



**AGENDA
CITY OF LAUREL
CITY COUNCIL MEETING
TUESDAY, FEBRUARY 05, 2019
6:30 PM
COUNCIL CHAMBERS**

NEXT RES. NO.
R19-02

NEXT ORD. NO.
O19-01

WELCOME . . . By your presence in the City Council Chambers, you are participating in the process of representative government. To encourage that participation, the City Council has specified times for citizen comments on its agenda -- once following the Consent Agenda, at which time citizens may address the Council concerning any brief community announcement not to exceed one minute in duration for any speaker; and again following Items Removed from the Consent Agenda, at which time citizens may address the Council on any matter of City business that is not on tonight's agenda. Each speaker will be limited to three minutes, unless the time limit is extended by the Mayor with the consent of the Council. Citizens may also comment on any item removed from the consent agenda prior to council action, with each speaker limited to three minutes, unless the time limit is extended by the Mayor with the consent of the Council. If a citizen would like to comment on an agenda item, we ask that you wait until the agenda item is presented to the Council by the Mayor and the public is asked to comment by the Mayor. Once again, each speaker is limited to three minutes.

Any person who has any question concerning any agenda item may call the City Clerk-Treasurer's office to make an inquiry concerning the nature of the item described on the agenda. Your City government welcomes your interest and hopes you will attend the Laurel City Council meetings often.

Pledge of Allegiance

Roll Call of the Council

Approval of Minutes

1. Approve minutes of January 15, 2019.

Correspondence

Council Disclosure of Ex Parte Communications

Public Hearing

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

Consent Items

NOTICE TO THE PUBLIC

*The Consent Calendar adopting the printed Recommended Council Action will be enacted with one vote. **The Mayor will first ask the Council members if any Council member wishes to remove any item from the Consent Calendar for discussion and consideration.** The matters removed from the Consent Calendar will be considered individually at the end of this Agenda under "Items Removed from the Consent Calendar." (See Section 12.) The entire Consent Calendar, with the exception of items removed to be discussed under "Items Removed from the Consent Calendar," is then voted upon by roll call under one motion.*

3. Claims for the month of January 2019.
4. Approval of Payroll Register for PPE 1/13/2019 totaling \$167,282.70.
5. Approval of Payroll Register for PPE 1/27/2019 totaling \$185,141.06.
6. Receiving the Committee/Board Minutes into the Record.
 - Budget/Finance Committee minutes of January 15, 2019.
 - Council Workshop minutes of January 29, 2019.
 - Safety Committee minutes of April 18, 2018.
 - Safety Committee minutes of July 18, 2018.
 - Safety Committee minutes of December 11, 2018.
 - Safety Committee minutes of January 15, 2019.

Laurel Airport Authority minutes of December 20, 2018.
City/County Planning Board minutes of January 3, 2019.
Public Works Committee minutes of January 22, 2019.

Ceremonial Calendar

Reports of Boards and Commissions

Audience Participation (Three-Minute Limit)

Citizens may address the Council regarding any item of City business that is not on tonight's agenda. Comments regarding tonight's agenda items will be accepted under Scheduled Matters. The duration for an individual speaking under Audience Participation is limited to three minutes. While all comments are welcome, the Council will not take action on any item not on the agenda.

Scheduled Matters

7. Appointments of Ryan Robertus, Bridger Fournier, Levi Klamert, and Steven Hiller to the Laurel Volunteer Fire Department.
8. Appointments of Mariah Haugen, David Jackson, Boady Harper and Bryanna Ruskanen to the Laurel Volunteer Ambulance Service.
9. Resolution No. R19-02: A Resolution of the City Council authorizing the release of funds from the Tax Increment Financing District Fund for Facade Improvements and Signage for the property located at 117 West Main Street, Laurel Montana.
10. Resolution No. R19-03: Resolution Authorizing And Approving An Employment Contract Between The City Of Laurel And Nicholas Altonaga Who Shall Serve As The City Planner Ii For The City Of Laurel.
11. Resolution No. R19-04: A Resolution Approving An Amended Encroachment Permit For South Montana Avenue For C-Store Properties LLC, Innovative Properties LLC And, Rimrock II, LLC And To Authorize The Mayor To Execute The Permit On Behalf Of The City Of Laurel.

Items Removed From the Consent Agenda

Community Announcements (One-Minute Limit)

This portion of the meeting is to provide an opportunity for citizens to address the Council regarding community announcements. The duration for an individual speaking under Community Announcements is limited to one minute. While all comments are welcome, the Council will not take action on any item not on the agenda.

Council Discussion

Council members may give the City Council a brief report regarding committees or groups in which they are involved.

Mayor Updates

Unscheduled Matters

Adjournment

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.

DATES TO REMEMBER

Backup material for agenda item:

Approve minutes of January 15, 2019.

MINUTES OF THE CITY COUNCIL OF LAUREL

JANUARY 15, 2019

A regular meeting of the City Council of the City of Laurel, Montana, was held in the Council Chambers and called to order by Mayor Tom Nelson at 6:33 p.m. on January 15, 2019.

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

COUNCIL MEMBERS ABSENT: None

OTHER STAFF PRESENT: None

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

Mayor Nelson asked the council to observe a moment of silence.

MINUTES:

Motion by Council Member McGee to approve the minutes of the regular meeting of January 2, 2019, as presented, seconded by Council Member Klose. There was no public comment or council discussion. A vote was taken on the motion. All eight council members present voted aye. Motion carried 8-0.

CORRESPONDENCE:

- Laurel Chamber of Commerce minutes of December 12, 2018; Laurel Chamber of Commerce agenda of January 10, 2019.

COUNCIL DISCLOSURE OF EX PARTE COMMUNICATIONS: None.

PUBLIC HEARING: None.

CONSENT ITEMS:

- **Claims for the month of January 2019 in the amount of \$ 148,126.00.**
A complete listing of the claims and their amounts is on file in the Clerk/Treasurer's Office.
- **Clerk/Treasurer Financial Statements for the month of November 2018.**
- **Approval of Payroll Register for PPE 12/30/2018 totaling \$220,562.03.**
- **Receiving the Committee/Board/Commission Reports into the Record.**
- Budget/Finance Committee minutes of January 2, 2019, were presented.
- Emergency Services Committee minutes of September 24, 2018, were presented.
- Public Works Committee minutes of December 17, 2018, were presented.

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

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

CEREMONIAL CALENDAR: None.

REPORTS OF BOARDS AND COMMISSIONS: None.

AUDIENCE PARTICIPATION (THREE-MINUTE LIMIT):

A gentleman asked if this was the correct time to approach the podium. The Mayor instructed him he would have a chance later in the meeting to bring his issue forward.

SCHEDULED MATTERS:

- **Confirmation of Appointments.**
 - Appointment of Armondo Hernandez to the Laurel Volunteer Fire Department.

Motion by Council Member McGee to introduce the item, seconded by Council Member Eaton. 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.

Mayor Nelson asked Mr. Hernandez to introduce himself to Council.

Mr. Hernandez, 812 Date Avenue, introduced himself to Council.

Motion by Council Member McGee to close discussion, seconded by Council Member Eaton. 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.

Motion by Council Member McGee to approve the Mayor's appointment of Armondo Hernandez to the Laurel Volunteer Fire Department, seconded by Council Member Mountsier. There was no public comment or council discussion. A vote was taken on the motion. All eight council members present voted aye. Motion carried 8-0.

- Appointment of Solomon Arno to the Laurel Volunteer Ambulance Service.

Motion by Council Member McGee to introduce the item, seconded by Council Member Eaton. 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.

Mayor Nelson stated Mr. Arno was unable to attend this evening due to work.

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

Motion by Council Member McGee to approve the Mayor's appointment of Solomon Arno to the Laurel Ambulance Service, seconded by Council Member Eaton. There was no public comment or council discussion. A vote was taken on the motion. All eight council members present voted aye. Motion carried 8-0.

- **Resolution No. R19-01: A Resolution Of The City Council Authorizing The Release Of Funds From The Tax Increment Financing District Fund For Façade Improvements And Signage For The Property Located At 117 West Main Street, Laurel Montana.**

Mayor Nelson pulled Resolution No. R19-01 due to a clerical error in the recommendation letter. He also stated that a spreadsheet would accompany the resolution as previously requested.

Mayor Nelson asked the gentleman who spoke earlier to approach the podium and address Council.

The gentleman introduced himself as Tom Sayer, 119 6th Avenue. Mr. Sayer spoke to Council regarding questions he has of the sidewalk program. He questioned why the homeowner is charged an interest rate, why the interest rate of five percent was chosen, and why tax money is used to replace sidewalks with interest. He stated that he did not own the sidewalk and questioned why he would be charged interest to repair a sidewalk he does not own.

Mayor Nelson stated that he would look into this issue and report back.

ITEMS REMOVED FROM THE CONSENT AGENDA: None.

DRAFT

COMMUNITY ANNOUNCEMENTS (ONE-MINUTE LIMIT): None.

COUNCIL DISCUSSION:

A reminder that January is a five Tuesday month was given. No Council on January 22, 2019.

Monday, January 21, 2019, is a holiday. City Hall will be closed.

Because City Hall is closed on January 21st and Council is not meeting on the 22nd Public works Committee has moved their meeting to January 22nd at 6:00 P.M.

The next Emergency Services Committee is January 28, 2019, at 6:00 P.M.

Park Board met this month but did not have a quorum.

Mayor Nelson announced the following vacancies: City/County Planning Board (2), Public Works Committee, Cemetery Commission, and Park Board (2). Letters of interest are due by February 1, 2019.

Mayor Nelson reiterated that there is no meeting next week, the next meeting will be on January 29, 2019. This will be a full Workshop.

Mayor Nelson stated a conditional job offer had been sent out for City Planner.

UNSCHEDULED MATTERS:


Mayor Nelson stated he would bring forward updates soon on a shorter Workshop agenda.

Mayor Nelson stated the website would be going live soon.

ADJOURNMENT:

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

There being no further business to come before the council at this time, the meeting was adjourned at 7:02 p.m.


Brittney Moorman, Administrative Assistant

Approved by the Mayor and passed by the City Council of the City of Laurel, Montana, this 5th day of February 2019.

Thomas C. Nelson, Mayor

Attest:

Bethany Langve, Clerk/Treasurer

Backup material for agenda item:

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



November 13, 2018

Mr. Forrest Sanderson, AICP
Laurel City Planner
City of Laurel
115 West 1st Street
Laurel, MT 59044

RE: *Annexation and Zoning of Nutting Bros Subdivision Lots 5, 18-24*

Dear Mr. Sanderson:

This letter is accompanying a full annexation application, with requested zoning, for Lots 5, and 18-24 of the Nutting Bros Subdivision on the eastern boundary of the City of Laurel. We are requesting specific zoning be applied at the time of annexation into the City of Laurel. The application, maps and supplementary information outline the request and satisfy the application requirements as laid out in our pre-application meeting and the application itself. Below is a summary of the discussions we've had as part of the application process, provided to memorialize and ensure all reviewing parties are informed of the application and properties past and proposed future.

This property has went through a formal Yellowstone County Zone Change application and City of Laurel Annexation application in the past with a prior development group. That application requested a zoning of Residential Manufactured Homes (RMH) over the entire property. Much of the discussion and opposition to that application revolved around the continuation of manufactured or mobile home units being placed on the property and its fit with adjacent neighborhoods. Much of the comment from the neighborhood suggested that this property should be developed with stick-built rooftops and family homes. As such the zoning and annexation into the City of Laurel were denied and the development did not occur.

The new development group, Goldberg Developments, is proposing a wholly different type of style of development for the property and the City's consideration. The developer is applying for annexation and requesting approximately 9 acres along the Yard Office Road be zoned Community Commercial (CC) and the remaining 23 acres north of Eleanor Roosevelt Drive be zoned Residential Light Multi-Family (RLMF). The intent is to allow for some light commercial development and business park along Yard Office Road while providing the community with buildable single family residential lots allowing for some multi-family development interspersed within the development. This request matches the requests of the



adjacent neighborhoods for single family, stick built housing in the area while still matching the zoning of adjacent properties to the south and east.

This project will help serve as an infill project for the City, tying to existing utilities located along its boundary. The proposed project will help to reduce the cost of basic services provided to the area by adding to the City's rate payer base. Commercial businesses along Yard Office Road will help to offset the cost of services to the area while addition to the tax base of the City. The proposed RLMF will add to the diversity of housing for the community and allow for the desired residential stick-built homes in the area. All of these items align with the goals of the City of Laurel Growth Policy.

During our pre-application meeting it was suggested that a meeting be set with Public Works Director Kurt Markegard to discuss system capacity of the water and wastewater facilities. Performance Engineering and the developer met with Mr. Markegard to discuss the proposed zoning and potential for development of the property. System capacities were specifically discussed in the meeting to which it was noted by Mr. Markegard that there is sufficient capacity in the treatment facilities to handle the potential demand from the development. There may be potential collection and distribution upgrades required of the developer along Eleanor Roosevelt/8th Ave. but those would be based on system modeling. At this time there were no major red flags for the development based on the capacity of the system.

We are excited about the proposed project annexation and zoning request as we believe it will start laying the ground work for continued expansion, growth, and prosperity on the eastern edge of Laurel. It is our hope that this application will receive favorable consideration from the City of Laurel and we look forward to working with the Planning Board and City Council through the process. Please do not hesitate to call should you have any questions at 406-384-0080.

Best Regards,


Scott Aspenlieder, PE
Project Manager

CITY OF LAUREL, MONTANA
REQUEST FOR ANNEXATION
AND PLAN OF ANNEXATION

Applicant is required to meet with the City Planner prior to filling out this application. All blanks of this application are to be filled in with explanation by the applicant. Incomplete applications will not be accepted.

1. Only parcels of land adjacent to the City of Laurel municipal limits will be considered for annexation. "Adjacent to" also includes being across a public right of way. If the parcel to be annexed is smaller than one city block in size (2.06 acres), the city council must approve consideration of the request; the applicant must make a separate written request to the city council stating their wish to annex a parcel of land less than one city block in. Once the council approves the request, the applicant can apply for annexation.
2. Applicant landowner's name: Goldberg Investments, LLP
Address: P.O. Box 907, Laurel, MT 59044
Phone: (406) 360-6364
3. Parcel to be annexed: (If it is not surveyed or of public record, it must be of public record PRIOR to applying for annexation.) NUTTING BROS 2ND FILING, S10, T02 S, R24 E, LOT 18, & LTS 19-25
Legal description: NUTTING BROS 3RD 32.56 AC (07)
Lot size: 32.56 AC
Present use: AGRICULTURE
Planned use: RESIDENTIAL AND COMMERCIAL
Present zoning: RESIDENTIAL TRACTS
(Land which is being annexed automatically becomes zoned R-7500 when it is officially annexed [City ordinance 17.12.220])
4. City services: The extension of needed city services shall be at the cost of the applicant after annexation by the city has been approved. As part of the application process, each of the following city services must be addressed with an explanation:

Water Service:

Location of existing main: 6-inch water main located along southern and eastern boundaries of property.

Cost of extension of approved service: TBD

How cost determined: WILL BE BID BY CONTRACTORS

Timeframe for installation: 2019

Sewer Service:

Location of existing main: Sewer located at both intersections of Yard Office/Maryland and 8th St./Juniper Ave. Likely to require force main connection west to system along 8th St.

Cost of extension of approved service: TBD

How cost determined: WILL BE BID BY CONTRACTORS

Timeframe for installation: 2019

How financed: PRIVATE CONTRACT

Streets:

Is there any adjoining County ROW to the proposed annexation: YES

Location of existing paved access: YARD OFFICE RD. & ELEANOR ROOSEVELT DR.

Cost of paving: TBD

How cost determined: WILL BE BID BY CONTRACTORS

Timeframe for construction: 2019

Other required improvements: Provide above information on attached pages.

5. A map suitable for review of this application of the proposed area to be annexed must be submitted with this application.
6. A written Waive of Protest must accompany this application, suitable for recording and containing a covenant to run with the land to be annexed, waiving all right of protest to the creation by the city of any needed improvement district for construction or maintenance of municipal services. This Waiver of Protest must be signed by the applicant prior to annexation by the city.
7. Requests for annexations are referred to the City-County Planning Board for recommendation to the City Council. Within 30 days after receiving the properly filled out application with all required accompaniments and after conducting a duly advertised public hearing, the City-County Planning Board shall make recommendation to the City Council as to this Request for Annexation. If more information is needed from the applicant during the review of the application, such application shall be deemed incomplete and the timeframe for reporting to the City Council extended accordingly, in needed.
8. A non-refundable application fee of \$300 + \$25.00 per acre (80 acres or less); \$300 + \$35.00 per acres (81 acres or more) must accompany the submission of this application.

The City Council of the City of Laurel, Montana, after review and consideration of this Application for Annexation, found such to be in the best interest of the City, that it complied with state code, and approved this request at its City Council meeting of _____

FOR THE ANNEXATION OF THE HEREIN DESCRIBED PROPERTY AND CREATION OF
ANY FUTURE SPECIAL IMPROVEMENT DISTRICT

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**MINUTES
CITY OF LAUREL
CITY/COUNTY PLANNING BOARD
THURSDAY, JANUARY 03, 2019**

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.*

General Items

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

Judy read the rules for the Public Hearing. Forrest Sanderson the contract City Planner introduced the agent representing the property owners, Scott Aspenlieder PE from Performance Engineering 609 29th Street. Scott informed the public hearing of the proposed annexation and initial zoning for Nutting Brothers Subdivision 2nd Filing Lot 18 and Nutting Brothers Subdivision 3rd Filing lots 19-24 all Residential Light Multi-Family(RLMF) and on Lot 25 of the 3rd Filing of Nutting Brothers Subdivision for Community Commercial. Scott said that there will be no deviations to their request for the zoning that the City currently has in the area. Scott said that there will not be any mobile homes on the property like what was proposed in an earlier annexation and zoning request. The zoning request will allow for single family homes and some commercial activity off of Yard Office Road. In the future, Scott said that a subdivision review will come later if the annexation and zoning is granted. Scott said that this request is in line with the neighbors desired the last time this property was proposed for annexation and zoning. Scott stated that no mobile home will be placed on the land. Ron Benner ask about the low density statement and the difference between the low density and high density. Forrest stated the density is medium to high in the Residential Light Multi-Family zoning. Forrest stated that the density would be moderate designation versus the low density. Forrest asked Scott that the proposal is for moderate density and will not be turned into a Planned Unit Development in the future. Scott stated that there is no plan for any deviations of the proposed zoning request. Jon asked what is the density for RLMF and Judy stated that it is in the packet. Forrest stated that for one unit they need a 6,000 square feet, 7,500 for two units, 8,500 for three, and 10,000 square feet for four units. The limit is maxed at four units and the lot coverage is forty percent. The difference between this zoning and Multi- Family (MF) zoning is that RMLF zoning limits the lots to a four plex and under the MF zoning you could build larger than a four plex as long as you have the land area needed under lot size limits. Ron stated that the Growth Management Policy adopted by the City lists the proposed zoning as high density. Ron stated that the other issue with the previous request was not the mobile homes but the traffic. Scott stated that the last request was about the mobile home designation in his opinion. Forrest stated that the last request doesn't matter today and only what is being presented today. Subdivision review will be in the future and that will have its own hearing. Ron asked about the Commercial zoning request and Forrest said that it this zoning allows for a diverse allowance for businesses that work with the Residential Districts. The district is compatible with moderate density zoning standards.

Forrest stated that the City is statutorily required to have the public hearing on both requests of annexation and zoning and Forrest is suggesting lumping together both requests because if annexation is denied then the zoning request is mute. Forrest stated that the City has an

Annexation Policy and this property is adjacent to the City and is larger than the minimum acres needed for annexation. Staff submits that this is the type of annexation that the City has desired through the Annexation Policy. The request is in line with the 2013 Growth Management Plan and public infrastructure. The executed Special Improvement District Waiver is included. The required Fees were submitted. The adjacent right of ways will also need to be annexed. The annexation will also have to include an annexation map. Staff recommendation is to approve the requested annexation by the Planning Board.

