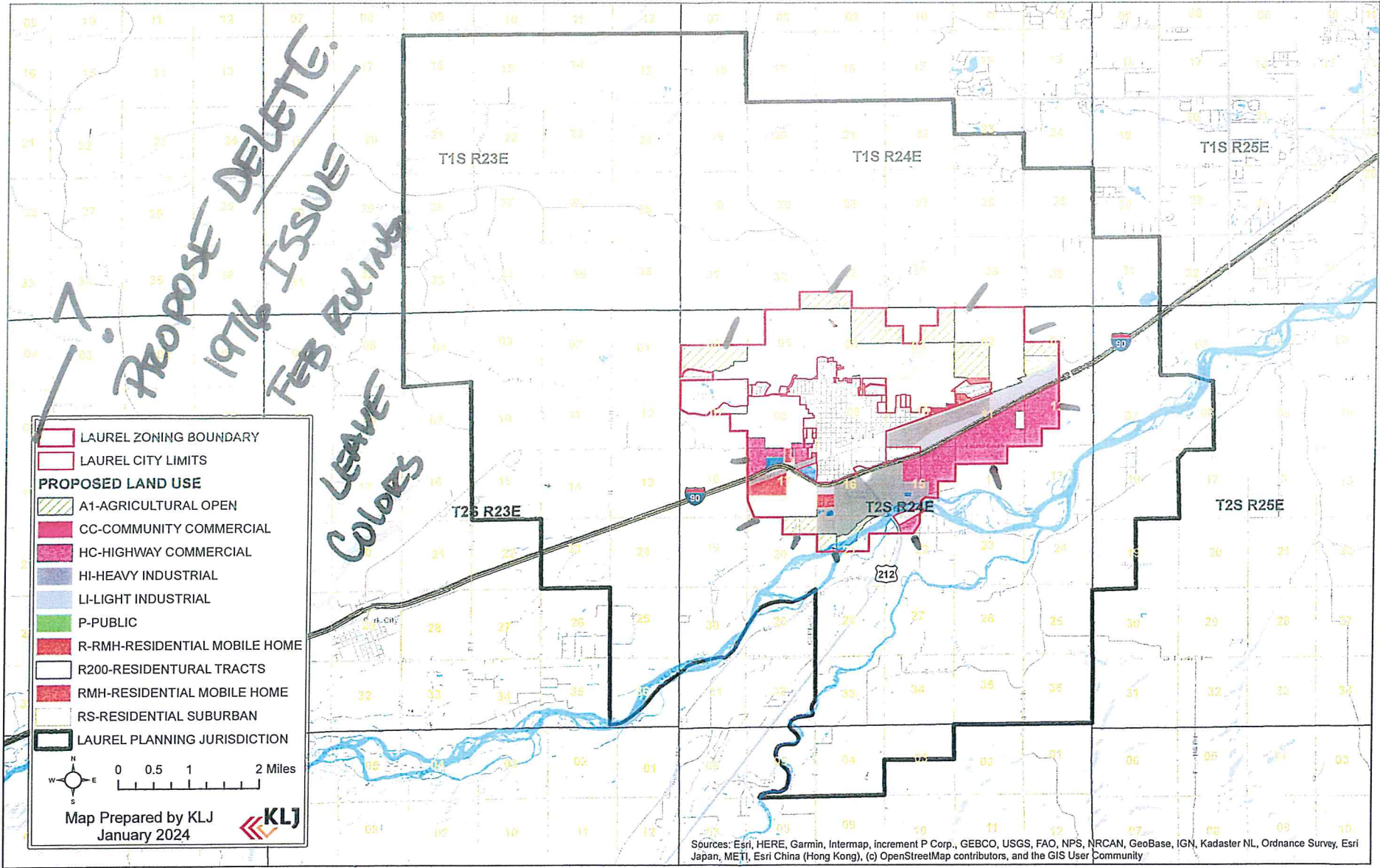


Zoning Jurisdictions

- Laurel City Limits 2023
- Public - P
- Residential 6,000 - R60
- Residential 7,500 - R75
- Residential Light Multi-Family - RLMF
- Residential Multi-Family - RMF
- Light Industrial - LI
- Residential Professional - RP
- Residential Manufactured Home - RMH
- Central Business District - CBD
- Highway Commercial - HC
- Highway Industrial - HI