Forrest stated that the RLMF and the CC zoning are applicable zoning districts assign by the City of Laurel. Forrest stated there is no deviations of the requested zoning. Forrest finds that the zoning is in compliance with all the regulations of local and state laws. Forrest's report is attached to these minutes that goes through the required zoning and annexation statutorily requirements. This report was presented to the public in an overhead projector. In Forrest's report, the findings support approval of the zoning an annexation with the conditions that are contained in the staff report.

Forrest asked the Planning Board members if there were any more questions and the Planning Board did not have any more questions. Forrest read into the record that the Public Hearing notice was mailed out to the surrounding property owners and two letters were returned. These letters returned were to Dale and Laura Mussetter of 1920 E. Maryland Lane and Neil Gunderson of 2024 E. Maryland Lane.

The Public Hearing was opened for Public Comment. Nancy Lousch of 1608 E. Maryland Lane commented that the property was not listed on the Montana Cadastral Mapping as being owned by Goldberg Investments. Kurt Markegard, the Public Works Director, informed Nancy that the Planning Board had the ownership records in their packet and it was confirmed that they are the recorded owners of the property being requested to be annexed. Nancy commented that the traffic in the area needs to be addressed with the 55 lot mobile home park that is being built. Nancy also asked how she was to get the information to make a formal protest prior to the City Council meeting on February 5th at the next public hearing. Forrest said that he would get her the statutorily information at the close of this meeting. Scott Aspenlieder stated that they are not asking for anything that doesn't comply with the zoning in the area. They will comply with the current zoning and the rules. Scott stated that this development will fit with the neighborhood.

Judy closed the Public Hearing as there was no other public comment.

2. Judy call for a roll call of the Planning Board

Planning Board member present Ron Benner, Jerry Williams, Jonathan Klasna, Evan Bruce, Roger Giese, and Judy Goldsby. Forrest stated that a quorum is reached.

3. Approval of Minutes from 11.1.2018

Jerry motion to approve the minutes and Ron seconded the motion to approve. All members were in favor of the minutes.

New Business

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

Roger motioned to approve the annexation and zoning for Goldberg Investments. Jerry seconded the motion. Judy opened up the board discussion. Ron commented about the traffic from the commercial portion of this request. Ron read off many businesses that could be allowed in the community commercial zoning. Ron is concerned that traffic from these types of businesses. Jon asked Forrest what is the spacing requirements for the commercial zoning and is it similar to the residential. Forrest said there is not a lot size requirement but there is set backs from the street of twenty feet. There are no set back requirements from the side of the lots, and ten feet from a side streets and also no set back requirements from the rear of the lot. The height of any building is 25 feet and a maximum of fifty percent lot coverage. The minimum area for this type of zoning is 2.07 acres. The RLMF zoning is similar to the Community Commercial in lot size requirements. Jon asked how big lot 25 in acreage is and Forrest stated that lot 25 it is five or six acres. Ron asked if they can subdivide lot 25 into smaller lots. Forrest stated that they would have to go through subdivision regulations and that would come back to this board before the City Council would take action. Scott stated that lot 25 is nine acres. Ron spoke about the roads when the City annexes property and is concerned that the city will drop the ball when it comes to connecting the roads and making the City a livable city with connected roads. Ron stated that there are roads that have never been finished. Ron asked Kurt if the city will do their part. Kurt explained that when the City annexes land, the City must annex the entire road right of ways as required by state law. This does not give the right for the City to pass a special improvement district in the area and have the County residents pay for a portion of the costs associated of road improvement onto the county parcels. The county residents could protest this creation of special improvement district to complete road improvements. Most costs for road improvements are tied to the lots that are adjacent to the roads. Ron stated that there are roads all over the city that are not paved. Kurt stated that citizens can petition to create a special improvement district to do road improvements any time they want to if they want the improvements. There is always the concern that if fifty one percent of the lot owners protest the creation of a special improvement district. Forrest stated that on these lots being considered for annexation there is a waiver of protest document so the current property owners and any subsequent property owners cannot protest the creation of a special improvement district. Forrest also stated that there can be a late comer agreement to help the developer to recoup costs if other property owners would like to connect to improvements that the developers paid for with their development.

Judy asked if there is any public comment on the discussion for the recommendation of approval for annexation and zoning for Goldberg Investments. There was no public comment.

Judy asked for a roll call vote on the motion for approval of Nutting Brothers Subdivision Recommendation of Annexation and Initial Zoning Request from Goldberg Investments for Residential Light Multi-Family on Nutting Brothers 2nd filing Lot 18 and Nutting Brothers 3rd Filing Lots 19-24 and Community Commercial on Lot 25 Nutting Brothers 3rd Filing. Jerry said I, Ron yes, Jon yes, Evan yes, Roger yes, and Judy yes. The motion was approve with a unanimous yes vote.

Forrest stated that there will be a Public Hearing on February 5, 2019 at the City Council meeting at 6:30 pm.

Old Business

5. Planner Update

Matt Lurker stated that he is completing back ground references for two applicants and he is hoping that the City will have a planner in the next month. Matt stated that he would like a recommendation to the Mayor in the next few weeks.

Other Items

6. Ron asked for information to be sent out sooner so that they have a chance to review the documents prior to the meeting. Kurt stated the information was sent out a week prior to the meeting except for the zoning allowances from the Laurel Municipal Code. Kurt also stated that the board should have a book with the regulations. Kurt stated that the new board members probably have not had a chance to get all the information they need to understand all the regulations. Kurt stated that there probably should be a review of the regulations with the Planning Board members in the near future. Forrest stated that there is a booklet that has been created by the State that has the subdivision and annexation regulations laws in this booklet.

Announcements

7. Next Meeting: February 7, 2019.
8. Judy asked for a motion to adjourn the meeting. It was moved and seconded to adjourn and all were in favor. The meeting adjourned at 11:22am.



**AGENDA
CITY OF LAUREL
CITY/COUNTY PLANNING BOARD
THURSDAY, JANUARY 03, 2019
10:00 AM
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.*

General Items

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2. Approval of Minutes from 11.1.2018

New Business

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

Old Business

4. Planner Update

Other Items

Announcements

Next Meeting: February 7, 2019

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.

DATES TO REMEMBER

Backup material for agenda item:

Approval of Minutes from 11.1.2018

MINUTES

CITY OF LAUREL

City/County Planning Board

11/01/2018 10:00 AM

City Council Chambers

COMMITTEE MEMBER PRESENT:

Judy Goldsby, Chair John Klasna
Even Bruce Roger Giese
Jerry Williams

OTHERS PRESENT:

Forrest Sanderson, Contract Planner KLJ

Richard Herr, Bob Ulrich, Kris Vogeles, Linda Frickel, Kathleen Gilluly, Dan Koch

1. Public Comment- none

2. General Items

- a. Approval of the previous minutes was approved
- b. Public Hearing Vue and Brew in the Central Business District. Judy read the rules for the public hearing and Forrest read the application and the process for advancing the request through the City-County Planning and City Council.

Judy asked if there was any proponents of the special review request. Kris Vogeles who lives at 306 East 4th Street spoke as one of the owners of the LLC that operates the Vue and Brew. Kris is also the applicant of the special request and informed the Planning Board of his intentions on the sale of alcohol at the Vue and Brew. Kris stated that all monies from the sale of alcohol will go to Sonny O'Days as per Montana Statue and that they plan on working with Sonny O'Days for staffing and sale of the alcohol in a concession agreement. Kris also stated that they received sixty comments on their Facebook page with fifty nine of those comments in support and Kris welcomed anyone to go and view the Vue and Brew's Facebook page. Linda Frickel who lives at 1737 Groshell Boulevard and was the previous owner of the Owl Café for over twenty years had the same concession agreement with Sonny O'Days and received no monies from the sale of alcohol but wanted to offer the opportunity for her customers to consume alcohol at the Owl Café. Linda is in support of this application and would like the Planning Board to also support their plans. Linda stated she has been a customer of the Vue and Brew since it opened and enjoys watching movies in Laurel. Judy asked for additional proponents twice and no additional proponents came forward. Judy then asked for any opponents three times and no opponents came forward to speak. Forrest read into the record an email he received from Shannon Cole-

Merchen on October 30, 2018. This email was in support of the proposal to allow for the alcohol sale and consumption at the Vue and Brew. The Public Hearing was closed.

3. New Business

- a. Judy asked the Planning Board members if they had any questions about the special review for the Vue and Brew about the sale and consumption of alcohol. Roger asked about the location in the building where the alcohol will be served. Kris stated that there is a separate area as you walk in through a window is where the alcohol will be sold. Kris stated that it would be similar to what the Billing Exchange does at the Metra. Kris stated one of the stipulations is that you cannot have an area where minors can access the storage of alcohol. Kris said that the concession employees will not be in the same area as the sale of alcohol. Evan asked if the area was going to be in the area of ticket sales. Kris stated that the area would be right as you walk in the building off to the side, it will be its own separate area. Roger asked about the relationship between Sonny O'Days and the Owl Café and now with the Vue and Brew. Judy stated that it will be up to the State of Montana to decide. Kris stated there will be a concession agreement with Sonny O'Days and Sonny O'Days will have the responsibility to for all requirements including liability insurance. Roger asked Kris if he felt it was necessary for there to be another avenue to sell alcohol in this city. Kris stated that the word "necessary" may not be the word but he feels that many customers would like to have a beverage while they watch their movie. Roger asked if they can take it into the movie with them or do they have to consume it in a special area. Kris stated within the confines of the entire building. Evan asked about training of the employees that will serve the alcohol. Kris states that the shared employees will be trained per the state guidelines. Evan asked if they sought out the transfer of the license into the Vue and Brew name. Kris said no. John stated that Kris is providing a space for the continuance of Sonny O'Days to operate and Kris said yes. Roger asked if they have submitted this to the state yet and Kris said that they have not. Kris stated they needed to have the City signed off on the request before they submitted the application to the State. Jerry stated that he thinks it is a great idea personally. Jerry also stated that he can see that this will help this business stay open. Forrest read his statement of analysis and finds that the application and comments from the public hearing are adequate for the board's consideration of approval with two conditions. Those conditions are that the operation and management of the facility shall be in accordance with the application, plans and testimony to this board and that they comply with City of Laurel's Codes and they comply with State Rules and Regulations. John asked about the Church next door that uses the building for youth events. Forrest stated that the standard to be further than 600 feet from a place of worship is waived in the Central Business District. Judy said that they rarely use the building for youth activities. Judy stated that Roger made the motion to approve the Special Use and forward it onto City Council for approval and was needing a seconding on the motion. Evan seconded the motion and all board members were in favor with a roll call vote. Forrest stated that this recommendation would be forwarded onto the next City Council Workshop and posted as required.
- b. Forrest presented the final plat application for Russel Minor Subdivision that had been previously approved by this board and by the Yellowstone County Commissioners. John made

the motion to approve Judy signing the final plat for approval. Evan questioned the location of the subdivision and Forrest explained and showed the check print of the subdivision to the board. Jerry seconded the motion and all board members approved.

- c. Forrest explained the CDBG Grants and what they can be used for like Growth Management Policy or a Capital Improvement Plan. Subdivision regulations could also be reviewed with this type of grant. Forrest stated that these are really competitive grants and the City will be prepared to apply for a grant as to what the City Council will. Jerry asked about traffic issues and grants for a traffic study. Judy spoke of the previous transportation grant and Forrest stated that there are other ways to get funds for urban transportation plan. John asked if there are two grants to apply for and Forrest indicated that all plans are presented to City Council and the City Council then determines what the priority will be and they will vote for the highest priority for funding. Forrest stated you can only submit one application per funding application. Evan asked what the grant will applied for and Judy stated that is what has to be determined. Evan asked where the public hearings would take place and Forrest said it would be at the City Council meetings. Judy said that the planning board is an advisory committee. Jerry stated that if we are to grow that the traffic issues needs to be resolved. Judy asked the members to review the growth management plan and the traffic study that was previously prepared for the City.

4. Old Business

- a. Planner Update- Forrest said the City received one application so far.

5. Other- Jerry asked about improvements at Riverside Park. Judy briefed the board that the process is moving forward

6. Announcements- Next meeting scheduled December 6th, 2018. Forrest said so far there is nothing on the agenda.

7. Adjournment was called for by Judy, Roger motioned to adjourn with John seconding the motion, all were in favor and the meeting adjourned at 10:55am.

Respectfully Submitted,

Kurt Markegard

Backup material for agenda item:

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

**Corrected notice for City Council hearing date. Planning Board
time/date did not change.**

PUBLIC HEARING NOTICE

The Laurel – Yellowstone Planning Board and Zoning Commission will conduct a public hearing on a proposed annexation and initial zoning request submitted by Goldberg Investment LLP to the City of Laurel, Montana. The hearing is scheduled for 10:00 A.M., in the City Council Chambers at City Hall, 115 West First Street, Laurel, Montana, on Thursday, January 3, 2019.

Additionally, the City Council has scheduled a public hearing and consideration of adoption, by Ordinance, on First Reading the proposed annexation and initial zoning request. The City Council public hearing is scheduled for 6:30 P.M., in the City Council Chambers at City Hall, 115 West First Street, Laurel, Montana, on Tuesday, February 5, 2019.

Specifically, Goldberg Investment has proposed to annex Nutting Brothers 2nd Filing Lot 18 and Nutting Brothers 3rd Filing Lots 19 – 25 located in Section 10, Township 2 South, Range 24 East, into the City of Laurel, Yellowstone County, Montana.

Additionally, Goldberg Investments has proposed and initial zoning upon annexation of Residential Light Multi-Family (RLMF) on Nutting Brothers 2nd Filing Lot 18 and Nutting Brothers 3rd Filing Lots 19 – 24 and Community Commercial (CC) on Lot 25 Nutting Brothers 3rd Filing.

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

A copy of the annexation petition and initial zoning request are available for public review at The City Planners Office during regular business hours. Questions may be directed to the Laurel Public Works Department at 628-4796. Public comment is encouraged.



November 13, 2018

Mr. Forrest Sanderson, AICP
Laurel City Planner
City of Laurel
115 West 1st Street
Laurel, MT 59044

RE: Annexation and Zoning of Nutting Bros Subdivision Lots 5, 18-24

Dear Mr. Sanderson:

This letter is accompanying a full annexation application, with requested zoning, for Lots 5, and 18-24 of the Nutting Bros Subdivision on the eastern boundary of the City of Laurel. We are requesting specific zoning be applied at the time of annexation into the City of Laurel. The application, maps and supplementary information outline the request and satisfy the application requirements as laid out in our pre-application meeting and the application itself. Below is a summary of the discussions we've had as part of the application process, provided to memorialize and ensure all reviewing parties are informed of the application and properties past and proposed future.

This property has went through a formal Yellowstone County Zone Change application and City of Laurel Annexation application in the past with a prior development group. That application requested a zoning of Residential Manufactured Homes (RMH) over the entire property. Much of the discussion and opposition to that application revolved around the continuation of manufactured or mobile home units being placed on the property and its fit with adjacent neighborhoods. Much of the comment from the neighborhood suggested that this property should be developed with stick-built rooftops and family homes. As such the zoning and annexation into the City of Laurel were denied and the development did not occur.

The new development group, Goldberg Developments, is proposing a wholly different type of style of development for the property and the City's consideration. The developer is applying for annexation and requesting approximately 9 acres along the Yard Office Road be zoned Community Commercial (CC) and the remaining 23 acres north of Eleanor Roosevelt Drive be zoned Residential Light Multi-Family (RLMF). The intent is to allow for some light commercial development and business park along Yard Office Road while providing the community with buildable single family residential lots allowing for some multi-family development interspersed within the development. This request matches the requests of the

406-384-0080

7100 Commercial Ave. #4
Billings, Montana 59101

performance-ec.com

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adjacent neighborhoods for single family, stick built housing in the area while still matching the zoning of adjacent properties to the south and east.

This project will help serve as an infill project for the City, tying to existing utilities located along its boundary. The proposed project will help to reduce the cost of basic services provided to the area by adding to the City's rate payer base. Commercial businesses along Yard Office Road will help to offset the cost of services to the area while addition to the tax base of the City. The proposed RLMF will add to the diversity of housing for the community and allow for the desired residential stick-built homes in the area. All of these items align with the goals of the City of Laurel Growth Policy.

During our pre-application meeting it was suggested that a meeting be set with Public Works Director Kurt Markegard to discuss system capacity of the water and wastewater facilities. Performance Engineering and the developer met with Mr. Markegard to discuss the proposed zoning and potential for development of the property. System capacities were specifically discussed in the meeting to which it was noted by Mr. Markegard that there is sufficient capacity in the treatment facilities to handle the potential demand from the development. There may be potential collection and distribution upgrades required of the developer along Eleanor Roosevelt/8th Ave. but those would be based on system modeling. At this time there were no major red flags for the development based on the capacity of the system.

We are excited about the proposed project annexation and zoning request as we believe it will start laying the ground work for continued expansion, growth, and prosperity on the eastern edge of Laurel. It is our hope that this application will receive favorable consideration from the City of Laurel and we look forward to working with the Planning Board and City Council through the process. Please do not hesitate to call should you have any questions at 406-384-0080.

Best Regards,


Scott Aspenlieder, PE
Project Manager

406-384-0080

7100 Commercial Ave. #4
Billings, Montana 59101

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**CITY OF LAUREL, MONTANA
REQUEST FOR ANNEXATION
AND PLAN OF ANNEXATION**

Applicant is required to meet with the City Planner prior to filling out this application. All blanks of this application are to be filled in with explanation by the applicant. Incomplete applications will not be accepted.

1. Only parcels of land adjacent to the City of Laurel municipal limits will be considered for annexation. "Adjacent to" also includes being across a public right of way. If the parcel to be annexed is smaller than one city block in size (2.06 acres), the city council must approve consideration of the request; the applicant must make a separate written request to the city council stating their wish to annex a parcel of land less than one city block in. Once the council approves the request, the applicant can apply for annexation.
2. Applicant landowner's name: Goldberg Investments, LLP
Address: P.O. Box 907, Laurel, MT 59044
Phone: (406) 360-6364
3. Parcel to be annexed: (If it is not surveyed or of public record, it must be of public record PRIOR to applying for annexation.) NUTTING BROS 2ND FILING, S10, T02 S, R24 E, LOT 18, & LTS 19-25
Legal description: NUTTING BROS 3RD 32.56 AC (07)
Lot size: 32.56 AC
Present use: AGRICULTURE
Planned use: RESIDENTIAL AND COMMERCIAL
Present zoning: RESIDENTIAL TRACTS
(Land which is being annexed automatically becomes zoned R-7500 when it is officially annexed [City ordinance 17.12.220])

4. City services: The extension of needed city services shall be at the cost of the applicant after annexation by the city has been approved. As part of the application process, each of the following city services must be addressed with an explanation:

Water Service:

Location of existing main: 6 inch water main located along southern and eastern boundaries of property.
Cost of extension of approved service: TBD
How cost determined: WILL BE BID BY CONTRACTORS
Timeframe for installation: 2019

Sewer Service:

Sewer located at both intersections of Yard Office/Maryland and 8th St./Juniper Ave. Likely to require force main connection west to system along 8th St.
Location of existing main: Ave. Likely to require force main connection west to system along 8th St.
Cost of extension of approved service: TBD
How cost determined: WILL BE BID BY CONTRACTORS

Timeframe for installation: 2019
How financed: PRIVATE CONTRACT

Streets:

Is there any adjoining County ROW to the proposed

annexation: YES

Location of existing paved access: YARD OFFICE RD. & ELEANOR ROOSEVELT DR.