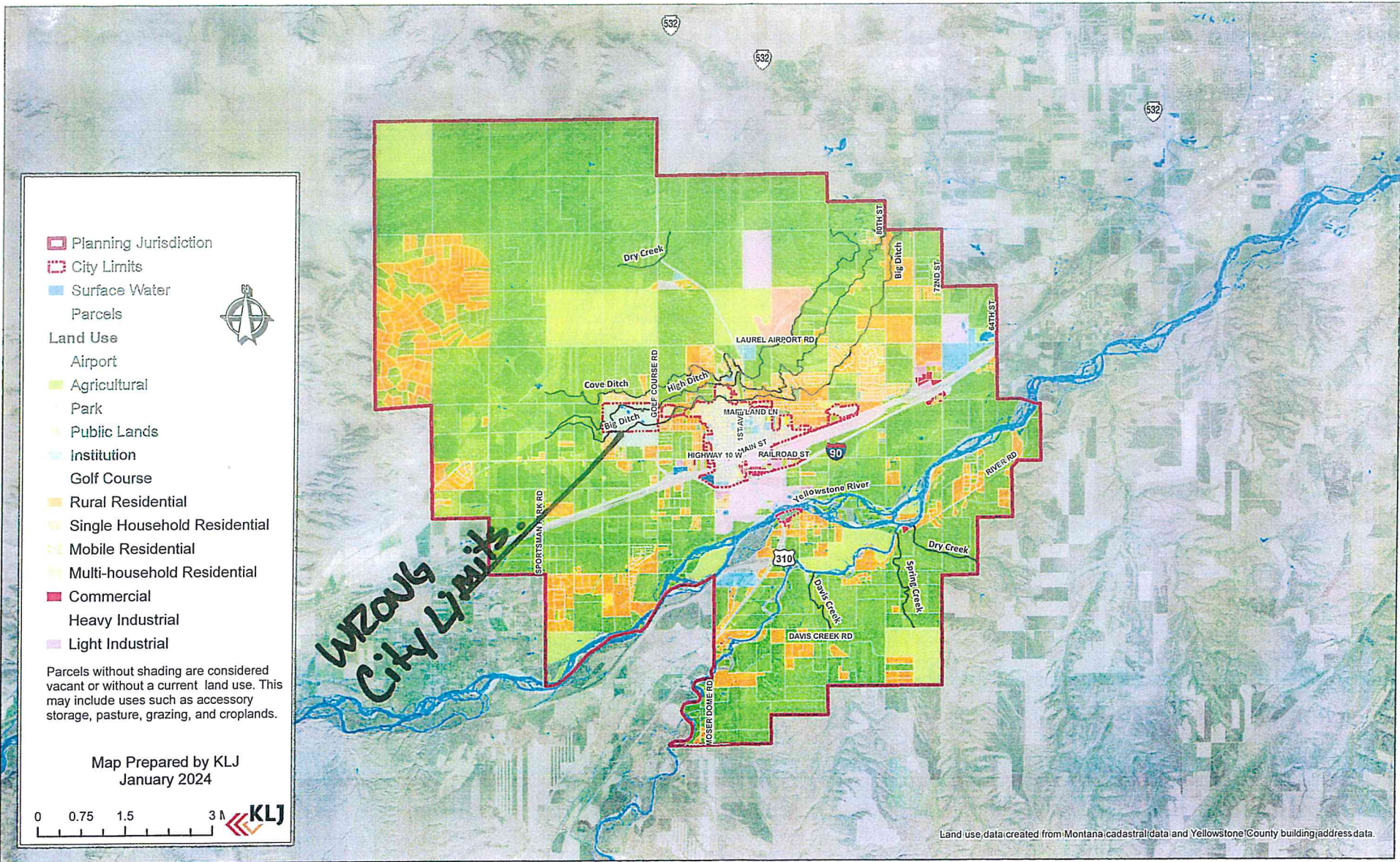
0.25 0.5 1 Miles



LAUREL - YELLOWSTONE CITY - COUNTY GROWTH POLICY 2023

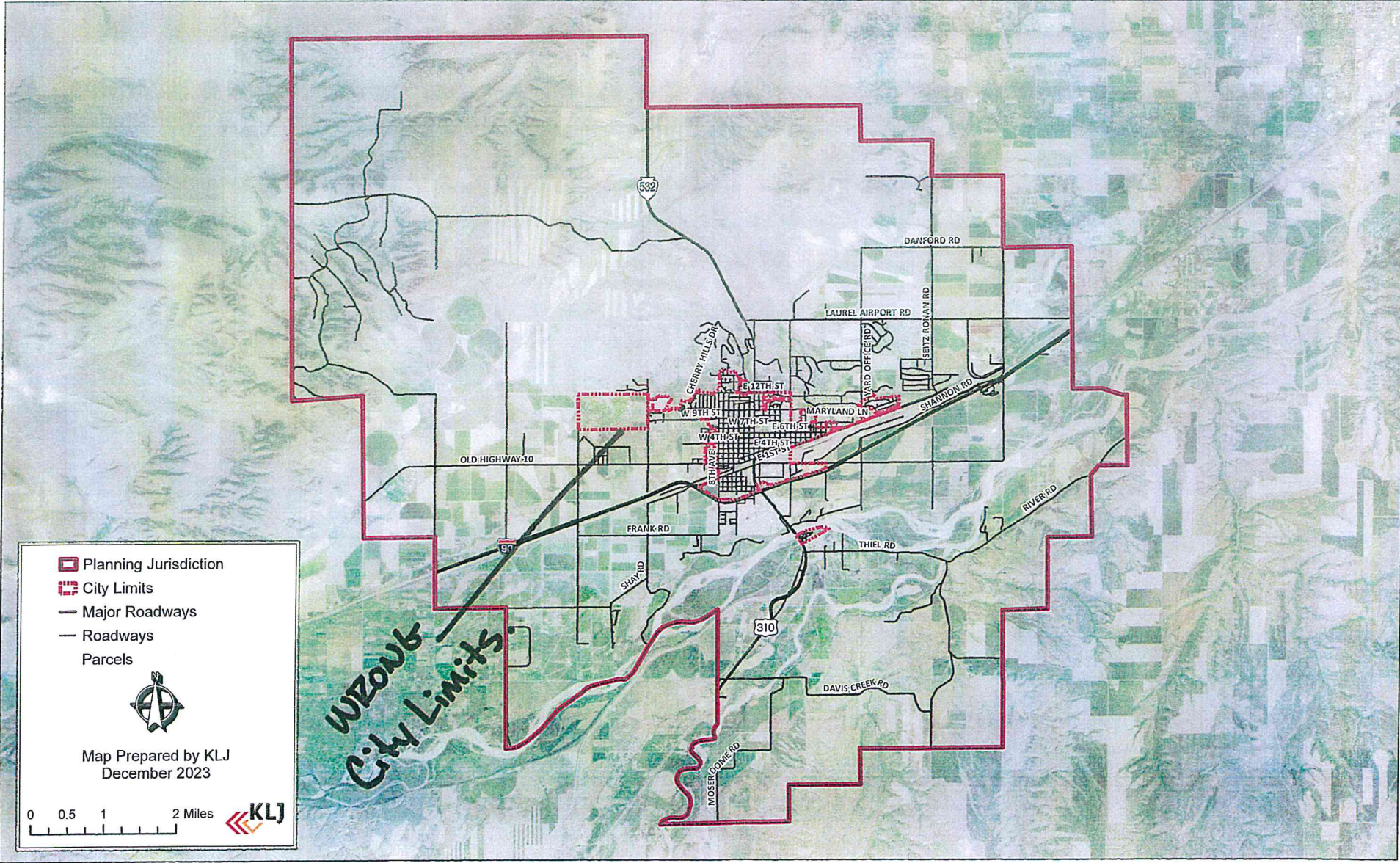
FUTURE LAND USE

Document Path: K:\Projects\City\MT\Laurel\1804_00554_Laurel_Planning\GIS\Laurel_Future_Land_Use.mxd



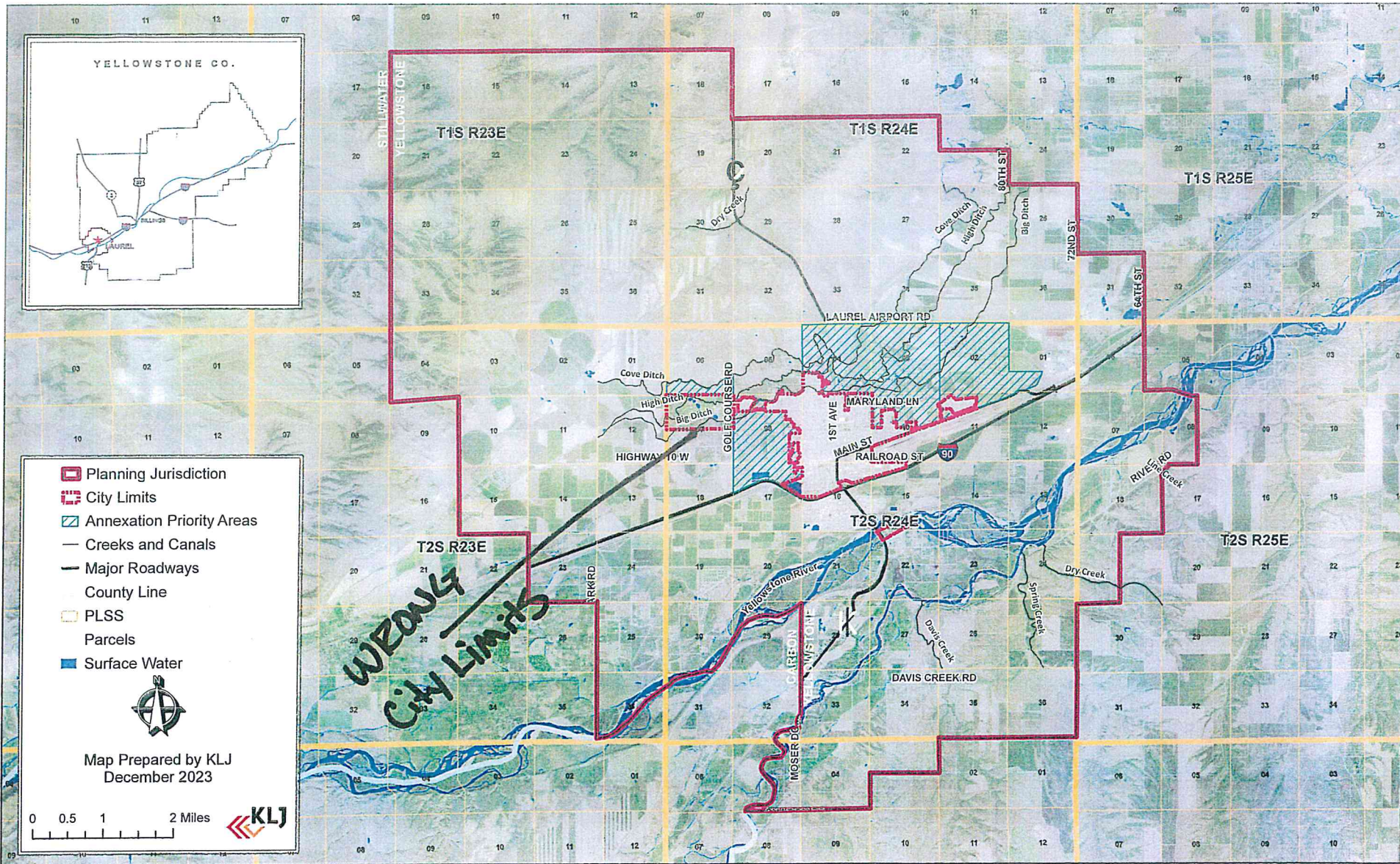
LAUREL - YELLOWSTONE CITY - COUNTY GROWTH POLICY 2023

EXISTING LAND USE



LAUREL - YELLOWSTONE CITY - COUNTY GROWTH POLICY 2023

MAJOR TRANSPORTATION INFRASTRUCTURE



LAUREL - YELLOWSTONE CITY - COUNTY GROWTH POLICY 2023

PLANNING JURISDICTION

KAREN STARK

1131 N 32

Billings MT

59101

<https://www.billingsmt.gov/DocumentCenter/View/1956/Yellowstone-County-Subdivision-Regulations?bidId=>

Council points

Here to oppose adoption of growth plan for City and County. I'm a county resident but your adoption of this joint plan with the City forms the basis for planning and zoning actions that will adversely all Yellowstone County inhabitants and so I need to object.