Cost of paving: TBD

How cost determined: WILL BE BID BY CONTRACTORS

Timeframe for construction: 2019

Other required improvements: Provide above information on attached pages.

5. A map suitable for review of this application of the proposed area to be annexed must be submitted with this application.
6. A written Waiver of Protest must accompany this application, suitable for recording and containing a covenant to run with the land to be annexed, waiving all right of protest to the creation by the city of any needed improvement district for construction or maintenance of municipal services. This Waiver of Protest must be signed by the applicant prior to annexation by the city.
7. Requests for annexations are referred to the City-County Planning Board for recommendation to the City Council. Within 30 days after receiving the properly filled out application with all required accompaniments and after conducting a duly advertised public hearing, the City-County Planning Board shall make recommendation to the City Council as to this Request for Annexation. If more information is needed from the applicant during the review of the application, such application shall be deemed incomplete and the timeframe for reporting to the City Council extended accordingly, in needed.
8. A non-refundable application fee of \$300 + \$25.00 per acre (80 acres or less); \$300 + \$35.00 per acres (81 acres or more) must accompany the submission of this application.

The City Council of the City of Laurel, Montana, after review and consideration of this Application for Annexation, found such to be in the best interest of the City, that it complied with state code, and approved this request at its City Council meeting of _____

AFFIDAVIT OF WAIVER OF PROTEST
BEFORE THE CITY COUNCIL
OF THE CITY OF LAUREL, MONTANA

FOR THE ANNEXATION OF THE HEREIN DESCRIBED PROPERTY AND CREATION OF
ANY FUTURE SPECIAL IMPROVEMENT DISTRICT

The undersigned hereby waives protest to the annexation of the property described below by the City of Laurel. Undersigned also waives their right to seek judicial review under M.C.A. § 7-2-4741 (2007), subsequent to the City's annexation of the below described property.

The undersigned hereby additionally waives protest to the creation of future Special Improvement District(s) created and/or formed for future street improvements including, but not limited to, paving, curb, gutter, sidewalk and storm drainage or any other lawful purpose.

This Affidavit is submitted pursuant to and as a part of the Annexation Agreement and future contemplated Subdivision Improvement Agreement (SIA) with the City of Laurel.

This Affidavit of Waiver shall run with the land and shall forever be binding upon the Grantee, their transferees, successors and assigns.

LEGAL DESCRIPTION OF THE PROPERTY:

"NUTTING BROS 2ND FILING, S10, T02 S, R24 E, LOT 18 & LOTS 19-25 NUTTING BROS 3RD (07)"

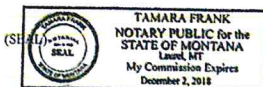
DATED this 7th day of November, 2018

Angie
Grantee Name
(Company..)

STATE OF Montana)
County of Yellowstone) ss.

On this day of 9th of November, 2018, personally appeared before me,
Anthony J. Golden proved to me on the basis of satisfactory evidence to be
the person(s) whose name(s) are subscribed to this instrument, and acknowledged the he/she/they executed
the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal on the day
and year in this certificate first above written.



Tamara Frank
Notary Public for the State of Montana
Residing at: Laurel, MT
My Commission Expires: 12-02-2018

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 Planning

Office of the Director of Public
Works

Date: November 21, 2018
To: Laurel – Yellowstone City – County Planning Board and Zoning Commission
From: Forrest Sanderson, AICP, CFM – Contract Planner
Re: Annexation Request, Goldberg Investment LLP

BACKGROUND:

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

ANALYSIS OF REQUEST

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

Standard:

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

Findings:

- A. The property requested for consideration is adjacent to the existing Laurel city limits;
- B. The property requested for consideration is 32.56 acres in size;
- C. The property owner (Goldberg Investments LLP) owns or has been authorized to submit the annexation petition.;
- D. Should the request for annexation be denied by the City of Laurel the request for initial zoning will not proceed further;

- E. This is the type of comprehensive annexation and initial zoning requests that are desired under the City of Laurel Annexation Policy.
- F. The annexation and initial zoning appears to be consistent with your 2013 Growth Policy. (Infrastructure, Land Use, and Transportation Sections). These sections encourage comprehensive 'big picture' looks at development, growth and the extension of public infrastructure.

MOVING FORWARD

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

RECOMMENDATION:

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

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

CITY HALL
115 W. 1ST ST.
PUB. WORKS: 628-4796
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FAX 628-2241

City Of Laurel

P.O. Box 10
Laurel, Montana 59044



Office of Planning

Office of the Director of Public
Works

Date: November 30, 2018
To: Laurel – Yellowstone City – County Planning Board and Zoning Commission
From: Forrest Sanderson, AICP, CFM – Contract Planner
Re: Initial Zoning Request, Goldberg Investment LLP

BACKGROUND:

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

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

ANALYSIS OF REQUEST

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

GENERAL INFORMATION

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

FINDINGS OF FACT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

XI. Will the zoning conserve the value of buildings;

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

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

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

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

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

RECOMMENDATIONS AND CONDITIONS OF APPROVAL

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

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

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

Chapter 17.16**RESIDENTIAL DISTRICTS****Sections:****17.16.010 List of uses.****17.16.020 Zoning classified in districts.****17.16.010 List of uses.**

Table 17.16.010 designates the special review (SR) and allowed uses (A) in residential districts. (Ord. 04-1 (part), 2004; Ord. 01-4 (part), 2001; Ord. 99-22, 1999; Ord.

96-5 (part), 1996; Ord. 1049, 1992; Ord. 1026, 1992; Ord. 997, 1991; prior code § 17.28.010)

17.16.020 Zoning classified in districts.

Zoning for residential districts is classified in and subject to the requirements of Table 17.16.020. (Ord. 06-12 (part), 2006; Ord. 06-06 (part), 2006; Ord. 05-13, 2005; Ord. 99-23, 1999; Ord. 96-5 (part), 1996; Ord. 94-5, 1994; Ord. 1068, 1993; Ord. 1065, 1993; Ord. 820, 1985; prior code § 17.28.020)

Table 17.16.010

	RE 22,000	R 7,500	R 6,000	RLMF	RMF	RMH	PUD	SR	RT
Accessory building or use incidental to any permitted residential use customarily in connection with the principal building and located on the same land parcel as the permitted use		A	A	A	A	A	A	A	A
Animals (see zoning district description for specifics)								A	
Automobile parking in connection with a permitted residential use		A	A	A	A	A	A	A	A
Bed and breakfast inn		SR	SR	SR	SR	SR	SR	SR	SR
Boarding and lodging houses		SR	SR	SR	SR	SR	SR	SR	SR
Cell towers (see Sections 17.21.020—17.21.040)									
Cemetery		SR	SR	SR	SR	SR	SR	SR	
Child care facilities									
Family day care home		A	A	A	A	A	A	A	A
Group day care home		A	A	A	A	A	A	A	A
Day care center		SR	SR	SR	SR	SR	SR	SR	SR
Churches and other places of worship including parish house and Sunday school buildings		SR	SR	SR	SR	SR	SR	A	SR
Communication towers (see Sections 17.21.020—17.21.040)									
Community residential facilities serving eight or fewer persons		A	A	A	A	A	A	A	A
Community residential facilities serving nine or more persons		SR	SR	SR	SR	SR	SR	SR	SR
Orphanages and charitable institutions		SR	SR	SR	SR	SR	SR	A	SR
Convents and rectories		SR	SR	SR	SR	SR	SR	A	SR
Crop and tree farming, greenhouses and truck gardening									
Day care facilities		SR	SR	SR	SR	SR	SR	SR	SR
Kennels (noncommercial)		A	A	A	A	A	A	A	A
Dwellings Single-family		A	A	A	A	A	A	A	A
Two-family			A	A	A		A		
Multifamily				A	A		A		

	RE 22,000	R 7,500	R 6,000	RLMF	RMF	RMH	PUD	SR	RT
Manufactured homes									
Class A						A			
Class B						A			
Class C						A			
Row Housing				SR	SR		A		
Family day care homes		A	A	A	A	A	A	A	A
Greenhouses for domestic uses		A	A	A	A	A	A	A	A
Group day care homes		A	A	A	A	A	A	A	A
Home occupations		A	A	A	A	A	A	A	A
Parking, public		SR	SR	SR	SR	SR	SR	SR	SR
Parks, playgrounds, playfields, and golf courses community center buildings—operated by public agency, neighborhood or homeowners' associations		A	A	A	A	A	A	A	A
Planned developments							A		
Post-secondary school		A	A	A	A	A	A	A	A
Preschool		SR	SR	SR	SR	SR	SR	SR	SR
Public service installations		SR	SR	SR	SR	SR	SR	SR	SR
Schools, commercial		SR	SR	SR	SR	SR	SR	SR	SR
Schools, public elementary, junior and senior high schools		A	A	A	A	A	A	A	A
Towers (see Sections 17.21.020— 17.21.040)									

Chapter 17.20

COMMERCIAL—INDUSTRIAL USE
REGULATIONS

Sections:

17.20.010 List of uses.

17.20.020 Zoning classified in
districts.

17.20.010 List of uses.

Table 17.20.010 designates the special review (SR) and allowed (A) uses as gov-

erned by commercial — industrial use regulations. (Ord. 04-1 (part), 2004; Ord. 01-4 (part), 2001; Ord. 96-5 (part), 1996; Ord. 998, 1991; Ord. 923, 1987; Ord. 922, 1987; Ord. 917, 1987; prior code § 17.32.010)

17.20.020 Zoning classified in districts.

Zoning for commercial — industrial use is classified in and subject to the requirements of Table 17.20.020. (Prior code § 17.32.020)

Table 17.20.010									
	AG	RP	NC	CBD	CC	HC	LI	HI	P
Accessory buildings or uses incidental and customary to a permitted residential use and located on the same parcel as the permitted residential use	A	A	A	A	A	A	A	A	A
Airports	A								A
Alcoholic beverages manufacturing and bottling (except below):							A	A	
1,500 to 5,000 31-gallon barrels per year				SR	SR	SR	A	A	
Less than 1,500 gallon barrels per year				A	A	A	A	A	
Ambulance service			A	A	A	A	A	A	
Antique store				A	A	A	A		
Appliance - (household) sales and service			A	A	A	A	A		
Assembly halls and stadium					SR	SR	SR		SR
Assembly of machines and appliances from previously prepared parts					SR	SR	SR		SR
Auction house, excluding livestock				SR	SR	A	A	A	
Auction, livestock	SR								
Automobile sales (new and used)				A	A	A	A		
Automobile - commercial parking enterprise				A	A	A	A	A	
Automobile and truck repair garage				A	A	A	A	A	
Automobile service station			A	A	A	A	A	A	
Automobile wrecking yard								SR	
Bakery products manufacturing					SR	A	A	A	
Bakery shops and confectioneries			A	A	A	A	A		
Banks, savings and loan, commercial credit unions			A	A	A	A	A		
Barber and beauty shops			A	A	A	A	A		
Bed and breakfast inns	A		A		A	A			
Bicycle sales and repair			A	A	A	A	A		
Blueprinting and photostating			A	A	A	A	A		
Boarding and lodging houses	A		A		A	A			
Boat building and repair						A	A	A	
Boat sales new and used					A	A	A	A	
Boiler works (manufacturing servicing)								A	
Boiler works (repair and servicing)							A	A	
Book and stationery store			A	A	A	A	A		
Bottling works							A	A	
Bowling alleys				A	A	A	A		
Brick, tile or terra cotta manufacture								A	
Bus passenger terminal buildings local and cross country				A	A	A	A		
Bus repair and storage terminals						A	A	A	

Table 17.20.010									
	AG	RP	NC	CBD	CC	HC	LI	HI	P
Camera supply stores			A	A	A	A	A		
Camps, public					SR	A			A
Car washing and waxing					A	A	A		
Car wash - coin operated			A	A	A	A	A		
Cement, lime and plastic manufacture								A	
Ceramics shop		SR	A	A	A	A	A		
Chemical and allied products manufacture								A	
Child care facilities	A		A		A	A			
Churches and other places of worship including parish houses and Sunday school building	A	SR	A	A	A	A	A	A	
Clinic, animal	A		A	A	A	A	A		
Clinics, medical and dental		SR	A	A	A	A	A		
Clothing and apparel stores			A	A	A	A	A		
Coal or coke yard								A	
Cold storage					A	A	A		
Colleges or universities			A	A	A	A			A
Commercial recreation areas			SR	A	A				A
Commercial food products, storage and packaging						SR	A	A	
Communication towers (commercial)	A	A	A	A	A	A	A	A	SR
Concrete mixing plants and manufacturing of concrete products							A	A	
Construction contractors:									
Office			A	A	A	A	A	A	
Open storage of construction materials or equipment						SR	A	A	
Community residential facilities									
Adult foster family care home	A		A		A	A			
Community group home	A		A		A	A			
Halfway house	A		A		A	A			
Youth foster home	A		A		A	A			
Youth group home	A		A		A	A			
Nursing, homes, convalescent homes, orphanages, and charitable institutions	A		A		A	A			
Crematorium						SR	A	A	SR
Creameries, dairy products manufacturing							A	A	
Creosote manufacturing or treatment plants								A	

Table 17.20.010

	AG	RP	NC	CBD	CC	HC	LI	HI	P
Fuel oil, gasoline and petroleum products bulk storage or sale						A	A	A	
Furnace repair and cleaning					A	A	A	A	
Furniture and home furnishings, retail sales			A	A	A	A	A		
Furriers, retail sales and storage			A	A	A	A	A		
Gambling establishments				A	A	A	A		
Garbage, offal and animal reduction or processing							SR		
Garbage and waste incineration								SR	
Gas storage								SR	
Gases or liquified petroleum gases in approved portable metal containers for storage or sale						A	A	A	
Grain elevators	A					SR	SR	A	
Greenhouses	A				A	A	A	A	
Hardware, appliance and electrical supplies, retail sales				A	A	A	A		
Hatcheries	A						SR	SR	
Heliports				SR		SR	SR	SR	SR
Hobby and toy stores			A	A	A	A	A		
Hospitals (for the care of human patients)			A	A	A	A		A	
Hospital, animal		A		SR	SR	A	A	A	
Hotels				A	A	A			
Industrial chemical manufacture except highly corrosive, flammable or toxic materials								SR	
Irrigation equipment sales and service					A	A	A	A	
Jails and penal institutes									A
Janitor service				A	A	A	A		
Jewelry and watch sales			A	A	A	A	A		
Kennels - commercial	A				SR	A	A		
Laboratories for research and testing						SR	A	A	
Landfills - reclamation or sanitary									A
Laundries, steam and drycleaning plants							A	A	
Laundries, steam pressing, drycleaning and dyeing establishments in conjunction with a retail service counter under 2500 sq. ft. in size			A	A	A	A	A		
Laundries, pick up stations			A	A	A	A	A		
Laundries, self-service coin operated			A	A	A	A	A		
Libraries, museums, and art galleries			A	A	A	A	A		A
Lock and gunsmiths			A	A	A	A	A		
Lodges, clubs, fraternal and social organizations provided that any such club establishment shall not be conducted primarily for gain				A	A	A			
Lumber yards, building materials, storage and sales						A	A	A	
Machine shops						SR	A	A	
Manufacturing - light manufacturing not otherwise mentioned in which no excessive fumes, odors, smoke, noise or dust is created						SR	A	A	
Heavy manufacturing not otherwise mentioned or blending or mixing plants						SR	SR		
Meat processing - excluding slaughter plants						SR	A		
Meat processing, packing and slaughter								SR	
Medical marijuana cultivation facility or cultivation facility							A	A	
Medical marijuana dispensary or dispensary							A		
Metal fabrication						SR	SR	A	
Motorcycle sales and repair				A	A	A	A		
Mortuary			A	A	A	A	A		
Motels and motor courts				A	A	A			
Music stores			A	A	A	A	A		

Table 17.20.010									
	AG	RP	NC	CBD	CC	HC	LI	HI	P
Woodworking shops, millwork						SR	A	A	
Zoo, arboretum	SR								A

(Ord. No. O09-01, 3-17-09; Ord. No. O09-07, 7-7-09; Ord. No. O11-01, 2-15-2011; Ord. No. O-14-03, 8-5-2014)

Table 17.20.020									
Zoning Requirements	A	RP*	NC*	CBD*	CC*	HC	LI	HI	P
Lot area requirements in square feet, except as noted, 20 acres	20 acres	NA	NA	NA	NA	NA	NA	NA	NA
Minimum yard requirements:									
Front ^(a)	NA	20	20	NA	20	20	20	20	20
Side ^(b)		0	0		0	0	0	0	0
Side adjacent to street		10	10		10	10	10	10	10
Rear ^(b)		0	0		0	0	0	0	0
Maximum height for all buildings ^(c)	NA	25	25	NA	25	45	70	NA	NA
Maximum lot coverage in percent	NA	50	50	NA	50	75	75	75	50
Minimum district size (expressed in acres)	20 acres	2.07	2.07	2.07	2.07	2.07	2.07	2.07	NA
(NA means not applicable)									
*The lot area, yard and lot coverage requirements for 1 and 2 single family dwellings in commercial zoning districts shall be the same as those in the RLMF residential zoning district.									
(a) Arterial setbacks									
(b) Side and rear yards									
(c) Except as provided in the airport zone									

(Ord. No. O-14-03,8-5-2014)

Table 17.16.020

Zoning Requirements	R 7,500	R 6,000	RLMF	RMF	RMH	PUD	SR	RT
Minimum lot area per dwelling unit in square feet								
One unit	7,500	6,000	6,000 ¹	6,000 ¹	6,000 ³	See	5 acres	1 acre
Two units		7,500	7,500	7,500 7,500		Chapter		
Three units		8,500	8,500	8,500 7,500		17.32		
Four units			10,000	10,000 11,250				
Five units				11,500 13,000				
Six units and more				Add 1,500- each 2500 additional unit				
Minimum yard— setback requirements (expressed in feet) and measured from public right-of-way								
Front	20	20	20	20	10		25 ⁵	25
Side	5	5 ⁴	5 ⁴	5 ⁴	5		5 ⁵	5
Side adjacent to street	20	20	20	20	20		10 ⁵	10
Rear	5	5	5	5	5		25 ⁵	25
Maximum height for all buildings	30	35	35	NA ² 40	30		30	30
Maximum lot coverage (percentage)	30	30	40	55 45	40		15	30
Minimum district size (expressed in acres)	2.07	2.07	2.07	2.07	2.07		20	5

¹ Row housing may be permitted to be constructed on 3,000 square foot lots if approved through the special review process.

² NA means not applicable.

³ The requirements for the mobile homes contained herein relate only to a mobile home subdivision; see Chapter 17.44 of this code for the requirements for a mobile home park.

⁴ Zero side setbacks may be permitted if approved through the special review process.

⁵ All pens, coops, barns, stables, or permanent corrals shall be set back not less than 50 feet from any residence, public road, or water course, and any property line.

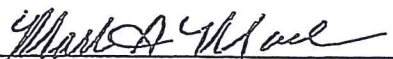
This Ordinance shall become effective thirty (30) days after final passage by the City Council and approved by the Mayor.

Introduced and passed on first reading at a regular meeting of the City Council on July 7, 2015, by Council Member Poehls.

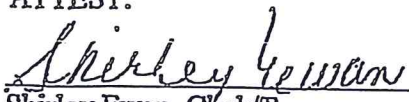
PASSED and ADOPTED by the Laurel City Council on second reading this 21st day of July, 2015, upon motion of Council Member Poehls.

APPROVED BY THE MAYOR this 21st day of July, 2015.