First, since the county did not ever adopt the 2020 growth plan, this may be an "update" for you, but it is not an "update" for the county. It's an original growth plan. And the Planning board should have treated it as such. You can't just review and update the old growth plan from 2020 and put in a few changes reflecting the County's intention to zone the area, you need to comply with Montana law on new growth planning. And saying you're going to plan for the area around Laurel by "giving everyone what they thought they had" is not a proper criteria under Montana law, and it says nothing about the health, safety and welfare of the community and the environment and all the other considerations under MT law. What it did was to allow the County to modify the plan to change NWE's land use to heavy industrial, when it has never been properly vetted for that.

I think that the Planning Board and the City may have been too hasty to disclaim the municipal zoning it exercised in the area outside the city limits in the past, under Montana statutes and Laurel municipal ordinances. This decision was ^{made by a new} ~~made in consultation with~~ the County Commissioners, ^{none of whom are lawyers} which are biased and have predeterminations about the outcome of the zoning issue with regard to NWE. One of the Commissioners appeared in a promotional video for the plant on NWE's website. And on two occasions, members of the public were told by 2 different commissioners that the plant is a "done deal" and they better get used to it, and public comments are mandatory procedure but won't make any difference.

City
Ath
and



Anyway, the Planning Board and the County agreed that the City lacked jurisdiction because of the County's assertion of subdivision regulations outside the city limits. But the 2019 Subdivision regulations, which were originally adopted in 2006 and carried through to 2019, were not based on any current growth plan since the County's last growth plan was in 2008. And the 2019 subdivision regs specifically say that they do not apply to the Laurel Planning Jurisdiction. And the 2023 Subdivision regulations, which do divide the planning jurisdiction between the City and the County, were just adopted about a month ago. MCA 76-2-311, says that municipal zoning can be enforced "until the county board adopts a growth policy pursuant to chapter 1 and accompanying zoning or subdivision resolutions that include the area." The County just adopted a growth policy on April 2, and new subdivision regulations on April 23, so Laurel's zoning should have remained valid in the mean time.

The reason this is important is because the County residents who were previously protected by valid City zoning in the area outside the city limits have now lost that protection. The County tried to mollify them by saying it wanted to adopt a land use plan reflecting "what everyone thought they had", but the Planning Board changed agricultural land to Highway Commercial, and the first thing the County did was to modify the previous zoning that everyone thought they had to give NWE the land use designation it needs to get zoning as heavy industrial in the future. By doing this it allowed NWE to evade any scrutiny on the impacts of its plant upon the community and the environment, including air quality, as required under new land use planning statutes. I believe the entire course of events was planned with this outcome in mind, due to the bias and predetermination of the County Board referenced above.

Next, The process of developing a new growth plan for the County did not conform to Montana law. There was no data, studies, or other information considered in developing the County's new growth plan, even though things have certainly changed since 2020, when Covid hit, Montana experienced a huge population shift, and NWE started building a toxic methane gas plant in your back yard, which is now operational in "test mode" and is already bothering people in their homes across the river. Population estimates were based on data from 2017-18. The population forecast was based on 2019 data, with no consideration of the 2020 census, as required under 76-25-203. Housing values

and rental affordability was based on 2013-2017 data, with no updating to reflect the increases in housing costs and shortages of housing across the state. In describing industry in Laurel, the Growth Plan refers to CHS and the railroad. No mention of the elephant in the room- the methane plant. No consideration of the impacts on health, safety and welfare of residents or the environment (clean air) from air pollution containing dangerous chemicals well as 24 hour lighting and noise which can already be heard by at least one in District 18 as the plant is now operating in test mode.

And what about the CHS refinery? According to the CHS website, “The CHS Refinery located at the south end of Laurel, MT spans 350 acres and is currently undergoing its second major upgrade in less than a decade. The 75-year-old refinery presently produces 56,000 barrels-per-day. The multimillion dollar project aims to increase production of gasoline and diesel products to 880 million gallons a year.” The Growth plan doesn't contain or consider data about the additional impact of the refinery from its past and present upgrades, with data on how much toxic air pollution it creates and how that, combined with NWE's plant, will affect the residents and environment of the City and County. It doesn't evaluate the environmental impacts of the NWE plant along the Yellowstone and how smokestacks and noise and pollution may affect the residential and recreational environment around Laurel

I realize this is not a zoning document, but any growth plan should have memorialized the existing municipal zoning that had been respected by all in the past, and then planned forward based on data, studies, and other information as well as consideration and actual response to public comment. Not just “give everyone what they thought they had” because that creates a loophole a mile wide for then County and NWE to drive through, since they can simply modify the maps to suit their needs, as they did. If the County is going to mention NWE by name in its resolutions and modify growth plan maps to accommodate it, the least you could do is actually consider the many negative impacts of the plant in your growth planning decisions.

The new growth plan is based on a map drawn by a single person one day before a work session on January 31, 2024, and amended at that same work session without any proper analysis and data and consideration of statutory

factors before simply drawing part of the map a different color. The work session was promised to be a collaborative effort with members of the public, and then was changed to be a work session where the public was not allowed to participate unless asked to comment by a member of the Board. This is just one instance where public participation was curtailed, and it was difficult to comment meaningfully anyway because of the haphazard way the maps developed and changed over time with no principled reason or explanation.

The maps were then modified by the County and adopted on April 2, and now we are headed to the enactment of County zoning based on a Growth plan that has absolutely no basis in current data, studies, or other statutorily required factors. The County's approval is now the subject of a lawsuit, because of the County's actions and the Planning Board's failure to abide by Montana law in the process, as well as bias and predetermined outcome on the part of the County.

If you adopt this Growth Plan, you are falling into their strategy by not requiring your own Planning Board to follow the law and develop a growth plan that is dictated by proper considerations, and not the County's and NWE's determination to give NWE heavy industrial zoning.

Thank you for your time and for your service.

Laurel Council Meeting 5.28.2024

Mr. Mayor, Council Members:

Item 2 of MCA 76-2-101 and I quote: "A planning and zoning district may not be created in an area that has been zoned by an incorporated city pursuant to 76-2-310 and 76-2-311". Laurel has clearly created a zoning district out to 1 mile beyond their city limits and the Laurel City Council had been making all the zoning decisions out to 1 mile in the past. But, late in 2014 when a new interlocal agreement was adopted by Laurel and the County, the county began making these decisions.

The 2014 interlocal agreement gave the CCPB authority to determine which entity, City of Laurel or the County would decide the zoning requests within this 1-mile area, first page of agreement, under Functions section, 3rd sentence, nothing else on authority. I am pretty sure this was not legal and cannot supersede MCA, which still gives this authority to the city of Laurel until the county has created its own Growth Policy for this same area. 2 examples, both CHS properties. One zoned in 2009 by the Laurel City Council, Ordinance No. 009-10, Laurel has a growth policy for the area. The second, CHS 2015, Resolution 15-58, County authorized the zone change even though they lacked a Growth Policy for this area at the time and should not have been making these decisions. Even Fehr's decision required the County to have their own Growth Policy.

To this day the City of Laurel still states zoning authority over the 1 mile area around the city of Laurel per LMC 1.20.010. Laurel has the 2020 Growth Policy that also gives them authority

Thank You Kurt For Maps & Law We Have a Copy

to zone in this 1-mile area. Both the city of Laurel and Yellowstone County relied on existing zoning maps of this 1 mile area referencing Residential Manufactured Housing to Light Industrial, Agricultural, Open to Heavy Industrial, so yes there is and was maps being used for zoning of the 1 mile area around the city of Laurel.

*State Law does
let County do their own thing
ARE different
not referring
GIS*

~~There is and has been official zoning maps of this area with a future land use plan map as well, all shown in Laurels 2020 growth plan. The City of Laurel used them in 2009 and the County used them in 2015, just 2 examples. As stated in an official document of the city of Laurel, Resolution R21-122; the previous City Planner commenting about the city filing and saving maps with the County GIS office, this one was done approximately 80 years ago, page 4 of document. The city of Laurel has been saving official changes to maps with the Yellowstone County GIS office~~

Finally, do you realize by protecting NW's illegal building of this plant on Agricultural ground you will be saddling not only yourself but future generations of all Montanans, your children, their children and their children's children with massive annual debt from this plant if it is allowed to go through. In NWE's own application and exhibits to the PSC they identify some of the known annual costs to build, operate, and maintain this plant which will exceed 60 million dollars annually and will be passed on to ratepayers for the next 20 to 30 years. The 60 million does not include other required expenses: 36,000 dekatherms per day methane gas, potential environmental penalties for burning fossil fuels and additional load put on plant as only ~25% plant

capacity is calculated in the original 60 million, all this will cost more money. Will it be another 10, 20 or 30 million per year, who knows but NWE has already signed a 33-year contract for 36,000 dekatherms per day methane and a 20 year contract option to Cat to operate the plant.

All these expenses will go to small business and residential rate payers who are already being hit with higher property taxes and utility expenses. The PSC has already let the big corporations off the hook from paying for this plant. With all this new expensive electricity from this plant, the emergency costs for extreme weather conditions in the past will seem a pittance. But, a big but, these emergency expenses will continue, and add an even greater expense to us all, as NWE is not even close to producing all it's own energy needs, meaning this plant will run much more than a topping plant.

Thank You.

ZONING COMMISSION RECOMMENDATION ZC-24-01
2024 Laurel Zoning Regulations
March 4, 2024

BACKGROUND:

The City of Laurel is an incorporated City within the State of Montana with powers established under the Constitution of Montana XI.4. The power and processes for the City to establish zoning regulations are found in §76-2-301 et. seq. M.C.A.

Starting in early 2023 the City Council charged its Zoning Commission to update the existing zoning regulations to reflect changes to the City Growth Policy and the community in general.

After extensive discussion and consideration, the Zoning Commission drafted revised Zoning Regulations but there were a number of technical issues in need of resolution. To resolve these issues the City applied for and was awarded a Planning Grant to hire a consultant to help the Zoning Commission refine the document resolve the technical issues and prepare the draft regulations and a new zoning map that would implement the Growth Policy. The Zoning Commission will conduct a public hearing on the draft Zoning Regulations and Zoning Map, which is scheduled for Wednesday, December 20, 2023. Following the hearing it is expected that the Zoning Commission will recommend the Zoning Regulations and Map as the prevailing zoning for the City of Laurel.

The draft regulations incorporated the changes made during the 2023 Legislative session, several of which were not viewed favorably by the Zoning Commission but were incorporated as they were passed during the session. On December 29, 2023, Judge Salvagni of the 18th Judicial District (Gallatin County) issued a preliminary injunction on the implementation of Senate Bill 323 and 528 with a provision that communities could unless they were otherwise inclined to implement the changes they could be repealed. SB 245 and 382 were part of the litigation but were not set aside by the injunction but are still subject to potential repeal.

At the January 17, 2024, Zoning Commission meeting, the Zoning Commission recommended that those section of the draft Regulations that were included but had been enjoined, be removed from the document. It was also noted that the revised Growth Policy was nearing completion and a decision on the Northwestern Energy site and zoning authority was approaching. Given this, it was decided to slow down the Zoning adoption until some additional answers were available.

LEGAL DESCRIPTION:

The City of Laurel, Montana, an incorporated City located in Yellowstone County, Montana.