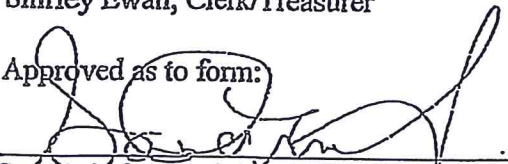
CITY OF LAUREL


Mark A. Mace, Mayor

ATTEST:


Shirley Ewan, Clerk/Treasurer

Approved as to form:


Sam S. Painter, Civil City Attorney

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

Office of Planning

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

BACKGROUND:

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

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

ANALYSIS OF REQUEST

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

Standard:

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

Findings:

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

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

MOVING FORWARD

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

RECOMMENDATION:

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

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

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P.O. Box 10
Laurel, Montana 59044



Office of the Director of Public
Works

Office of Planning

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

BACKGROUND:

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

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

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

ANALYSIS OF REQUEST

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

GENERAL INFORMATION

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

FINDINGS OF FACT

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

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

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

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

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

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

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

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

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

- The requested zoning will provide for consistency in development along with provision of urban services including but not limited to water, sewer, police and fire protection.

- The requested zoning regulations incorporates enforcement of development standards, setbacks and compliance with the Building Code program adopted by the City of Laurel.
- The requested zoning has restrictions on lot coverage, grading and development on steep slopes and other areas that are potentially hazardous.

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

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

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

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

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

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

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

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

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

- The regulations encourage the creation of adaptive open space uses in conjunction with more intensive uses of property.

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

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

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

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

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

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

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

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

- The requested zoning (CC and RLMF) specify development standards and solidify the legislative intent of the City Council that was stated in the initial adoption of the regulations and the 2013 Growth Policy.
- The proposed changes do not impact any of the adopted district standards that were established to ensure that the regulations provide for land uses that are compatible with existing uses and neighborhood characteristics.
- The requested zones, by definition, are designed to be adjacent to each other, provide buffers and transitional areas between residential and commercial development.
- The petitioner has not proposed to change height limits and other building restrictions. These restrictions ensure compatible development.
- The requested zoning groups together like and consistent uses and is consistent with the existing zoning in the neighborhoods currently within the City of Laurel.

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

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

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

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

XI. Will the zoning conserve the value of buildings;

- The requested zoning groups together like and consistent uses and is consistent with the existing zoning in the various neighborhoods of the City of Laurel.
- The requested zoning reinforces that RLMF (residential) and CC (commercial) flexibility in the location and development of the permitted and conditionally permitted uses. In doing so the value of both residential and commercial properties is enhanced.
- The RLMF and the CC are compatible adjoining land uses per the 2013 Growth Policy.
- The requested zoning was proposed by the property owner. Any consideration of the value of existing buildings on the property would have been considered in the selection of the available Laurel Zoning Districts.

- Where the requested zoning is currently in place on surrounding properties the value of existing buildings should not be impacted because of the development of property with the same land use restrictions as the adjoining property.

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

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

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

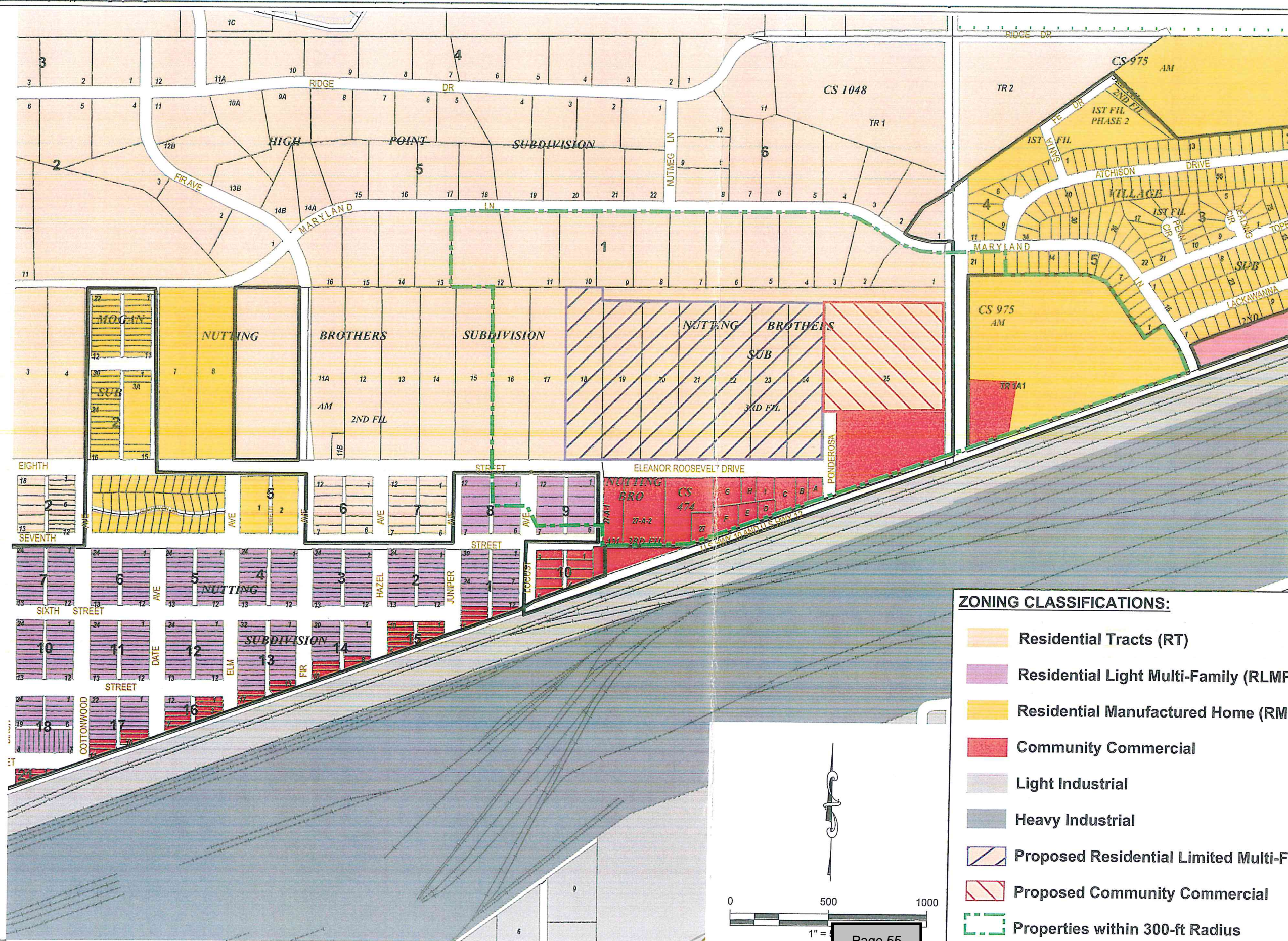
Finding: The recommended zoning will encourage the most appropriate use of land throughout the municipality.

RECOMMENDATIONS AND CONDITIONS OF APPROVAL

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

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

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



GOLDBERG INVESTMENTS

RDN DESIGNED BY		QUALITY ASSURANCE	
KMS DRAWN BY		CHCK BY CHECKED BY	
8/24/2018 DATE		CHCK DATE DATE	
REV BY	DATE	CHKD BY	

SHEET TITLE

PROJECT NUMBER
2018-017

SHEET NUMBER
1 OF 1

DRAWING NUMBER
EX 1
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Backup material for agenda item:

Receiving the Committee/Board Minutes into the Record.

Budget/Finance Committee minutes of January 15, 2019.

Council Workshop minutes of January 29, 2019.

Safety Committee minutes of April 18, 2018.

Safety Committee minutes of July 18, 2018.

Safety Committee minutes of December 11, 2018.

Safety Committee minutes of January 15, 2019.

Laurel Airport Authority minutes of December 20, 2018.

City/County Planning Board minutes of January 3, 2019.

Public Works Committee minutes of January 22, 2019.

**MINUTES
CITY OF LAUREL
BUDGET/FINANCE COMMITTEE
TUESDAY, JANUARY 15, 2019**

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.*

General Items

1. Review and approve the minutes of the January 2, 2019 meeting – Richard Klose made a motion to approve the minutes from the January 2, 2019 meeting, Scot Stokes seconded the motion, all in favor, motion passed.
2. Review and approve the December 2018 journal vouchers – The Committee reviewed the December 2018 journal vouchers. Scot Stokes made a motion to approve all the December journal vouchers, seconded by Richard Klose, motion passed.
3. Review and approve the December 2018 utility billing adjustments – The Committee reviewed the December 2018 utility billing adjustments. Bruce McGee made a motion to approve the December 2018 utility billing adjustments, seconded by Scot Stokes, all in favor, motion passed.
4. Review and approve December 2018 financial statements – Bethany briefly went over the December 2018 financial statements. Bruce McGee made a motion to approve the December 2018 financial statements, seconded by Scot Stokes, all in favor, motion passed.
5. Review and recommend approval to Council claims entered through 01/11/2019 – Emelie Eaton had previously reviewed the claims detail report and the check register for accuracy. There were no questions regarding either. Emelie Eaton made a motion to recommend approval to Council all claims entered through 01/11/2019, seconded by Scot Stokes, all in favor, motion passed.
6. Review Comp/Overtime hours for pay period ending 12/30/2018 – The Committee asked what site visit the administrative assistant debrief was for on 12/28/2018. The CAO stated it was for the IT and VOIP Prebid site visits.
7. Review and approve payroll register for pay period ending 12/30/2018 totaling \$220,562.03 – Richard Klose made a motion to approve the payroll register for pay period ending 12/30/2018 totaling \$220,562.03, seconded by Bruce McGee, all in favor, motion passed.

New Business

Old Business

8. Update from the CAO regarding the City Court accounts receivables – The CAO was present to provide an update on the City Court accounts receivables. The CAO stated that he had met with Judge Kerr three times to discuss the City Court outstanding A/R balances and past audit findings. One of the Judge's main points is that she is an elected official and cannot be told what to do. The CAO provided minutes from a 03/21/2017 Budget and Finance Committee meeting where the City Court A/R was discussed and at that time \$172,797.63 had been submitted to SABHRS for collections. Out of that \$6,709.54 had been collected. SABHRS can only collect if the individual files taxes in the state of Montana. In the minutes from the 03/21/2017 Budget and Finance Committee meeting the Committee asked if a third-party collection agency could handle the outstanding City Court debt. The CAO stated that he would like to work with the Judge and a third-party collection agency, such as Centron, to see if the current outstanding A/R balance can be reduced. The Committee asked if he was receiving any cooperation from the Judge on this

suggestion. The CAO stated that he felt he was not receiving much cooperation from the Judge on this. The CAO stated that the City of Great Falls currently uses Centron to collect on court fines and he would like to review their policy. The Committee asked if the City of Great Falls is the only City that uses Centron. The CAO stated that they are the only City that he knows of at this time. The CAO would like to work with the Judge to come up with a policy for example any fine over ten years would be written off, any fine five to ten years would be sent to collections to settle and any fine under five years would be sent to collections to collect. The CAO will continue to work with the Judge to try to come up with a plan to try to reduce the amount of outstanding receivables.

Other Items

The CAO stated that the new website should be going live the end of February

The Mayor stated that the IT and VOIP bids are back and will be reviewed. He stated that he has requested in the past that all email be outlook email and not pop account emails. This will allow everyone to have calendar access. The VOIP will upgrade all the phones. The CAO stated that the VOIP bidders did a walkthrough prior to the bid and looked at the City infrastructure including City Hall, Sewer Plant, Water Plant, FAP, City Shop and the Library. The bids will be opened at 10:00 am tomorrow morning. The Committee asked if the VOIP was going to be paid for using CIP funds. The Mayor stated that the VOIP system was budgeted out of the CIP fund. The Committee asked if CIP funds carried over from one fiscal year to the next. The Mayor stated that CIP funds will not carry over from one fiscal year to the next. If CIP funds are not used within the fiscal years they are budgeted they will need to be requested again for the next fiscal year, however there is no guarantee they will be approved.

Announcements

The next Budget and Finance Committee meeting will be held at February 5, 2019 at 5:30 pm

**MINUTES
CITY OF LAUREL
CITY COUNCIL WORKSHOP
TUESDAY, JANUARY 29, 2019**

A Council Workshop was held in the Council Chambers and called to order by Mayor Tom Nelson at 6:30 p.m. on January 29, 2019.

COUNCIL MEMBERS PRESENT:

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

OTHERS PRESENT:

Matthew Lurker, Chief Administrative Officer
Kurt Markegard, Public Works Superintendent
Stan Langve, Chief of Police

Public Input:

There was none.

General Items

1. Appointments to the Laurel Volunteer Fire Department
 - Amee Patrick
 - Ryan Robertus
 - Bridger Fournier
 - Levi Klamert
 - Steven Hiller
2. Appointments to the Laurel Volunteer Ambulance Service.
 - Mariah Haugen
 - David Jackson
 - Boady Harper
 - Bryanna Ruskanen

Fire Chief Peters introduced all Fire/EMS appointments. He stated that Amee Patrick had pulled her name from this appointment.

This appointment will also add four ambulance drivers. All four are currently taking the class to become an EMT.

It was questioned how many members these appointments will bring the numbers up to.

These appointments will bring the Laurel Volunteer Fire department to 40 out of 45 slots. These appointments will bring the Laurel Ambulance Service to 15 out of 30 slots.

Mayor Nelson stated he has noticed an increase in calls and has noticed the response of the Ambulance Service has increased.

Fire Chief Peters gave Council a brief overview of the December calls. Fire responded to 38 calls Ambulance responded to 81 out of 84 calls.

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

Mayor Nelson asked Forrest Sanderson and Kurt Markegard to present the item. A map of the location was put up on the screen for Council to view, see attached.

There are two actions before the Council, annexation, and zoning. Montana law allows those requests to be made concurrently. The Council packets have the complete applications, Planning Board recommendations and the use regimen from the Laurel code.

City/County Planning Board held a formal public hearing, minutes attached and thoroughly reviewed these request. It was clarified that the annexation request must occur first. If the annexation is not passed, then by default the zoning request has died. Annexation is purely at the discretion of Council. Annexation needs to offer a benefit to both the City and the developer. In order for a property to be considered for annexation the property must be adjacent to the City of Laurel, over one city block (2.06 acres), and that the property owner has submitted or authorized the annexation request. The annexation and zoning are consistent with the 2013 Growth Policy. The application submitted was a very comprehensive approach. The development plan is expected to also be comprehensive. The recommendation from the City/County Planning Board is that Council does consider a favorable consideration to the request.

Zoning is also discretionary. The requested zoning is the prevailing zoning in the area. To assign zoning, there is a 12-point test that must be considered. Those are listed in the report and will be read at next week's Public Hearing. All conditions are favorable. The City/County Planning Board did recommend the applications with three conditions; those conditions are listed in the zoning report which is attached to these minutes. There were some questions about a County park; these questions will be addressed before the Public Hearing.

It was questioned if both annexation and zoning are required to do the other. It was clarified that zoning could not proceed without annexation, but that Council can change the type of zoning. Members of Council stated they would like a clear idea of what the zoning actually includes (The packet contains the RLMF and CC zoning district). That in the past it had not been clear. Council was encouraged to read the Planning Board minutes. Some of those types of questions were asked and addressed during the Planning Board meeting. The packet does address business and lot coverage and should be able to answer some of those types of questions as well. If both the annexation and zoning pass, the next step will be subdivision approval.

The proposed schedule was given to Council. January 29, 2019, Council will be introduced to the annexation and zoning requests. February 5, 2019, Council will conduct a Public Hearing. February 12, 2019, this topic will come back to Council at Workshop to discuss any further questions they may have prior to making a decision. February 19, 2019, the item is voted on.

Executive Review

3. Resolution to approve the Planner Agreement

There were a number of applicants that were weeded down to the final three. There were no local candidates. The interviews were done by Skype. Part of the interview process was an exercise. The candidates were given a real-world example, the recent Vue and Brew request, and asked to review the application, give a written recommendation, and give a PowerPoint presentation. This gentleman stood out both on paper and in his interview. He is currently located in New Hampshire and was looking for an opportunity to come to Big Sky Country. He is currently working for a private company and focuses on economic development, solid waste, and transportation plans and programs. He does have experience in land use and property management. The packet lists his first day as February 6th; he has requested a start date of February 19th. This agreement is a four-year term. This is to help retain an individual for longer periods of time.

4. Laurel BK Lot Access

Please see the attached map. The owners of properties A and B paid for improvements in the red area. Owner C is trying to sell the BK property and needs to be part of this agreement. Owner C has paid their share of \$30,000 to have access to the area in red. This should assist in the sale of the BK property.

It was questioned if this was a street. It was clarified that the City has an encroachment easement on this property. There is City property behind the BK property.

LURA did provide grant assistance for these improvements. This resolution is to include Owner C (Rimrock Chevrolet) to the agreement.

5. A Resolution of the City Council authorizing the release of funds from the Tax Increment Financing District fund for facade improvements and signage for the property located at 117 West Main Street, Laurel Montana

This was the resolution that was pulled from the last meeting. The clerical error has been fixed, and the requested spreadsheet has been distributed to Council. This spreadsheet will only show the small grants, see attached.

It was questioned why the start/end dates were not filled in, it was further questioned if the LURA grants are a reimbursement process. It was clarified that those dates will be filled in and that the LURA grants are a reimbursement process.

It was questioned why there are dollar amounts listed next to each grant name. It was clarified that those are the maximum dollars that can be awarded. In this case, the building is historical

and is eligible for additional funds. It was requested a column be added to this document explaining why a larger sum was being approved.

Council Issues

6. Nuisance Barking Dogs

Mayor Nelson stepped down to give testimony and requested Council President Eaton to run the meeting for this item only.

Joshua Anderson, 1115 E. 6th Street, stated he had filed a nuisance dog complaint and that this is an ongoing issue. He was originally told that the owners were cited, they were not and the barking has not ceased. Mr. Anderson stated he was accused of making false police reports and was told if he continued, he would be in trouble.

Joe Anderson, 511 Wyoming Avenue, stated that he is Joshua's twin brother and spends a lot of time at his home. He stated that they are unable to watch tv without hearing the dogs barking. He stated his brother has tried to resolve the issue with the owner of the dogs.

Tom Nelson, 524 Elm Avenue, stated he had witnessed the police at the complainant's home. He has heard the dogs barking, but that there are a street and a house between the dogs and his home.

It is unknown if the animals are registered with the City. Mr. Anderson moved into his income property, attached to the main home, to get away from the barking.

Police Chief Langve gave a brief update to the complainant that their complaint from the 9th has been forwarded for prosecutorial review. He is unable to speak about specifics because this instance is under review. He further clarified that if any resident feels their complaint was not handled satisfactorily, they can speak with the Police Chief to have the instance reviewed.

Police Chief Langve took the opportunity to educate those in attendance on what the officer does when investigating a complaint. Officers need to witness the issue themselves. If they do not directly observe the behavior, they may attempt to determine if others in the neighborhood are also calling in the same complaint. Officers need to give due process. They will contact the accused and would like to find a solution. The first offense fine is \$100, second offense is \$300, and the third offense is \$500. There is the potential that the animal may need to be euthanized. He read code LMC 6.16.030 into the record.

In this instance, the Police Chief reviewed the case and did not find any fault on procedures.

It was questioned if there were any citations. It was clarified there was not a citation, but that the case has been sent to the prosecutor because a formal statement has been made.

It was questioned if it is standard procedure to ask for licensure. It was clarified that this could be part of the procedure and needs to be enforced.

It was questioned if the officer was aware of the licensing issue. It was clarified that they were unaware of the licensure.

It was questioned what the process is moving forward. It was clarified they can contact the City Attorney on the status of the case. Each call is its own complaint. They can continue to make reports; however, the officer will need to observe the issue.

Mr. Anderson stated he was told they do a five-minute site listening for the dogs to bark. He felt this was not enough time.