EXISTING CONDITION:

Currently, all property within the City of Laurel is covered by the Laurel Zoning Regulations which date back to the late 1970's with minor revisions and updates over roughly 40 years. The Zoning Regulations were updated and recodified in 1996 via Ordinance 96-5. The zoning code is lacking in several aspects related to compliance with the Growth Policy, statutory changes, and administrative processes. When coupled with the fact that the conditions have radically changed over the past 30 to 40 years, it is time to consider new zoning regulations that are easier to administer, clearly define roles and responsibilities and address new/expanded uses in the city. While State Law speaks to implementation of the Growth Policy via Subdivision Regulations, the city recognizes that the major tool necessary to implement large sections of the Growth Policy is a zoning ordinance.

As discussed in the following sections and in the answers to the Lowe Test, the City Council will see the sections of the Growth Policy that are slated for implementation via the proposed Zoning Regulations and Zoning Map for the City of Laurel.

PROCESS:

- The Zoning Commission with the assistance of City Staff and a Consultant has prepared draft zoning regulations and a zoning map.
- The Zoning Commission conducts a duly noticed Public Hearing on the proposed regulations and map on December 20, 2023.
- The Zoning Commission following the Public Hearing may make changes to both the regulations and map to reflect the comments received on the draft.
- Those changes coupled with findings of fact to support the adoption of the draft regulations and map will need to be submitted to the City Council for consideration.
- The City Council will conduct a duly noticed Public Hearing on the Zoning Commission recommendation and an Ordinance of the City Council on First Reading.
- Should the recommendation or the recommendation with amendments pass on First Reading, another public hearing and Second Reading and adoption will be scheduled.
- If passed on Second Reading, the regulations and map would become effective 30-days post Second Reading.

RECOMMENDED ZONES:

The Zoning Commission is recommending the creation of the following zones:

- R-7500 - Residential 7500 District.
 - The residential-7500 zone is intended to provide an area for low to medium urban-density, single-family residential environment on lots that are served by a public sewer and sewer system.
- R-6000 - Residential 6000 District.

- The residential-6000 zone is intended to promote an area for medium urban-density, duplex residential environment on lots that are usually served by a public water and sewer system.
- RLMF - Residential Light Multifamily District.
 - The residential light multifamily zone is intended to provide a suitable residential environment for medium to high density (up to a fourplex) residential dwellings. The area is usually served by a public water and sewer system.
- RMF – Residential Multifamily District.
 - The residential multifamily zone is intended to provide a suitable residential environment for high density residential dwellings; and to establish, where possible, a buffer between residential and commercial zones.
- RMH - Residential Manufactured Home District
 - The residential manufactured home zone is intended to provide a suitable residential environment for individual manufactured homes, manufactured home parks, and competitive accessory uses.
- RP – Residential Professional District
 - The residential professional zone is intended to permit professional, and semiprofessional uses compatible with surrounding residential development.
- NC – Neighborhood Commercial District.
 - The neighborhood commercial zone is intended to accommodate shopping facilities consisting of convenience retail and personal service establishments which secure their principal trade by supplying the daily needs of the population residing within a one-half mile radius of such neighborhood facilities. The location and quantity of land within the NC zone should be a business island not more than four acres in size and that no business frontage should extend more than six hundred feet along any street.
- CBD – Central Business District.
 - The central business district classification is intended to primarily accommodate stores, hotels, governmental and cultural centers, and service establishments at the central focal point of the city's transportation system.
- CC – Community Commercial District.
 - The community commercial classification is primarily to accommodate community retail, service and office facilities offering a greater variety than would normally be found in a neighborhood or convenience retail development. Facilities within the classification will generally serve an area within a one and one-half mile radius and is commensurate with the purchasing power and needs of the present and potential population within

the trade area. It is intended that these business facilities be provided in business corridors or islands rather than a strip development along arterials.

- HC – Highway Commercial District.
 - The purpose of the highway commercial district is to provide areas for commercial and service enterprises which are intended primarily to serve the needs of the tourist, traveler, recreationist, or the general traveling public. Areas designated as highway commercial should be located in the vicinity of, and accessible from freeway interchanges, intersections in limited access highways, or adjacent to primary or secondary highways. The manner in which the services and commercial activities are offered should be carefully planned in order to minimize the hazard to the safety of the surrounding community and those who use such services; and to prevent long strips of commercially zoned property.
- LI - Light Industrial District.
 - A light industrial classification is intended primarily to accommodate a variety of business warehouse and light industrial uses related to wholesale plus other business and light industries not compatible with other commercial zones, but which need not be restricted in industrial or general commercial zones, and to provide locations directly accessible to arterial and other transportation systems where they can conveniently serve the business and industrial center of the city and surrounding area.
- HI – Heavy Industrial District.
 - A district intended to accommodate manufacturing, processing, fabrication, and assembly of materials and products. Areas designated as heavy industry should have access to two or more major transportation routes, and such sites should have adjacent space for parking and loading facilities.
- P - Public District.
 - The public zone is intended to reserve land exclusively for public and semipublic uses in order to preserve and provide adequate land for a variety of community facilities which serve the public health, safety and general welfare.
- PUD Planned Unit Development.
 - The planned unit development zone is intended to provide a district in which the use of the land is for the development of residential and commercial purposes, as an integrated unit.

RATIONAL BASIS OF ZONING:

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

regulations, or changes to zoning or zoning regulations. This rational nexus is called the “Lowe Test”.

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

- The proposed zoning regulations and map are based on the Growth Policy. A simple look at the Growth Policy and future land use map will verify that the zone assignments with few exceptions will verify that the proposed zoning assignments are consistent with the text and mapping components of the Growth Policy.
- Several strategies from the Growth Policy pertaining to the commercial and Business development are met with the new zoning. Most notably, the regulations are designed to provide easier conversion, reuse and restoration of existing structures; The sign code has not been modified in terms of advertising up to the permitted maximum limits but the entryway overlay, multiple categories and tables that existed in previous regulations have been eliminated. Opportunities for internally illuminated signs and signs incorporating neon elements are contemplated in some commercial districts; and the regulations encourage infill development and expanded use opportunities.
- Several strategies from the Growth Policy are implemented in the administrative sections and individual District Standards. The items include but are not limited to walkability; pedestrian sidewalks are required for all new development and major renovations; concerns centered on nuisances and noise, the regulations impose limits on noise and potentially offensive activity in the standards of general applicability; and the regulations address concerns about the pace and quality of development that the citizens of Laurel expect to see as we move forward.
- Several residential neighborhood goals and strategies are implemented. Diversity of Neighborhoods, historic to modern; accommodation of a diverse population both age and economic condition; Creation of zones where manufactured homes and manufactured home parks are contemplated; expansion of non-motorized routes and access to the core of the community. and Residential districts protected from excessive noise and commercial impacts the conversion of structures to new uses is encouraged.
- The concept of residential Planned Unit Developments with increased density, lot coverage and modified use regimens is contemplated in all Zoning Districts.

Findings: The recommended zoning regulations and zoning map is in accordance with the Growth Policy and other adopted rules and regulations of the City of Laurel.

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

- The regulations encourage compact walkable development in most every district as well as expand opportunities for new uses beyond the 1996 code. By following this line of logic residents would be able to walk or bicycle to essential services which would by default reduce the vehicular traffic on the streets.

- The regulations encourage compact urban development as such the need for vehicular travel is limited.
- The expanded use opportunities in many of the commercial and residential districts will encourage compatible higher density residential development near the city core. Implementation of these regulations will further reduce the dependency or need for vehicular travel.
- The zoning regulations in conjunction with the development standards adopted with the Subdivision Regulations will provide for flow through development, logical extension of the gridded infrastructure network, and encourage pedestrian- friendly growth.

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

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

- The recommended zoning regulations and zoning map will provide for consistency in development along with provision of police and fire protection.
- The recommended zoning regulations and zoning map will incorporate enforcement of development standards, setbacks and compliance with the other development standards adopted by the City of Laurel.
- The recommended zoning regulations and zoning map have restrictions on lot coverage, grading and development on steep slopes and other areas that are potentially hazardous.

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

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

- The recommended zoning imposes setbacks, height limits and building restrictions.
- The recommended zoning groups together like and consistent uses within existing neighborhoods.
- The recommended regulations restrict development in hazardous areas.

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

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

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

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

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

- The zoning regulations impose minimum lot size, use regulations and other limitations on development.
- While the minimum lot sizes proposed with these regulations remains substantially consistent with the historic pattern of development within the City of Laurel.
- The major change is in the clarification of additional permitted residential uses in the R-7500 and commercial districts mandated in the 2023 legislative session. These proposed new standards are easy to interpret and by default administer.
- The range of allowable lot sizes provides for ease of transition from rural to urban development. These standards encourage annexation to the City and development at a scale that justifies the capital extension of water and sewer while spreading the costs out on an equitable basis.

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

- VII. Is the zoning designed to avoid undue concentration of population;
- The recommended zoning is a holistic approach to land use regulation for the entirety of the City of Laurel and is not focused on any single special interest.
 - The recommended zoning establishes areas that are suitable for exclusive residential, commercial, and mixed uses.
 - The recommended regulations create four residential zoning districts that provide a continuum of residential densities and manage development to create land use compatibility.
 - The recommended zoning imposes minimum lot sizes, maximum number of residences on a single parcel and setback standards.

Finding: The existing standards of the recommended zoning will prevent the undue concentration of population by encouraging the most appropriate use and residential density at any given location within the jurisdiction.

- VIII. Is the zoning designed to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements;
- The recommended zoning establishes minimum standards for the provision of infrastructure such as roads, sidewalks, water sewer, wire utilities and storm water management.
 - The recommended zoning encourages compact urban scale development and groups together similar uses that will not detract from the quality of life expected in Laurel while providing the economies of scale to extend water, sewer, streets, parks, quality schools and other public requirements.

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

- IX. Does the zoning give reasonable consideration to the character of the district and its peculiar suitability for particular uses;
- The recommended zoning creates four residential districts that provide a continuum of residential densities and uses that are compatible with existing neighborhoods and ensures proper transitions between districts. The recommended zoning also creates three commercial zoning districts that are designed to provide for various land uses that are compatible with existing uses and neighborhood characteristics.
 - The recommended zones impose setbacks, height limits and building restrictions. These restrictions insure compatible development in the residential, commercial, and industrial zones.
 - The recommended zoning creates a new mixed-use district that is specifically intended to ease the transition between residential and commercial uses.
 - The recommended zoning groups together like and consistent uses and is consistent with the existing zoning in the neighborhoods.

- The regulations create eight zoning districts each with the opportunity to create overlays in the form of a Planned Unit Development that represent new opportunities for development and redevelopment within the City of Laurel.

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

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

- The recommended zoning groups together like and consistent uses and is consistent with the existing zoning in the neighborhood.
- The recommended zoning creates four residential districts that provide a continuum of residential densities and uses that are compatible with existing neighborhoods and ensures proper transitions between districts. The recommended zoning also creates three commercial and one industrial zoning districts that are designed to provide for various land uses that are compatible with existing uses and neighborhood characteristics.
- The recommended zoning creates a new mixed-use district that is specifically intended to ease the transition between residential and commercial uses.
- The recommended zoning implements all of the significant outstanding sections of the Growth Policy. While the Growth Policy ties directly to and values the City's history and existing use of property and structures, the tools used to encourage development of property needed to be designed to reflect this change in direction. The proposed zoning regulations and map reflect this change.