Mr. Nelson stated that he uses a bark collar to keep his own dogs from barking on a regular bases.

It was questioned if there were other neighbors complaining as well. It was unclear if anyone else has made a complaint.

Other Items

None.

Review of Draft Council Agendas

Draft Council Agenda 2.5.2019

Mayor Nelson will be gone Council President Eaton will conducting the meeting.

A Council Member had been asked by a constituent if the ice on the sidewalk on the underpass will be cleaned out. It was clarified that it is a State highway and State will clean it out.

Attendance at Upcoming Council Meeting

All present will be in attendance.

Announcements

At the last Public Works Committee meeting there was discussion regarding the Mayor's announcement of the project located on Idaho, Ohio, and Washington between Main Street and East 1st Street being put on hold for up to three years to research possible LURA funding options. Mayor Nelson stated an update would be brought forward on the February 26th Workshop. Recently the State had visited the City regarding the West Railroad Project. There is not enough Urban funds to fully fund the project. Either the City has to downsize the project, put the project on hold, come up with the shortfall, or a combination of these options. Public Works Committee was told staff recommendation was putting the project on hold. Council asked how this project would proceed and not be forgotten. Mayor Nelson stated an update would be given on February 26th.

8. Employee/Volunteer Recognition:

Mayor Nelson stated he would not be reading each name anymore. The volunteers will be included from here on out. Still working on getting the Reserves and Volunteer Ambulance Service years of service. They will be added to future agendas.

Employees:

Stan Langve	19 years on the 5 th	Police
Kurt Markegard	14 years on the 3 rd	Public works
Julia Torno	1 year on the 17 th	Library

Volunteer:

Rick Gallegos	20 years on the 20 th	Fire
Corey McIlvain	15 years on the 24 th	Fire
John Beck	1 year on the 16 th	Fire
Jayson Nicholson	1 year on the 16 th	Fire
Jesse Gee	1 year on the 19 th	Fire

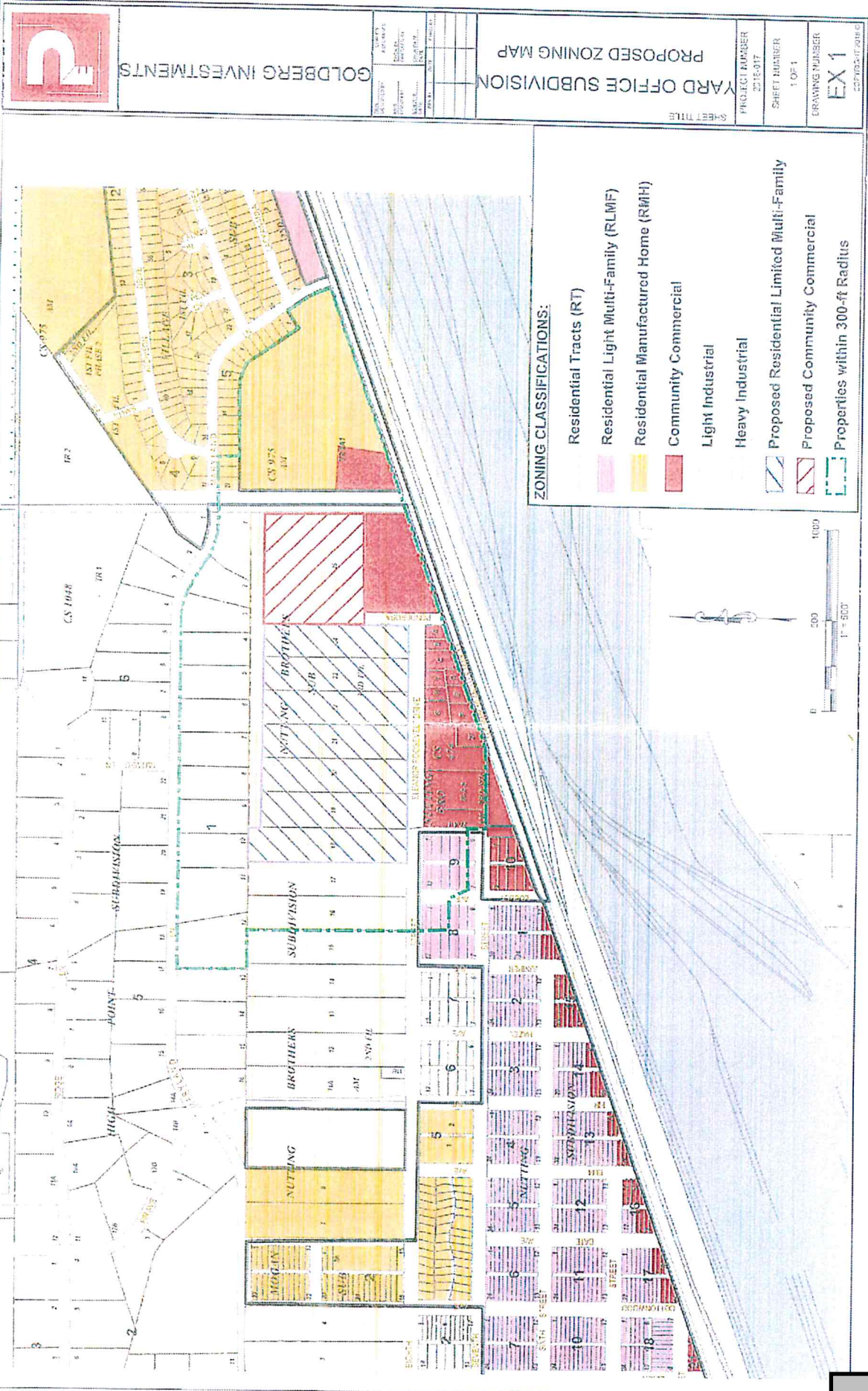
The council workshop adjourned at 7:59 p.m.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Brittney Moorman', with a stylized flourish at the end.

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.



**MINUTES
CITY OF LAUREL
CITY/COUNTY PLANNING BOARD
THURSDAY, JANUARY 03, 2019**

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.*

General Items

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

Judy read the rules for the Public Hearing. Forrest Sanderson the contract City Planner introduced the agent representing the property owners, Scott Aspenlieder PE from Performance Engineering 609 29th Street. Scott informed the public hearing of the proposed annexation and initial zoning for Nutting Brothers Subdivision 2nd Filing Lot 18 and Nutting Brothers Subdivision 3rd Filing lots 19-24 all Residential Light Multi-Family(RLMF) and on Lot 25 of the 3rd Filing of Nutting Brothers Subdivision for Community Commercial. Scott said that there will be no deviations to their request for the zoning that the City currently has in the area. Scott said that there will not be any mobile homes on the property like what was proposed in an earlier annexation and zoning request. The zoning request will allow for single family homes and some commercial activity off of Yard Office Road. In the future, Scott said that a subdivision review will come later if the annexation and zoning is granted. Scott said that this request is in line with the neighbors desired the last time this property was proposed for annexation and zoning. Scott stated that no mobile home will be placed on the land. Ron Benner ask about the low density statement and the difference between the low density and high density. Forrest stated the density is medium to high in the Residential Light Multi-Family zoning. Forrest stated that the density would be moderate designation versus the low density. Forrest asked Scott that the proposal is for moderate density and will not be turned into a Planned Unit Development in the future. Scott stated that there is no plan for any deviations of the proposed zoning request. Jon asked what is the density for RLMF and Judy stated that it is in the packet. Forrest stated that for one unit they need a 6,000 square feet, 7,500 for two units, 8,500 for three, and 10,000 square feet for four units. The limit is maxed at four units and the lot coverage is forty percent. The difference between this zoning and Multi- Family (MF) zoning is that RMLF zoning limits the lots to a four plex and under the MF zoning you could build larger than a four plex as long as you have the land area needed under lot size limits. Ron stated that the Growth Management Policy adopted by the City lists the proposed zoning as high density. Ron stated that the other issue with the previous request was not the mobile homes but the traffic. Scott stated that the last request was about the mobile home designation in his opinion. Forrest stated that the last request doesn't matter today and only what is being presented today. Subdivision review will be in the future and that will have its own hearing. Ron asked about the Commercial zoning request and Forrest said that it this zoning allows for a diverse allowance for businesses that work with the Residential Districts. The district is compatible with moderate density zoning standards.

Forrest stated that the City is statutorily required to have the public hearing on both requests of annexation and zoning and Forrest is suggesting lumping together both requests because if annexation is denied then the zoning request is mute. Forrest stated that the City has

Annexation Policy and this property is adjacent to the City and is larger than the minimum acres needed for annexation. Staff submits that this is the type of annexation that the City has desired through the Annexation Policy. The request is in line with the 2013 Growth Management Plan and public infrastructure. The executed Special Improvement District Waiver is included. The required Fees were submitted. The adjacent right of ways will also need to be annexed. The annexation will also have to include an annexation map. Staff recommendation is to approve the requested annexation by the Planning Board.

Forrest stated that the RLMF and the CC zoning are applicable zoning districts assign by the City of Laurel. Forrest stated there is no deviations of the requested zoning. Forrest finds that the zoning is in compliance with all the regulations of local and state laws. Forrest's report is attached to these minutes that goes through the required zoning and annexation statutorily requirements. This report was presented to the public in an overhead projector. In Forrest's report, the findings support approval of the zoning an annexation with the conditions that are contained in the staff report.

Forrest asked the Planning Board members if there were any more questions and the Planning Board did not have any more questions. Forrest read into the record that the Public Hearing notice was mailed out to the surrounding property owners and two letters were returned. These letters returned were to Dale and Laura Mussetter of 1920 E. Maryland Lane and Neil Gunderson of 2024 E. Maryland Lane.

The Public Hearing was opened for Public Comment. Nancy Lousch of 1608 E. Maryland Lane commented that the property was not listed on the Montana Cadastral Mapping as being owned by Goldberg Investments. Kurt Markegard, the Public Works Director, informed Nancy that the Planning Board had the ownership records in their packet and it was confirmed that they are the recorded owners of the property being requested to be annexed. Nancy commented that the traffic in the area needs to be addressed with the 55 lot mobile home park that is being built. Nancy also asked how she was to get the information to make a formal protest prior to the City Council meeting on February 5th at the next public hearing. Forrest said that he would get her the statutorily information at the close of this meeting. Scott Aspenlieder stated that they are not asking for anything that doesn't comply with the zoning in the area. They will comply with the current zoning and the rules. Scott stated that this development will fit with the neighborhood.

Judy closed the Public Hearing as there was no other public comment.

2. Judy call for a roll call of the Planning Board

Planning Board member present Ron Benner, Jerry Williams, Jonathan Klasna, Evan Bruce, Roger Giese, and Judy Goldsby. Forrest stated that a quorum is reached.

3. Approval of Minutes from 11.1.2018

Jerry motion to approve the minutes and Ron seconded the motion to approve. All members were in favor of the minutes.

New Business

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

Roger motioned to approve the annexation and zoning for Goldberg Investments. Jerry seconded the motion. Judy opened up the board discussion. Ron commented about the traffic from the commercial portion of this request. Ron read off many businesses that could be allowed in the community commercial zoning. Ron is concerned that traffic from these types of businesses. Jon asked Forrest what is the spacing requirements for the commercial zoning and is it similar to the residential. Forrest said there is not a lot size requirement but there is set backs from the street of twenty feet. There are no set back requirements from the side of the lots, and ten feet from a side streets and also no set back requirements from the rear of the lot. The height of any building is 25 feet and a maximum of fifty percent lot coverage. The minimum area for this type of zoning is 2.07 acres. The RLMF zoning is similar to the Community Commercial in lot size requirements. Jon asked how big lot 25 in acreage is and Forrest stated that lot 25 it is five or six acres. Ron asked if they can subdivide lot 25 into smaller lots. Forrest stated that they would have to go through subdivision regulations and that would come back to this board before the City Council would take action. Scott stated that lot 25 is nine acres. Ron spoke about the roads when the City annexes property and is concerned that the city will drop the ball when it comes to connecting the roads and making the City a livable city with connected roads. Ron stated that there are roads that have never been finished. Ron asked Kurt if the city will do their part. Kurt explained that when the City annexes land, the City must annex the entire road right of ways as required by state law. This does not give the right for the City to pass a special improvement district in the area and have the County residents pay for a portion of the costs associated of road improvement onto the county parcels. The county residents could protest this creation of special improvement district to complete road improvements. Most costs for road improvements are tied to the lots that are adjacent to the roads. Ron stated that there are roads all over the city that are not paved. Kurt stated that citizens can petition to create a special improvement district to do road improvements any time they want to if they want the improvements. There is always the concern that if fifty one percent of the lot owners protest the creation of a special improvement district. Forrest stated that on these lots being considered for annexation there is a waiver of protest document so the current property owners and any subsequent property owners cannot protest the creation of a special improvement district. Forrest also stated that there can be a late comer agreement to help the developer to recoup costs if other property owners would like to connect to improvements that the developers paid for with their development.

Judy asked if there is any public comment on the discussion for the recommendation of approval for annexation and zoning for Goldberg Investments. There was no public comment.

Judy asked for a roll call vote on the motion for approval of Nutting Brothers Subdivision Recommendation of Annexation and Initial Zoning Request from Goldberg Investments for Residential Light Multi-Family on Nutting Brothers 2nd filing Lot 18 and Nutting Brothers 3rd Filing Lots 19-24 and Community Commercial on Lot 25 Nutting Brothers 3rd Filing. Jerry said I, Ron yes, Jon yes, Evan yes, Roger yes, and Judy yes. The motion was approve with a unanimous yes vote.

Forrest stated that there will be a Public Hearing on February 5, 2019 at the City Council meeting at 6:30 pm.

Old Business

5. Planner Update

Matt Lurker stated that he is completing back ground references for two applicants and he is hoping that the City will have a planner in the next month. Matt stated that he would like a recommendation to the Mayor in the next few weeks.

Other Items

6. Ron asked for information to be sent out sooner so that they have a chance to review the documents prior to the meeting. Kurt stated the information was sent out a week prior to the meeting except for the zoning allowances from the Laurel Municipal Code. Kurt also stated that the board should have a book with the regulations. Kurt stated that the new board members probably have not had a chance to get all the information they need to understand all the regulations. Kurt stated that there probably should be a review of the regulations with the Planning Board members in the near future. Forrest stated that there is a booklet that has been created by the State that has the subdivision and annexation regulations laws in this booklet.

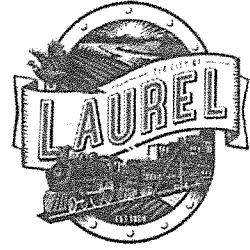
Announcements

7. Next Meeting: February 7, 2019.
8. Judy asked for a motion to adjourn the meeting. It was moved and seconded to adjourn and all were in favor. The meeting adjourned at 11:22am.

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 Planning

Office of the Director of Public
Works

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

BACKGROUND:

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

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

ANALYSIS OF REQUEST

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

Standard:

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

Findings:

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

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

MOVING FORWARD

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

RECOMMENDATION:

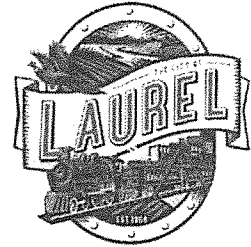
The request to proceed with annexation of Lot 18 Nutting Brothers 2nd Filing and Lots 19 – 25 Nutting Brothers 3rd Filing in Section 10, Township 2 South, Range 24 East Subdivision should be APPROVED for the following reasons:

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

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City Of Laurel

P.O. Box 10
Laurel, Montana 59044



Office of Planning

Office of the Director of Public
Works

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

BACKGROUND:

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

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

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

ANALYSIS OF REQUEST

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

GENERAL INFORMATION

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

FINDINGS OF FACT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

XI. Will the zoning conserve the value of buildings;

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

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

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

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

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

RECOMMENDATIONS AND CONDITIONS OF APPROVAL

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

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

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



November 13, 2018

Mr. Forrest Sanderson, AICP
Laurel City Planner
City of Laurel
115 West 1st Street
Laurel, MT 59044

RE: Annexation and Zoning of Nutting Bros Subdivision Lots 5, 18-24

Dear Mr. Sanderson:

This letter is accompanying a full annexation application, with requested zoning, for Lots 5, and 18-24 of the Nutting Bros Subdivision on the eastern boundary of the City of Laurel. We are requesting specific zoning be applied at the time of annexation into the City of Laurel. The application, maps and supplementary information outline the request and satisfy the application requirements as laid out in our pre-application meeting and the application itself. Below is a summary of the discussions we've had as part of the application process, provided to memorialize and ensure all reviewing parties are informed of the application and properties past and proposed future.

This property has went through a formal Yellowstone County Zone Change application and City of Laurel Annexation application in the past with a prior development group. That application requested a zoning of Residential Manufactured Homes (RMH) over the entire property. Much of the discussion and opposition to that application revolved around the continuation of manufactured or mobile home units being placed on the property and its fit with adjacent neighborhoods. Much of the comment from the neighborhood suggested that this property should be developed with stick-built rooftops and family homes. As such the zoning and annexation into the City of Laurel were denied and the development did not occur.

The new development group, Goldberg Developments, is proposing a wholly different type of style of development for the property and the City's consideration. The developer is applying for annexation and requesting approximately 9 acres along the Yard Office Road be zoned Community Commercial (CC) and the remaining 23 acres north of Eleanor Roosevelt Drive be zoned Residential Light Multi-Family (RLMF). The intent is to allow for some light commercial development and business park along Yard Office Road while providing the community with buildable single family residential lots allowing for some multi-family development interspersed within the development. This request matches the requests of the



adjacent neighborhoods for single family, stick built housing in the area while still matching the zoning of adjacent properties to the south and east.

This project will help serve as an infill project for the City, tying to existing utilities located along its boundary. The proposed project will help to reduce the cost of basic services provided to the area by adding to the City's rate payer base. Commercial businesses along Yard Office Road will help to offset the cost of services to the area while addition to the tax base of the City. The proposed RLMF will add to the diversity of housing for the community and allow for the desired residential stick-built homes in the area. All of these items align with the goals of the City of Laurel Growth Policy.

During our pre-application meeting it was suggested that a meeting be set with Public Works Director Kurt Markegard to discuss system capacity of the water and wastewater facilities. Performance Engineering and the developer met with Mr. Markegard to discuss the proposed zoning and potential for development of the property. System capacities were specifically discussed in the meeting to which it was noted by Mr. Markegard that there is sufficient capacity in the treatment facilities to handle the potential demand from the development. There may be potential collection and distribution upgrades required of the developer along Eleanor Roosevelt/8th Ave. but those would be based on system modeling. At this time there were no major red flags for the development based on the capacity of the system.

We are excited about the proposed project annexation and zoning request as we believe it will start laying the ground work for continued expansion, growth, and prosperity on the eastern edge of Laurel. It is our hope that this application will receive favorable consideration from the City of Laurel and we look forward to working with the Planning Board and City Council through the process. Please do not hesitate to call should you have any questions at 406-384-0080.

Best Regards,


Scott Aspenlieder, PE
Project Manager

CITY OF LAUREL, MONTANA
REQUEST FOR ANNEXATION
AND PLAN OF ANNEXATION

All blanks to be filled in with the City Manager prior to filling out this application. All blanks of this application are to be filled in with explanation by the applicant. Incomplete applications will not be accepted.