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

XI. Will the zoning conserve the value of buildings;

- The recommended zone groups together like and consistent uses and is consistent with the existing zoning in the various neighborhoods of the City of Laurel.
- The proposed zoning reinforces that commercial buildings will continue to have commercial potential.
- The proposed zoning reinforces that residential buildings will continue to be used for equal or greater potential residential purposes.
- The proposed zoning recognizes that buildings that are located in transitional areas have options either to remain as they are or to be converted to uses that reflect the highest and best use, in the owner's opinion, for the subject property.

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

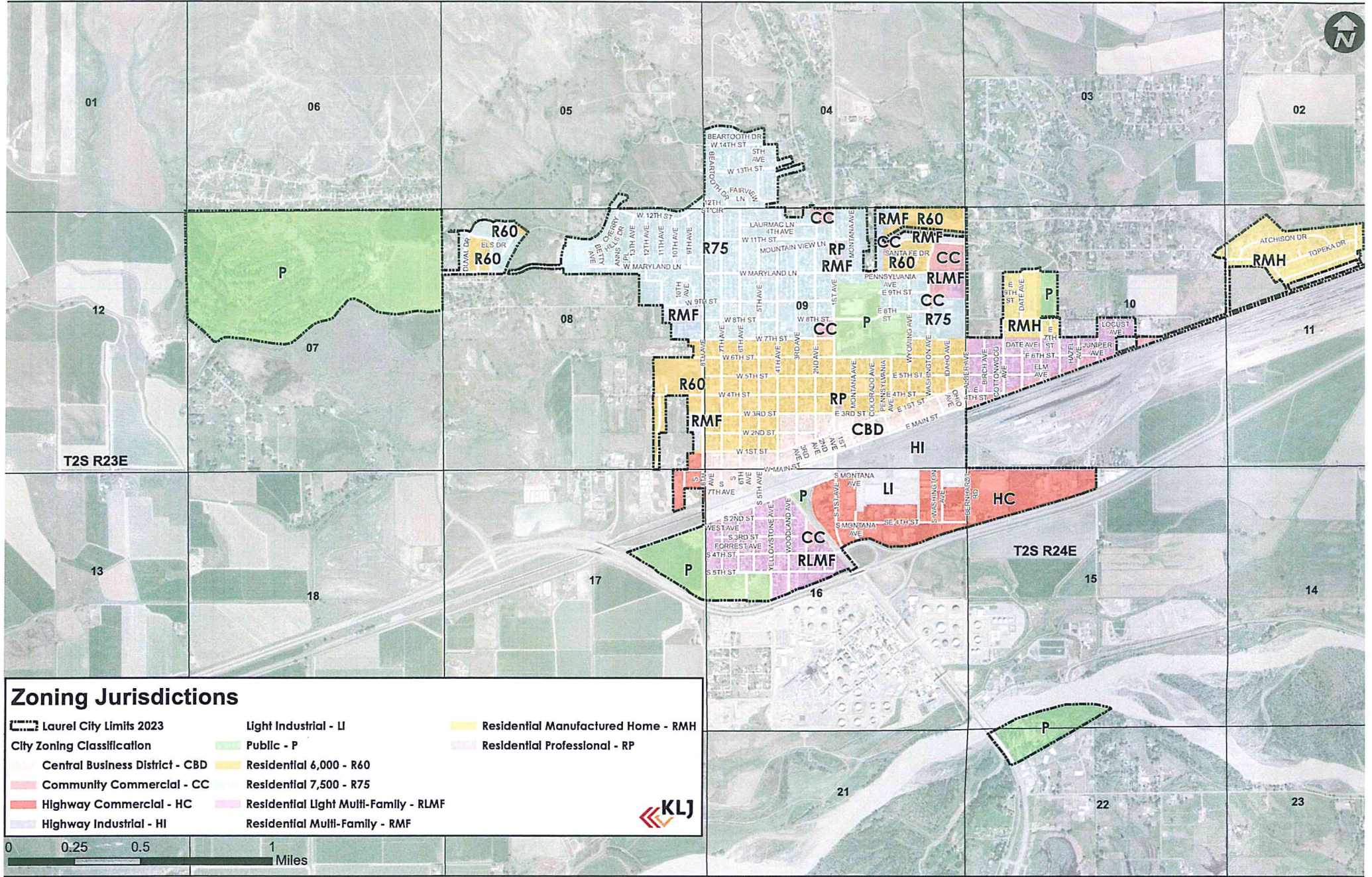
XII. Will the zoning encourage the most appropriate use of land throughout the municipality?

- The proposed zoning and zoning map provide for use districts that group like and compatible uses.
- The proposed zoning and zoning map provide for transitional areas between uses that may be incompatible.
- The recommended zoning creates a new mixed-use district that is specifically intended to ease the transition between residential and commercial uses.
- The recommended zoning is consistent with the type of development that exists and is occurring in the neighborhoods within the City of Laurel.
- The proposed zoning recognizes that buildings that are located in transitional areas have options either to remain as they are or to be converted to uses that reflect the highest and best use, in the owner's opinion, for the subject property.

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

RECOMMENDATION:

The Zoning Commission find that the proposed 2024 Zoning Regulations and Proposed Official Zoning Map reflects the Growth Policy; that the rational nexus for the adoption of zoning has been met or exceeded by the proposed regulations; and that the citizens of Laurel have participated in the creation of the proposed Zoning Regulations and Zoning Map. Further, that the Zoning Commission recommends that the City Council adopt the 2024 Laurel Zoning Regulations and Official Zoning Map.



Zoning Jurisdictions

- Laurel City Limits 2023
- City Zoning Classification
- Central Business District - CBD
- Community Commercial - CC
- Highway Commercial - HC
- Highway Industrial - HI
- Light Industrial - LI
- Public - P
- Residential 6,000 - R60
- Residential 7,500 - R75
- Residential Light Multi-Family - RLMF
- Residential Multi-Family - RMF
- Residential Manufactured Home - RMH
- Residential Professional - RP