1. Only parcels of land adjacent to the City of Laurel municipal limits will be considered for annexation. "Adjacent to" also includes being across a public right of way. If the parcel to be annexed is smaller than one city block in size (2.06 acres), the city council must approve consideration of the request; the applicant must make a separate written request to the city council stating their wish to annex a parcel of land less than one city block in. Once the council approves the request, the applicant can apply for annexation.
2. Applicant landowner's name: Goldberg Investments, LLP
Address: P.O. Box 907, Laurel, MT 59044
Phone: (406) 360-6364
3. Parcel to be annexed: (If it is not surveyed or of public record, it must be of public record PRIOR to applying for annexation.) NUTTING BROS 2ND FILING, S10, T02 S, R24 E, LOT 18, & LTS 19-25
Legal description: NUTTING BROS 3RD 32.56 AC (07)
Lot size: 32.56 AC
Present use: AGRICULTURE
Planned use: RESIDENTIAL AND COMMERCIAL
Present zoning: RESIDENTIAL TRACTS
(Land which is being annexed automatically becomes zoned R-7500 when it is officially annexed [City ordinance 17.12.220])
4. City services: The extension of needed city services shall be at the cost of the applicant after annexation by the city has been approved. As part of the application process, each of the following city services must be addressed with an explanation:

Water Service:

Location of existing main: 6-inch water main located along southern and eastern boundaries of property.
Cost of extension of approved service: TBD
How cost determined: WILL BE BID BY CONTRACTORS
Timeframe for installation: 2019

Sewer Service:

Location of existing main: Sewer located at both intersections of Yard Office/Maryland and 8th St./Juniper Ave. Likely to require force main connection west to system along 8th St.
Cost of extension of approved service: TBD
How cost determined: WILL BE BID BY CONTRACTORS

Timeframe for installation: 2019

How financed: PRIVATE CONTRACT

Streets:

Is there any adjoining County ROW to the proposed

annexation: YES

Location of existing paved access: YARD OFFICE RD. & ELEANOR ROOSEVELT DR.

Cost of paving: TBD

How cost determined: WILL BE BID BY CONTRACTORS

Timeframe for construction: 2019

Other required improvements: Provide above information on attached pages.

5. A map suitable for review of this application of the proposed area to be annexed must be submitted with this application.
6. A written Waive of Protest must accompany this application, suitable for recording and containing a covenant to run with the land to be annexed, waiving all right of protest to the creation by the city of any needed improvement district for construction or maintenance of municipal services. This Waiver of Protest must be signed by the applicant prior to annexation by the city.
7. Requests for annexations are referred to the City-County Planning Board for recommendation to the City Council. Within 30 days after receiving the properly filled out application with all required accompaniments and after conducting a duly advertised public hearing, the City-County Planning Board shall make recommendation to the City Council as to this Request for Annexation. If more information is needed from the applicant during the review of the application, such application shall be deemed incomplete and the timeframe for reporting to the City Council extended accordingly, in needed.
8. A **non-refundable** application fee of \$300 + \$25.00 per acre (80 acres or less); \$300 + \$35.00 per acres (81 acres or more) must accompany the submission of this application.

The City Council of the City of Laurel, Montana, after review and consideration of this Application for Annexation, found such to be in the best interest of the City, that it complied with state code, and approved this request at its City Council meeting of _____.

FOR THE ANNEXATION OF THE HEREIN DESCRIBED PROPERTY AND CREATION OF
ANY FUTURE SPECIAL IMPROVEMENT DISTRICT

- Page 83 -

Chapter 17.16

RESIDENTIAL DISTRICTS

Sections:

17.16.010 List of uses.

17.16.020 Zoning classified in districts.

17.16.010 List of uses.

Table 17.16.010 designates the special review (SR) and allowed uses (A) in residential districts. (Ord. 04-1 (part), 2004; Ord. 01-4 (part), 2001; Ord. 99-22, 1999; Ord.

96-5 (part), 1996; Ord. 1049, 1992; Ord. 1026, 1992; Ord. 997, 1991; prior code § 17.28.010)

17.16.020 Zoning classified in districts.

Zoning for residential districts is classified in and subject to the requirements of Table 17.16.020. (Ord. 06-12 (part), 2006; Ord. 06-06 (part), 2006; Ord. 05-13, 2005; Ord. 99-23, 1999; Ord. 96-5 (part), 1996; Ord. 94-5, 1994; Ord. 1068, 1993; Ord. 1065, 1993; Ord. 820, 1985; prior code § 17.28.020)

Table 17.16.010

	RE 22,000	R 7,500	R 6,000	RLMF	RMF	RMH	PUD	SR	RT
Accessory building or use incidental to any permitted residential use customarily in connection with the principal building and located on the same land parcel as the permitted use		A	A	A	A	A	A	A	A
Animals (see zoning district description for specifics)								A	
Automobile parking in connection with a permitted residential use		A	A	A	A	A	A	A	A
Bed and breakfast inn		SR	SR	SR	SR	SR	SR	SR	SR
Boarding and lodging houses		SR	SR	SR	SR	SR	SR	SR	SR
Cell towers (see Sections 17.21.020—17.21.040)									
Cemetery		SR	SR	SR	SR	SR	SR	SR	
Child care facilities									
Family day care home		A	A	A	A	A	A	A	A
Group day care home		A	A	A	A	A	A	A	A
Day care center		SR	SR	SR	SR	SR	SR	SR	SR
Churches and other places of worship including parish house and Sunday school buildings		SR	SR	SR	SR	SR	SR	A	SR
Communication towers (see Sections 17.21.020—17.21.040)									
Community residential facilities serving eight or fewer persons		A	A	A	A	A	A	A	A
Community residential facilities serving nine or more persons		SR	SR	SR	SR	SR	SR	SR	SR
Orphanages and charitable institutions		SR	SR	SR	SR	SR	SR	A	SR
Convents and rectories		SR	SR	SR	SR	SR	SR	A	SR
Crop and tree farming, greenhouses and truck gardening									
Day care facilities		SR	SR	SR	SR	SR	SR	SR	SR
Kennels (noncommercial)		A	A	A	A	A	A	A	A
Dwellings Single-family		A	A	A	A	A	A	A	A
Two-family			A	A	A		A		
Multifamily				A	A		A		

	RE 22,000	R 7,500	R 6,000	RLMF	RMF	RMH	PUD	SR	RT
Manufactured homes									
Class A						A			
Class B						A			
Class C						A			
Row Housing				SR	SR		A		
Family day care homes		A	A	A	A	A	A	A	A
Greenhouses for domestic uses		A	A	A	A	A	A	A	A
Group day care homes		A	A	A	A	A	A	A	A
Home occupations		A	A	A	A	A	A	A	A
Parking, public		SR	SR	SR	SR	SR	SR	SR	SR
Parks, playgrounds, playfields, and golf courses community center buildings—operated by public agency, neighborhood or homeowners' associations		A	A	A	A	A	A	A	A
Planned developments							A		
Post-secondary school		A	A	A	A	A	A	A	A
Preschool		SR	SR	SR	SR	SR	SR	SR	SR
Public service installations		SR	SR	SR	SR	SR	SR	SR	SR
Schools, commercial		SR	SR	SR	SR	SR	SR	SR	SR
Schools, public elementary, junior and senior high schools		A	A	A	A	A	A	A	A
Towers (see Sections 17.21.020— 17.21.040)									

Chapter 17.20

COMMERCIAL—INDUSTRIAL USE
REGULATIONS

Sections:

17.20.010 List of uses.

17.20.020 Zoning classified in
districts.

17.20.010 List of uses.

Table 17.20.010 designates the special
review (SR) and allowed (A) uses as gov-erned by commercial — industrial use reg-
ulations. (Ord. 04-1 (part), 2004; Ord. 01-4
(part), 2001; Ord. 96-5 (part), 1996; Ord.
998, 1991; Ord. 923, 1987; Ord. 922, 1987;
Ord. 917, 1987; prior code § 17.32.010)

17.20.020 Zoning classified in districts.

Zoning for commercial — industrial use
is classified in and subject to the require-
ments of Table 17.20.020. (Prior code
§ 17.32.020)

Table 17.20.010										
	AG	RP	NC	CBD	CC	HC	LI	HI	P	
Accessory buildings or uses incidental and customary to a permitted residential use and located on the same parcel as the permitted residential use	A	A	A	A	A	A	A	A	A	
Airports	A									A
Alcoholic beverages manufacturing and bottling (except below):							A	A		
1,500 to 5,000 31-gallon barrels per year				SR	SR	SR	A	A		
Less than 1,500 gallon barrels per year				A	A	A	A	A		
Ambulance service			A	A	A	A	A	A		
Antique store				A	A	A	A			
Appliance - (household) sales and service			A	A	A	A	A			
Assembly halls and stadium					SR	SR	SR		SR	
Assembly of machines and appliances from previously prepared parts					SR	SR	SR		SR	
Auction house, excluding livestock				SR	SR	A	A	A		
Auction, livestock	SR									
Automobile sales (new and used)				A	A	A	A			
Automobile - commercial parking enterprise				A	A	A	A	A		
Automobile and truck repair garage				A	A	A	A	A		
Automobile service station			A	A	A	A	A	A		
Automobile wrecking yard								SR		
Bakery products manufacturing					SR	A	A	A		
Bakery shops and confectioneries			A	A	A	A	A			
Banks, savings and loan, commercial credit unions			A	A	A	A	A			
Barber and beauty shops			A	A	A	A	A			
Bed and breakfast inns	A		A		A	A				
Bicycle sales and repair			A	A	A	A	A			
Blueprinting and photostating			A	A	A	A	A			
Boarding and lodging houses	A		A		A	A				
Boat building and repair						A	A	A		
Boat sales new and used					A	A	A	A		
Boiler works (manufacturing servicing)								A		
Boiler works (repair and servicing)							A	A		
Book and stationery store			A	A	A	A	A			
Bottling works							A	A		
Bowling alleys				A	A	A	A			
Brick, tile or terra cotta manufacture								A		
Bus passenger terminal buildings local and cross country				A	A	A	A			
Bus repair and storage terminals						A	A	A		

Table 17.20.010									
	AG	RP	NC	CBD	CC	HC	LI	HI	P
Camera supply stores			A	A	A	A	A		
Camps, public					SR	A			A
Car washing and waxing					A	A	A		
Car wash - coin operated			A	A	A	A	A		
Cement, lime and plastic manufacture								A	
Ceramics shop		SR	A	A	A	A	A		
Chemical and allied products manufacture								A	
Child care facilities	A		A		A	A			
Churches and other places of worship including parish houses and Sunday school building	A	SR	A	A	A	A	A	A	
Clinic, animal	A		A	A	A	A	A		
Clinics, medical and dental		SR	A	A	A	A	A		
Clothing and apparel stores			A	A	A	A	A		
Coal or coke yard								A	
Cold storage					A	A	A		
Colleges or universities			A	A	A	A			A
Commercial recreation areas			SR	A	A				A
Commercial food products, storage and packaging						SR	A	A	
Communication towers (commercial)	A	A	A	A	A	A	A	A	SR
Concrete mixing plants and manufacturing of concrete products							A	A	
Construction contractors:									
Office			A	A	A	A	A	A	
Open storage of construction materials or equipment						SR	A	A	
Community residential facilities									
Adult foster family care home	A		A		A	A			
Community group home	A		A		A	A			
Halfway house	A		A		A	A			
Youth foster home	A		A		A	A			
Youth group home	A		A		A	A			
Nursing, homes, convalescent homes, orphanages, and charitable institutions	A		A		A	A			
Crematorium						SR	A	A	SR
Creameries, dairy products manufacturing							A	A	
Creosote manufacturing or treatment plants								A	

Table 17.20.010									
	AG	RP	NC	CBD	CC	HC	LI	HI	P
Fuel oil, gasoline and petroleum products bulk storage or sale						A	A	A	
Furnace repair and cleaning					A	A	A	A	
Furniture and home furnishings, retail sales			A	A	A	A	A		
Furriers, retail sales and storage			A	A	A	A	A		
Gambling establishments				A	A	A	A		
Garbage, offal and animal reduction or processing							SR		
Garbage and waste incineration								SR	
Gas storage								SR	
Gases or liquified petroleum gases in approved portable metal containers for storage or sale						A	A	A	
Grain elevators	A					SR	SR	A	
Greenhouses	A				A	A	A	A	
Hardware, appliance and electrical supplies, retail sales				A	A	A	A		
Hatcheries	A						SR	SR	
Heliports				SR		SR	SR	SR	SR
Hobby and toy stores			A	A	A	A	A		
Hospitals (for the care of human patients)			A	A	A	A		A	
Hospital, animal		A		SR	SR	A	A	A	
Hotels				A	A	A			
Industrial chemical manufacture except highly corrosive, flammable or toxic materials								SR	
Irrigation equipment sales and service					A	A	A	A	
Jails and penal institutes									A
Janitor service				A	A	A	A		
Jewelry and watch sales			A	A	A	A	A		
Kennels - commercial	A				SR	A	A		
Laboratories for research and testing						SR	A	A	
Landfills - reclamation or sanitary									A
Laundries, steam and drycleaning plants							A	A	
Laundries, steam pressing, drycleaning and dyeing establishments in conjunction with a retail service counter under 2500 sq. ft. in size			A	A	A	A	A		
Laundries, pick up stations			A	A	A	A	A		
Laundries, self-service coin operated			A	A	A	A	A		
Libraries, museums, and art galleries			A	A	A	A	A		A
Lock and gunsmiths			A	A	A	A	A		
Lodges, clubs, fraternal and social organizations provided that any such club establishment shall not be conducted primarily for gain				A	A	A			
Lumber yards, building materials, storage and sales						A	A	A	
Machine shops						SR	A	A	
Manufacturing - light manufacturing not otherwise mentioned in which no excessive fumes, odors, smoke, noise or dust is created						SR	A	A	
Heavy manufacturing not otherwise mentioned or blending or mixing plants						SR	SR		
Meat processing - excluding slaughter plants						SR	A		
Meat processing, packing and slaughter								SR	
Medical marijuana cultivation facility or cultivation facility							A	A	
Medical marijuana dispensary or dispensary							A		
Metal fabrication						SR	SR	A	
Motorcycle sales and repair				A	A	A	A		
Mortuary			A	A	A	A	A		
Motels and motor courts				A	A	A			
Music stores			A	A	A	A	A		

Table 17.20.010									
	AG	RP	NC	CBD	CC	HC	LI	HI	P
Woodworking shops, millwork						SR	A	A	
Zoo, arboretum	SR								A

(Ord. No. O09-01, 3-17-09; Ord. No. O09-07, 7-7-09; Ord. No. O11-01, 2-15-2011; Ord. No. O-14-03, 8-5-2014)

Table 17.20.020									
Zoning Requirements	A	RP*	NC*	CBD*	CC*	HC	LI	HI	P
Lot area requirements in square feet, except as noted, 20 acres	20 acres	NA	NA	NA	NA	NA	NA	NA	NA
Minimum yard requirements:									
Front ^(a)	NA	20	20	NA	20	20	20	20	20
Side ^(b)		0	0		0	0	0	0	0
Side adjacent to street		10	10		10	10	10	10	10
Rear ^(b)		0	0		0	0	0	0	0
Maximum height for all buildings ^(c)	NA	25	25	NA	25	45	70	NA	NA
Maximum lot coverage in percent	NA	50	50	NA	50	75	75	75	50
Minimum district size (expressed in acres)	20 acres	2.07	2.07	2.07	2.07	2.07	2.07	2.07	NA
(NA means not applicable)									
*The lot area, yard and lot coverage requirements for 1 and 2 single family dwellings in commercial zoning districts shall be the same as those in the RLMF residential zoning district.									
(a) Arterial setbacks									
(b) Side and rear yards									
(c) Except as provided in the airport zone									

(Ord. No. O-14-03,8-5-2014)

Table 17.16.020

Zoning Requirements	R 7,500	R 6,000	RLMF	RMF	RMH	PUD	SR	RT
Minimum lot area per dwelling unit in square feet								
One unit	7,500	6,000	6,000 ¹	6,000 ¹	6,000 ³	See	5 acres	1 acre
Two units		7,500	7,500	7,500 7,500		Chapter		
Three units		8,500	8,500	8,500 8,500		17.32		
Four units			10,000	10,000 11,250				
Five units				11,500 13,000				
Six units and more				Add 1,500- each 2500 additional unit				
Minimum yard— setback requirements (expressed in feet) and measured from public right-of-way								
Front	20	20	20	20	10		25 ⁵	25
Side	5	5 ⁴	5 ⁴	5 ⁴	5		5 ⁵	5
Side adjacent to street	20	20	20	20	20		10 ⁵	10
Rear	5	5	5	5	5		25 ⁵	25
Maximum height for all buildings	30	35	35	NA ² 40	30		30	30
Maximum lot coverage (percentage)	30	30	40	35 45	40		15	30
Minimum district size (expressed in acres)	2.07	2.07	2.07	2.07	2.07		20	5

¹ Row housing may be permitted to be constructed on 3,000 square foot lots if approved through the special review process.

² NA means not applicable.

³ The requirements for the mobile homes contained herein relate only to a mobile home subdivision; see Chapter 17.44 of this code for the requirements for a mobile home park.

⁴ Zero side setbacks may be permitted if approved through the special review process.

⁵ All pens, coops, barns, stables, or permanent corrals shall be set back not less than 50 feet from any residence, public road, or water course, and any property line.

Untitled Map

Write a description for your map.

Legend

- Best Western Yellowstone Crossing
- Cellular Plus
- Feature 1
- Fichtner Chevrolet



- Page 92 -

The quarterly safety meeting will be at **11:00 AM on Wednesday, April 18, 2018** in the conference room on the first floor of City Hall.

If you are unable to attend personally kindly select someone to attend in your place. It would be appreciated if you would notify the shop stewards or safety representatives of the meeting also.

The proposed Safety Meeting Agenda is;

- Approval of Minutes – January 10, 2018 meeting
- Need a volunteer to do the minutes for Safety Committee Meetings
- Review of the City of Laurel Safety Policy - Updated January 11, 2018
 - Per Sam Painter it would appear that Department Heads would need to review prior to Mayor reviewing and placing on Agenda for Council.
- Review of 3 injury reports and 3 Liability reports
- Other business or concerns

Safety Committee Meeting – April 18, 2018 11:00AM

In Attendance: Justin Baker, Karen Courtney, Rick Musson, H.P. Nuernberger, Brent Peters, Tim Reiter, Nancy Schmidt, Matt Wheeler

Absent: Brandon Comey, Nathan Herman, Kurt Markegard, Fran Schweigert

Meeting Called to order @ 11:05 AM

- Acceptance of minutes for January 10, 2018 meeting – no changes minutes accepted
- Volunteer for taking minutes – Justin Baker has volunteered to take minutes at future meetings so that Karen can focus on running the meeting.
- City of Laurel Safety Policy – Safety Committee has accepted as written and feel that no further changes need to be made. Sam Painter had suggested having it reviewed by Department Heads prior to the Mayor presenting it to the Council for adoption. There are only 2 Department Heads that have not reviewed it – Bethany Keeler and Kurt Markegard. Fire Chief Brent Peters wanted to look over it again as well.
- 4 injury reports to review –
 - Karen Courtney – shock by light switch – the light switch has been looked at and repaired so that it will not cause any further injuries.
 - Kurt Markegard – slip and fall during a call out – ice cleats would have prevented – all shop workers have been approved to buy a set to use. Brent stated there is a type that can be flipped easily for indoor and outdoor wear making it easier to keep on. Will get info on them and send to Karen.
 - Jarred Anglin – abrasions on wrist and knuckles from directing an individual to the ground when they resisted arrest – this will happen and there isn't anything that can prevent it.
 - William Frederick – breakable vial used in drug testing punctured glove and pierced finger – again these vials have to be broken to test and it does happen.
- 4 Liability incidents to review –
 - Damage to Bus while pulling it out of the ditch during storm – due to road conditions it slid and clipped mailbox – damage was minimal and could not be avoided.
 - Damage to shop – Could have been prevented by taking time to clean mirrors, turn on lights in shop. The wall has now been painted making it easier to see when backing in. However the damage to the shop needs to be looked at and a quote to get it fixed brought in as it was a supporting beam that was broke in the middle. Matt will have a contractor come and look at it to get a quote to have it fixed.
 - Garbage truck damaged on King Ave overpass – hazardous road conditions and couldn't have done anything to prevent it. Was not at fault but was caught up in it. Suggestion made to discuss not having garbage trucks running on days where road conditions and weather conditions makes it a safety concern for workers and city equipment. The

Safety Committee supports the idea and a memo will be typed up pertaining to the suggestion so that Matt can present the idea to the Department Head.

- Slight scrape on Bruce's truck when he was backed into while Matt was backing up. Simple accident and no reportable cost for damage to vehicle.
- Other Business or Concerns
 - Karen requested that the representatives of the departments put together safety info for training in their departments so that department specific training can be established. The recommendations from those who work in the departments will assist in ensuring that it is focused on their work.
 - Chief Musson stated that they have one established with the 12 week training so he would not have anything to add into it.
 - Karen had the opportunity to speak with the people from the State and found out that there is a specific way we are supposed to be investigating claims – she will be learning the proper way to do so and then presenting to the Committee.
 - Nancy brought up that the shelves in the library are not anchored down that could be a liability should they fall. She is getting a quote for new shelves and once they are able to update the shelves they will ensure to have new shelves anchored down to prevent tipping/falling over.
 - Brent asked about near miss reports and should they be brought up to Karen as well. She stated yes. He will be bringing some up to her.
 - Chief Musson stated that their near misses are recorded on their cameras and if needed for tracking would be available – Officers would not have time to fill out another form when it is already on record.
 - Brent suggested having reference to SOPs for specific items such as lock out/tag out. Using other jurisdictions written SOPs will make it easier to get these done.

Meeting Adjourned at 11:45 AM



The quarterly safety meeting will be at **11:00 AM on Wednesday, July 18, 2018** in the conference room on the first floor of City Hall.

If you are unable to attend personally kindly select someone to attend in your place. It would be appreciated if you would notify the shop stewards or safety representatives of the meeting also.

The proposed Safety Meeting Agenda is;

- Approval of Minutes – April 18, 2018 meeting
- Update of the City of Laurel Safety Policy - Updated January 11, 2018
- Review of 1 injury reports and 1 Liability reports
- Other business or concerns

Safety Committee Meeting – July 18, 2018 11:00AM
1st floor Conference Room

In Attendance: Karen Courtney, Nathan Herman (joined meeting @ 11:14 AM), Tim Reiter, Nancy Schmidt, Matt Wheeler

Absent: Justin Baker, Brandon Comey, Matt Lurker, Kurt Markegard, Rick Musson, HP Nuernberger, Brent Peters, Fran Schweigert

Meeting Called to order @ 11:10 AM

- No quorum present – minutes could not be approved for April 18, 2018 meeting, will be placed on next meeting's agenda.
- Safety Policy update – With the hiring of new CAO, Matt Lurker, the Mayor has given it over to him to review and present to Council. Changes that have been made after Department Heads' review were all grammatical and formatting. No verbiage was changed therefore it will not be kicked back to the Safety Committee for review.
- Claims review.
 - Accident Claim – Roy Voss – stepping out of mini-excavator and rolled his ankle on a chunk of asphalt. No medical needed. Committee believes that there was not any unsafe act or equipment, it was just an accident that happened. Nancy asked how long these claims stay open once filed, as this was not medical it is sent to MMIA to be recorded but no action taken.
 - Liability Claim – EMS Ambulance hit and broke a pylon at Billings Clinic while leaving the bay. Photos were reviewed and report read. The Committee does not feel that there is any action they can take on this claim. Karen reported that the driver at the time had not had any formal EVOC training, not required by State of Montana. Drivers do have approx. 16 hours of formal or supervised driving. CAO, Matt Lurker is thinking of changing that as a policy to pass EVOC training.
- Other Business or Concerns
 - Karen stated that she will be attending a 3 day training in Lewistown for SafetyFest in August. During that training she will be taking classes that will give her a better understanding of what the State of Montana requires for the Montana Safety Cultures Act (MSCA).
 - Karen has been asked to create an evacuation plan for City Hall by CAO, Matt Lurker. Will be putting that together. This may lead to having to be done for each building as it will pertain to active shooter, fire, and natural disaster. Matt sees a problem as there is no egress upstairs. The only current option, if you can't go down the stairs, is to go through window in CAO office and onto roof of building and no way to get to ground other than to jump.
 - CAO, Matt Lurker, is also planning on having Ray Ezell, Building Official, Karen, and himself to go through each city building and evaluate safety.
 - Matt Wheeler ensured that Karen was getting the training sheets for the summer help and ensuring that a copy was put into their personnel file. These sheets were very beneficial during our last surprise inspection from Montana DLI.
- Next meeting scheduled for October 17, 2018 @ 11:00 AM – first floor conference room (Karen will check on availability of conference room)
- Meeting adjourned @ 11:23 AM



The quarterly safety meeting will be at **11:00 AM on Tuesday, December 11, 2018** in the conference room on the first floor of City Hall.

If you are unable to attend personally kindly select someone to attend in your place. It would be appreciated if you would notify the shop stewards or safety representatives of the meeting also.

The proposed Safety Meeting Agenda is;

- Approval of Minutes – April 18, 2018 and July 18, 2018 meeting
- Old Business
 - Update on Safety Policy
- Review of Injury and Liability Claims
- New Business
- Other Concerns or comments

Safety Committee Meeting – December 11, 2018 11:00AM
Council Conference Room

In Attendance: Justin Baker, Thomas Henry, Karen Courtney, Tim Reiter, Nancy Schmidt, Fran Schweigert
Absent: Nathan Herman, Matt Lurker, Kurt Markegard, Stan Langve, HP Nuernberger, Brent Peters, Matt Wheeler

Meeting Called to order @ 11:04 AM

- No Quorum Present – Minutes for April 18, 2018 and July 18, 2018 meetings could not be approved – will be placed on January's Agenda.
- Update on Safety Policy – A few minor changes after meeting with Departments Heads and conferring with City Attorney. Firearms removed as it is addressed in the Personnel Manual. Added SDS sheets to be requested when purchasing chemicals, paint, etc. for departments. Also removed Date of Birth and Social Security Numbers off of the forms as that is confidential information and will be put into the claims sent to MMIA by Bethany or Kelly as they have access to that information. It is now ready to send to Mayor and CAO for review.
- One liability claim to review – damage to mirror while backing out of the shop – driver error as they were not paying attention while backing out.
- Fire Extinguishers – Have reached out to find a new company for servicing the extinguishers. All extinguishers that needed recharged have been serviced.
- Concern was brought up that workers have had issues with shoulder pain when having to lift manhole covers – a request for new tool to lift the covers. They will need a min. of 2 but would prefer 3. So far have only found them at a cost of \$1,800 each. This will be researched and discussed to possible have put in budget for next year. May be worth getting if it will prevent injuries.
- Safety concern for alleyway between Juniper and Locust right off Main. Several items placed out in alleyway that has caused it to become very narrow and difficult for trucks to go through. Concern is that emergency vehicles would not be able to go down alley and possible damage to property when trying to drive other city vehicles down the alley. There are several alleys that are getting narrow due to people placing vehicles and other items in the alley. May need to consider patrolling the alleys and getting these cleared out.
- Construction continues at Water Plant and caution needs to be used when going through that area. Paving will be started and therefore the WWTP employees will have to possibly use another means to enter and exit during that time.



The quarterly safety meeting will be at **11:00 AM on Tuesday, January 15, 2019** in the conference room on the first floor of City Hall.

If you are unable to attend personally kindly select someone to attend in your place. It would be appreciated if you would notify the shop stewards or safety representatives of the meeting also.

The proposed Safety Meeting Agenda is;

- Approval of Minutes – April 18, 2018, July 18, 2018 and December 11, 2018 meetings
- Old Business
- Review of Injury and Liability Claims - Liability claim 12-20-218, Incident Report 12/27/2018
- New Business
- Other Concerns or comments

Safety Committee Meeting – January 15, 2019 11:00AM
Council Conference Room

In Attendance: Justin Baker, Karen Courtney, Kurt Markegard (11:20 AM joined), Stan Langve, Brent Peters, Tim Reiter, Nancy Schmidt, Fran Schweigert, Matt Wheeler
Absent: Thomas Henry, Nathan Herman, Matt Lurker, HP Nuernberger

Meeting Called to order @ 11:03 AM

- Approval of Minutes – April 18, 2018, July 18, 2018 and December 11, 2018 meetings – Motion to approve made by Stan Langve, seconded by Fran Schweigert, motion passes to approve minutes.
- Old Business – Safety Policy is still in legal review with City Attorney. Karen will be meeting with him on January 23rd and will see if she is able to get his approval of the Safety Policy so that it can continue to Council for adoption.
- Review of Injury and Liability Claims – review finds no action required to address policy. Discussion of better ice cleats for all City workers. The report has been changed to meet HIPA standards when presented to the Safety Committee.
- New Business –
 - Brent Peters shared an example of the ice cleats he has been ordering for the Fire Department and that are used at the refinery. He spoke of the advantages of using this type of cleat as they do not need to be removed when not in use. It was decided that these would be ordered for all City workers with extra pairs. Brent will work with local Ace store, as they are trying to become a distributor for the product, and get them ordered.
- Other Concerns or comments
 - Brent spoke about following up on incidents and not making it a negative or disciplinary action but rather a refresher for the departments. He urged everyone to talk briefly at their morning meetings about safety requirements for the day due to weather, projects, etc. Therefore removing the stigma that if incident reported will be disciplined.
 - Karen stated the OSHA 300a forms have been signed as of this morning and copies will be dispersed to the department heads for posting on the employee right to know boards in all City Buildings.
 - Fran brought up the safety inspections that had been done at the parks (except Thompson & Kid's Kingdom – to be completed). Some items that were found in the inspection have already been addressed and he will continue to address them as he can. Some issues will be more extensive as they will require planning on the part of the city of how to bring into compliance.
 - Kurt discussed the projects that are in progress at WTP and WWTP. Vests, hard hats and be aware of heavy equipment and people if having to go to those areas.
 - Inspection of City Buildings has found issues with ice, fire escape inspection for stability, and maintenance. Fire hazards have been identified as well. PD and Fire are still on the list to be assessed.
 - Justin stated that the fuel tanks at shop have been removed so that hazard no longer exists, the fire extinguisher that was on the fuel island is being kept in the office as a backup. Fire extinguishers have been serviced for the year, people with City vehicles will be responsible for inspecting and signing off monthly, as well as each building needing

to do a monthly inspection of their extinguishers. Once Karen has updated inventory list, they will be given to the departments so they can ensure they have located and inspected all of them monthly.

Meeting adjourned at 11:45 AM.

DRAFT

MINUTES
LAUREL AIRPORT AUTHORITY BOARD MEETING
Tuesday, December 20, 2018

A Laurel Airport Authority Board meeting was held in the Airport Pilot's Lounge and called to order by Chairman Randy Hand at 19:00.

BOARD MEMBERS PRESENT:

- ☐ Randy Hand, Chairman
- ☐ Brock Williams, Secretary
- ☐ Shane Linse
- ☐ Jim Swensgard

OTHERS PRESENT:

Matt Lurker, Craig Canfield

1. Public Input

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

- a. Matt Lurker stated that he is interested to know the status of the MTANG discussions as well as the potential FBO sale

2. General Items

- a. Previous minutes approved by unanimous consent
- b. Regular occurring claims were approved
 - i. Randy had approved YVEC and CenturyLink bills in advance since they were past due
- c. Report from Craig Canfield of KLJ on runway project:
 - i. Project essentially done. Lights are cutover. Some small cleanup left including repair to taxiway guidance signs, riverside punchlist items, normal closeout paperwork

- ii. KLJ needs change order for engineering fees for moving buildings and building future hangar pads.
 - iii. Construction looks to be about 2% under budget, engineering about 5% over, total project 98.5% of budget.
- d. Sign issue:
 - i. Lights failed late summer. It has been suggested it may be due to lightning strike. Electronics inside some of the new signs are melted / damaged.
 - ii. Craig estimates \$7k to fix signs and Midland's time to troubleshoot.
 - iii. Airport had not accepted the work yet and contractor had not requested partial completion. Contractor is claiming Act of God and therefore not their fault. Board does not feel lightning strike is likely the cause as only some of the units were damaged and there was no other evidence of a lightning strike.
- e. Report from Craig on SRE Buildings:
 - i. Siewart now has building permit and supposed to start work. Expected timeframe is 6 weeks.

3. New Business

- a. Introduced new board member, Jim Swensgard.
- b. MTANG. Discussion regarding whether we should provide a lease rate to continue negotiations, or if we need more information first. City is investigating possibility to bring water/sewer. Also looking into whether additional fire protection will be required.
- c. Mission Aviation: New flight school operating on the field. Board has contact information for them.
- d. Web page: Discussed potentially listing rental/sale items on site. Board feels we don't want to do that as it would be a lot of maintenance for not much benefit.
- e. Snow plow damage: deferred to future meetings since Will Metz not in attendance.

4. Old Business

- a. Hardin Graham: haven't had any further contact.
- b. Northern Skies. Randy has been told that Russell Schmidt has a tentative deal to purchase NSA, but he wants to lease the entire ramp area. Discussion on whether this is allowed, and if so, if

we want to do that. Craig feels that we can't do that as FAA regulations prohibit exclusivity.

c. By-laws: no further progress to report.

5. Other Items

a. A party has expressed interest in building next to Randy & Shane. Board will work on a lease if they want to move forward.

6. Announcements

a. none

The meeting was adjourned at 21:15.

Respectfully submitted,

Brock Williams
Secretary

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

**MINUTES
CITY OF LAUREL
CITY/COUNTY PLANNING BOARD
THURSDAY, JANUARY 03, 2019**

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.*

General Items

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

Judy read the rules for the Public Hearing. Forrest Sanderson the contract City Planner introduced the agent representing the property owners, Scott Aspenlieder PE from Performance Engineering 609 29th Street. Scott informed the public hearing of the proposed annexation and initial zoning for Nutting Brothers Subdivision 2nd Filing Lot 18 and Nutting Brothers Subdivision 3rd Filing lots 19-24 all Residential Light Multi-Family(RLMF) and on Lot 25 of the 3rd Filing of Nutting Brothers Subdivision for Community Commercial. Scott said that there will be no deviations to their request for the zoning that the City currently has in the area. Scott said that there will not be any mobile homes on the property like what was proposed in an earlier annexation and zoning request. The zoning request will allow for single family homes and some commercial activity off of Yard Office Road. In the future, Scott said that a subdivision review will come later if the annexation and zoning is granted. Scott said that this request is in line with the neighbors desired the last time this property was proposed for annexation and zoning. Scott stated that no mobile home will be placed on the land. Ron Benner ask about the low density statement and the difference between the low density and high density. Forrest stated the density is medium to high in the Residential Light Multi-Family zoning. Forrest stated that the density would be moderate designation versus the low density. Forrest asked Scott that the proposal is for moderate density and will not be turned into a Planned Unit Development in the future. Scott stated that there is no plan for any deviations of the proposed zoning request. Jon asked what is the density for RLMF and Judy stated that it is in the packet. Forrest stated that for one unit they need a 6,000 square feet, 7,500 for two units, 8,500 for three, and 10,000 square feet for four units. The limit is maxed at four units and the lot coverage is forty percent. The difference between this zoning and Multi- Family (MF) zoning is that RMLF zoning limits the lots to a four plex and under the MF zoning you could build larger than a four plex as long as you have the land area needed under lot size limits. Ron stated that the Growth Management Policy adopted by the City lists the proposed zoning as high density. Ron stated that the other issue with the previous request was not the mobile homes but the traffic. Scott stated that the last request was about the mobile home designation in his opinion. Forrest stated that the last request doesn't matter today and only what is being presented today. Subdivision review will be in the future and that will have its own hearing. Ron asked about the Commercial zoning request and Forrest said that it this zoning allows for a diverse allowance for businesses that work with the Residential Districts. The district is compatible with moderate density zoning standards.

Forrest stated that the City is statutorily required to have the public hearing on both requests of annexation and zoning and Forrest is suggesting lumping together both requests because if annexation is denied then the zoning request is mute. Forrest stated that the City has

Annexation Policy and this property is adjacent to the City and is larger than the minimum acres needed for annexation. Staff submits that this is the type of annexation that the City has desired through the Annexation Policy. The request is in line with the 2013 Growth Management Plan and public infrastructure. The executed Special Improvement District Waiver is included. The required Fees were submitted. The adjacent right of ways will also need to be annexed. The annexation will also have to include an annexation map. Staff recommendation is to approve the requested annexation by the Planning Board.

Forrest stated that the RLMF and the CC zoning are applicable zoning districts assign by the City of Laurel. Forrest stated there is no deviations of the requested zoning. Forrest finds that the zoning is in compliance with all the regulations of local and state laws. Forrest's report is attached to these minutes that goes through the required zoning and annexation statutorily requirements. This report was presented to the public in an overhead projector. In Forrest's report, the findings support approval of the zoning an annexation with the conditions that are contained in the staff report.

Forrest asked the Planning Board members if there were any more questions and the Planning Board did not have any more questions. Forrest read into the record that the Public Hearing notice was mailed out to the surrounding property owners and two letters were returned. These letters returned were to Dale and Laura Mussetter of 1920 E. Maryland Lane and Neil Gunderson of 2024 E. Maryland Lane.

The Public Hearing was opened for Public Comment. Nancy Lousch of 1608 E. Maryland Lane commented that the property was not listed on the Montana Cadastral Mapping as being owned by Goldberg Investments. Kurt Markegard, the Public Works Director, informed Nancy that the Planning Board had the ownership records in their packet and it was confirmed that they are the recorded owners of the property being requested to be annexed. Nancy commented that the traffic in the area needs to be addressed with the 55 lot mobile home park that is being built. Nancy also asked how she was to get the information to make a formal protest prior to the City Council meeting on February 5th at the next public hearing. Forrest said that he would get her the statutorily information at the close of this meeting. Scott Aspenlieder stated that they are not asking for anything that doesn't comply with the zoning in the area. They will comply with the current zoning and the rules. Scott stated that this development will fit with the neighborhood.

Judy closed the Public Hearing as there was no other public comment.

2. Judy call for a roll call of the Planning Board

Planning Board member present Ron Benner, Jerry Williams, Jonathan Klasna, Evan Bruce, Roger Giese, and Judy Goldsby. Forrest stated that a quorum is reached.

3. Approval of Minutes from 11.1.2018

Jerry motion to approve the minutes and Ron seconded the motion to approve. All members were in favor of the minutes.

New Business

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

Roger motioned to approve the annexation and zoning for Goldberg Investments. Jerry seconded the motion. Judy opened up the board discussion. Ron commented about the traffic from the commercial portion of this request. Ron read off many businesses that could be allowed in the community commercial zoning. Ron is concerned that traffic from these types of businesses. Jon asked Forrest what is the spacing requirements for the commercial zoning and is it similar to the residential. Forrest said there is not a lot size requirement but there is set backs from the street of twenty feet. There are no set back requirements from the side of the lots, and ten feet from a side streets and also no set back requirements from the rear of the lot. The height of any building is 25 feet and a maximum of fifty percent lot coverage. The minimum area for this type of zoning is 2.07 acres. The RLMF zoning is similar to the Community Commercial in lot size requirements. Jon asked how big lot 25 in acreage is and Forrest stated that lot 25 it is five or six acres. Ron asked if they can subdivide lot 25 into smaller lots. Forrest stated that they would have to go through subdivision regulations and that would come back to this board before the City Council would take action. Scott stated that lot 25 is nine acres. Ron spoke about the roads when the City annexes property and is concerned that the city will drop the ball when it comes to connecting the roads and making the City a livable city with connected roads. Ron stated that there are roads that have never been finished. Ron asked Kurt if the city will do their part. Kurt explained that when the City annexes land, the City must annex the entire road right of ways as required by state law. This does not give the right for the City to pass a special improvement district in the area and have the County residents pay for a portion of the costs associated of road improvement onto the county parcels. The county residents could protest this creation of special improvement district to complete road improvements. Most costs for road improvements are tied to the lots that are adjacent to the roads. Ron stated that there are roads all over the city that are not paved. Kurt stated that citizens can petition to create a special improvement district to do road improvements any time they want to if they want the improvements. There is always the concern that if fifty one percent of the lot owners protest the creation of a special improvement district. Forrest stated that on these lots being considered for annexation there is a waiver of protest document so the current property owners and any subsequent property owners cannot protest the creation of a special improvement district. Forrest also stated that there can be a late comer agreement to help the developer to recoup costs if other property owners would like to connect to improvements that the developers paid for with their development.

Judy asked if there is any public comment on the discussion for the recommendation of approval for annexation and zoning for Goldberg Investments. There was no public comment.

Judy asked for a roll call vote on the motion for approval of Nutting Brothers Subdivision Recommendation of Annexation and Initial Zoning Request from Goldberg Investments for Residential Light Multi-Family on Nutting Brothers 2nd filing Lot 18 and Nutting Brothers 3rd Filing Lots 19-24 and Community Commercial on Lot 25 Nutting Brothers 3rd Filing. Jerry said I, Ron yes, Jon yes, Evan yes, Roger yes, and Judy yes. The motion was approve with a unanimous yes vote.

Forrest stated that there will be a Public Hearing on February 5, 2019 at the City Council meeting at 6:30 pm.

Old Business

5. Planner Update

Matt Lurker stated that he is completing back ground references for two applicants and he is hoping that the City will have a planner in the next month. Matt stated that he would like a recommendation to the Mayor in the next few weeks.

Other Items

6. Ron asked for information to be sent out sooner so that they have a chance to review the documents prior to the meeting. Kurt stated the information was sent out a week prior to the meeting except for the zoning allowances from the Laurel Municipal Code. Kurt also stated that the board should have a book with the regulations. Kurt stated that the new board members probably have not had a chance to get all the information they need to understand all the regulations. Kurt stated that there probably should be a review of the regulations with the Planning Board members in the near future. Forrest stated that there is a booklet that has been created by the State that has the subdivision and annexation regulations laws in this booklet.

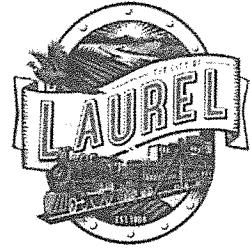
Announcements

7. Next Meeting: February 7, 2019.
8. Judy asked for a motion to adjourn the meeting. It was moved and seconded to adjourn and all were in favor. The meeting adjourned at 11:22am.

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 Planning

Office of the Director of Public
Works

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

BACKGROUND:

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

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

ANALYSIS OF REQUEST

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

Standard:

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

Findings:

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

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

MOVING FORWARD

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

RECOMMENDATION:

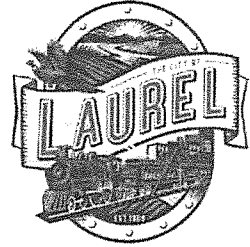
The request to proceed with annexation of Lot 18 Nutting Brothers 2nd Filing and Lots 19 – 25 Nutting Brothers 3rd Filing in Section 10, Township 2 South, Range 24 East Subdivision should be APPROVED for the following reasons:

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

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Office of Planning

Office of the Director of Public
Works

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

BACKGROUND:

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

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

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

ANALYSIS OF REQUEST

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

GENERAL INFORMATION

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

FINDINGS OF FACT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

XI. Will the zoning conserve the value of buildings;

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

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

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

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

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

RECOMMENDATIONS AND CONDITIONS OF APPROVAL

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

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

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



**AGENDA
CITY OF LAUREL
CITY/COUNTY PLANNING BOARD
THURSDAY, JANUARY 03, 2019
10:00 AM
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.*

General Items

1. Public Hearing: Annexation and Initial Zoning Request from Goldberg Investments for Residential Light Multi-Family on Nutting Brothers 2nd filing Lot 18 and Nutting Brothers 3rd Filing Lots 19-24 and Community Commercial on Lot 25 Nutting Brothers 3rd Filing.
2. Approval of Minutes from 11.1.2018

New Business

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

Old Business

4. Planner Update

Other Items

Announcements

Next Meeting: February 7, 2019

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.

DATES TO REMEMBER

Backup material for agenda item:

Approval of Minutes from 11.1.2018

MINUTES

CITY OF LAUREL

City/County Planning Board

11/01/2018 10:00 AM

City Council Chambers

COMMITTEE MEMBER PRESENT:

Judy Goldsby, Chair John Klasna

Even Bruce Roger Giese

Jerry Williams

OTHERS PRESENT:

Forrest Sanderson, Contract Planner KLJ

Richard Herr, Bob Ulrich, Kris Voge, Linda Frickel, Kathleen Gilluly, Dan Koch

1. Public Comment- none

2. General Items

- a. Approval of the previous minutes was approved
- b. Public Hearing Vue and Brew in the Central Business District. Judy read the rules for the public hearing and Forrest read the application and the process for advancing the request through the City-County Planning and City Council.

Judy asked if there was any proponents of the special review request. Kris Voge who lives at 306 East 4th Street spoke as one of the owners of the LLC that operates the Vue and Brew. Kris is also the applicant of the special request and informed the Planning Board of his intentions on the sale of alcohol at the Vue and Brew. Kris stated that all monies from the sale of alcohol will go to Sonny O'Days as per Montana Statue and that they plan on working with Sonny O'Days for staffing and sale of the alcohol in a concession agreement. Kris also stated that they received sixty comments on their Facebook page with fifty nine of those comments in support and Kris welcomed anyone to go and view the Vue and Brew's Facebook page. Linda Frickel who lives at 1737 Groshell Boulevard and was the previous owner of the Owl Café for over twenty years had the same concession agreement with Sonny O'Days and received no monies from the sale of alcohol but wanted to offer the opportunity for her customers to consume alcohol at the Owl Café. Linda is in support of this application and would like the Planning Board to also support their plans. Linda stated she has been a customer of the Vue and Brew since it opened and enjoys watching movies in Laurel. Judy asked for additional proponents twice and no additional proponents came forward. Judy then asked for any opponents three times and no opponents came forward to speak. Forrest read into the record an email he received from Shannon Cole-

Merchen on October 30, 2018. This email was in support of the proposal to allow for the alcohol sale and consumption at the Vue and Brew. The Public Hearing was closed.

3. New Business

- a. Judy asked the Planning Board members if they had any questions about the special review for the Vue and Brew about the sale and consumption of alcohol. Roger asked about the location in the building where the alcohol will be served. Kris stated that there is a separate area as you walk in through a window is where the alcohol will be sold. Kris stated that it would be similar to what the Billing Exchange does at the Metra. Kris stated one of the stipulations is that you cannot have an area where minors can access the storage of alcohol. Kris said that the concession employees will not be in the same area as the sale of alcohol. Evan asked if the area was going to be in the area of ticket sales. Kris stated that the area would be right as you walk in the building off to the side, it will be its own separate area. Roger asked about the relationship between Sonny O'Days and the Owl Café and now with the Vue and Brew. Judy stated that it will be up to the State of Montana to decide. Kris stated there will be a concession agreement with Sonny O'Days and Sonny O'Days will have the responsibility to for all requirements including liability insurance. Roger asked Kris if he felt it was necessary for there to be another avenue to sell alcohol in this city. Kris stated that the word "necessary" may not be the word but he feels that many customers would like to have a beverage while they watch their movie. Roger asked if they can take it into the movie with them or do they have to consume it in a special area. Kris stated within the confines of the entire building. Evan asked about training of the employees that will serve the alcohol. Kris states that the shared employees will be trained per the state guidelines. Evan asked if they sought out the transfer of the license into the Vue and Brew name. Kris said no. John stated that Kris is providing a space for the continuance of Sonny O'Days to operate and Kris said yes. Roger asked if they have submitted this to the state yet and Kris said that they have not. Kris stated they needed to have the City signed off on the request before they submitted the application to the State. Jerry stated that he thinks it is a great idea personally. Jerry also stated that he can see that this will help this business stay open. Forrest read his statement of analysis and finds that the application and comments from the public hearing are adequate for the board's consideration of approval with two conditions. Those conditions are that the operation and management of the facility shall be in accordance with the application, plans and testimony to this board and that they comply with City of Laurel's Codes and they comply with State Rules and Regulations. John asked about the Church next door that uses the building for youth events. Forrest stated that the standard to be further than 600 feet from a place of worship is waived in the Central Business District. Judy said that they rarely use the building for youth activities. Judy stated that Roger made the motion to approve the Special Use and forward it onto City Council for approval and was needing a seconding on the motion. Evan seconded the motion and all board members were in favor with a roll call vote. Forrest stated that this recommendation would be forwarded onto the next City Council Workshop and posted as required.
- b. Forrest presented the final plat application for Russel Minor Subdivision that had been previously approved by this board and by the Yellowstone County Commissioners. John made

the motion to approve Judy signing the final plat for approval. Evan questioned the location of the subdivision and Forrest explained and showed the check print of the subdivision to the board. Jerry seconded the motion and all board members approved.

- c. Forrest explained the CDBG Grants and what they can be used for like Growth Management Policy or a Capital Improvement Plan. Subdivision regulations could also be reviewed with this type of grant. Forrest stated that these are really competitive grants and the City will be prepared to apply for a grant as to what the City Council will. Jerry asked about traffic issues and grants for a traffic study. Judy spoke of the previous transportation grant and Forrest stated that there are other ways to get funds for urban transportation plan. John asked if there are two grants to apply for and Forrest indicated that all plans are presented to City Council and the City Council then determines what the priority will be and they will vote for the highest priority for funding. Forrest stated you can only submit one application per funding application. Evan asked what the grant will applied for and Judy stated that is what has to be determined. Evan asked where the public hearings would take place and Forrest said it would be at the City Council meetings. Judy said that the planning board is an advisory committee. Jerry stated that if we are to grow that the traffic issues needs to be resolved. Judy asked the members to review the growth management plan and the traffic study that was previously prepared for the City.

4. Old Business

- a. Planner Update- Forrest said the City received one application so far.

5. Other- Jerry asked about improvements at Riverside Park. Judy briefed the board that the process is moving forward

6. Announcements- Next meeting scheduled December 6th, 2018. Forrest said so far there is nothing on the agenda.

7. Adjournment was called for by Judy, Roger motioned to adjourn with John seconding the motion, all were in favor and the meeting adjourned at 10:55am.

Respectfully Submitted,

Kurt Markegard

Backup material for agenda item:

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

**Corrected notice for City Council hearing date. Planning Board
time/date did not change.**

PUBLIC HEARING NOTICE

The Laurel – Yellowstone Planning Board and Zoning Commission will conduct a public hearing on a proposed annexation and initial zoning request submitted by Goldberg Investment LLP to the City of Laurel, Montana. The hearing is scheduled for **10:00 A.M., in the City Council Chambers at City Hall, 115 West First Street, Laurel, Montana, on Thursday, January 3, 2019.**

Additionally, the City Council has scheduled a public hearing and consideration of adoption, by Ordinance, on First Reading the proposed annexation and initial zoning request. The City Council public hearing is scheduled for **6:30 P.M., in the City Council Chambers at City Hall, 115 West First Street, Laurel, Montana, on Tuesday, February 5, 2019.**

Specifically, Goldberg Investment has proposed to annex Nutting Brothers 2nd Filing Lot 18 and Nutting Brothers 3rd Filing Lots 19 – 25 located in Section 10, Township 2 South, Range 24 East, into the City of Laurel, Yellowstone County, Montana.

Additionally, Goldberg Investments has proposed and initial zoning upon annexation of Residential Light Multi-Family (RLMF) on Nutting Brothers 2nd Filing Lot 18 and Nutting Brothers 3rd Filing Lots 19 – 24 and Community Commercial (CC) on Lot 25 Nutting Brothers 3rd Filing.

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

A copy of the annexation petition and initial zoning request are available for public review at The City Planners Office during regular business hours. Questions may be directed to the Laurel Public Works Department at 628-4796. Public comment is encouraged.



November 13, 2018

Mr. Forrest Sanderson, AICP
Laurel City Planner
City of Laurel
115 West 1st Street
Laurel, MT 59044

RE: Annexation and Zoning of Nutting Bros Subdivision Lots 5, 18-24

Dear Mr. Sanderson:

This letter is accompanying a full annexation application, with requested zoning, for Lots 5, and 18-24 of the Nutting Bros Subdivision on the eastern boundary of the City of Laurel. We are requesting specific zoning be applied at the time of annexation into the City of Laurel. The application, maps and supplementary information outline the request and satisfy the application requirements as laid out in our pre-application meeting and the application itself. Below is a summary of the discussions we've had as part of the application process, provided to memorialize and ensure all reviewing parties are informed of the application and properties past and proposed future.

This property has went through a formal Yellowstone County Zone Change application and City of Laurel Annexation application in the past with a prior development group. That application requested a zoning of Residential Manufactured Homes (RMH) over the entire property. Much of the discussion and opposition to that application revolved around the continuation of manufactured or mobile home units being placed on the property and its fit with adjacent neighborhoods. Much of the comment from the neighborhood suggested that this property should be developed with stick-built rooftops and family homes. As such the zoning and annexation into the City of Laurel were denied and the development did not occur.

The new development group, Goldberg Developments, is proposing a wholly different type of style of development for the property and the City's consideration. The developer is applying for annexation and requesting approximately 9 acres along the Yard Office Road be zoned Community Commercial (CC) and the remaining 23 acres north of Eleanor Roosevelt Drive be zoned Residential Light Multi-Family (RLMF). The intent is to allow for some light commercial development and business park along Yard Office Road while providing the community with buildable single family residential lots allowing for some multi-family development interspersed within the development. This request matches the requests of the

406-384-0080

7100 Commercial Ave. #4
Billings, Montana 59101

performance-ec.com

- Page 8 -



adjacent neighborhoods for single family, stick built housing in the area while still matching the zoning of adjacent properties to the south and east.

This project will help serve as an infill project for the City, tying to existing utilities located along its boundary. The proposed project will help to reduce the cost of basic services provided to the area by adding to the City's rate payer base. Commercial businesses along Yard Office Road will help to offset the cost of services to the area while addition to the tax base of the City. The proposed RLMF will add to the diversity of housing for the community and allow for the desired residential stick-built homes in the area. All of these items align with the goals of the City of Laurel Growth Policy.

During our pre-application meeting it was suggested that a meeting be set with Public Works Director Kurt Markegard to discuss system capacity of the water and wastewater facilities. Performance Engineering and the developer met with Mr. Markegard to discuss the proposed zoning and potential for development of the property. System capacities were specifically discussed in the meeting to which it was noted by Mr. Markegard that there is sufficient capacity in the treatment facilities to handle the potential demand from the development. There may be potential collection and distribution upgrades required of the developer along Eleanor Roosevelt/8th Ave. but those would be based on system modeling. At this time there were no major red flags for the development based on the capacity of the system.

We are excited about the proposed project annexation and zoning request as we believe it will start laying the ground work for continued expansion, growth, and prosperity on the eastern edge of Laurel. It is our hope that this application will receive favorable consideration from the City of Laurel and we look forward to working with the Planning Board and City Council through the process. Please do not hesitate to call should you have any questions at 406-384-0080.

Best Regards,


Scott Aspenlieder, PE
Project Manager

**CITY OF LAUREL, MONTANA
REQUEST FOR ANNEXATION
AND PLAN OF ANNEXATION**

Applicant is required to meet with the City Planner prior to filling out this application. All blanks of this application are to be filled in with explanation by the applicant. Incomplete applications will not be accepted.

1. Only parcels of land adjacent to the City of Laurel municipal limits will be considered for annexation. "Adjacent to" also includes being across a public right of way. If the parcel to be annexed is smaller than one city block in size (2.06 acres), the city council must approve consideration of the request; the applicant must make a separate written request to the city council stating their wish to annex a parcel of land less than one city block in. Once the council approves the request, the applicant can apply for annexation.
2. Applicant landowner's name: Goldberg Investments, LLP
Address: P.O. Box 907, Laurel, MT 59044
Phone: (406) 360-6364
3. Parcel to be annexed: (If it is not surveyed or of public record, it must be of public record PRIOR to applying for annexation.) NOTTING BROS 2ND FILING, S16, T02 S, R24 E, LOT 18, & LTS 19-25
Legal description: NOTTING BROS 3RD 32.56 AC (07)
Lot size: 32.56 AC
Present use: AGRICULTURE
Planned use: RESIDENTIAL AND COMMERCIAL
Present zoning: RESIDENTIAL TRACTS
(Land which is being annexed automatically becomes zoned R-7500 when it is officially annexed [City ordinance 17.12.220])
4. City services: The extension of needed city services shall be at the cost of the applicant after annexation by the city has been approved. As part of the application process, each of the following city services must be addressed with an explanation:

Water Service:
Location of existing main: 4-inch water main located along southern and eastern boundaries of property.
Cost of extension of approved service: TBD
How cost determined: WILL BE BID BY CONTRACTORS
Timeframe for installation: 2019

Sewer Service:
Location of existing main: Sewer located at both intersections of Yard Office/Maryland and 8th St./Lumpkin Ave. Likely to require force main connection west to system along 8th St.
Cost of extension of approved service: TBD
How cost determined: WILL BE BID BY CONTRACTORS

Timeframe for installation: 2019

How financed: PRIVATE CONTRACT

Streets:

Is there any adjoining County ROW to the proposed

annexation: YES

Location of existing paved access: YARD OFFICE RD. & ELEANOR ROOSEVELT DR.

Cost of paving: TBD

How cost determined: WILL BE BID BY CONTRACTORS

Timeframe for construction: 2019

Other required improvements: Provide above information on attached pages.

5. A map suitable for review of this application of the proposed area to be annexed must be submitted with this application.
6. A written Waiver of Protest must accompany this application, suitable for recording and containing a covenant to run with the land to be annexed, waiving all right of protest to the creation by the city of any needed improvement district for construction or maintenance of municipal services. This Waiver of Protest must be signed by the applicant prior to annexation by the city.
7. Requests for annexations are referred to the City-County Planning Board for recommendation to the City Council. Within 30 days after receiving the properly filled out application with all required accompaniments and after conducting a duly advertised public hearing, the City-County Planning Board shall make recommendation to the City Council as to this Request for Annexation. If more information is needed from the applicant during the review of the application, such application shall be deemed incomplete and the timeframe for reporting to the City Council extended accordingly, in needed.
8. A non-refundable application fee of \$300 + \$25.00 per acre (80 acres or less); \$300 + \$35.00 per acres (81 acres or more) must accompany the submission of this application.

The City Council of the City of Laurel, Montana, after review and consideration of this Application for Annexation, found such to be in the best interest of the City, that it complied with state code, and approved this request at its City Council meeting of _____.

Form revised by City Attorney April 2008

AFFIDAVIT OF WAIVER OF PROTEST
BEFORE THE CITY COUNCIL
OF THE CITY OF LAUREL, MONTANA

FOR THE ANNEXATION OF THE HEREIN DESCRIBED PROPERTY AND CREATION OF
ANY FUTURE SPECIAL IMPROVEMENT DISTRICT

The undersigned hereby waives protest to the annexation of the property described below by the City of Laurel. Undersigned also waives their right to seek judicial review under M.C.A. § 7-2-4741 (2007), subsequent to the City's annexation of the below described property.

The undersigned hereby additionally waives protest to the creation of future Special Improvement District(s) created and/or formed for future street improvements including, but not limited to, paving, curbs, gutter, sidewalk and storm drainage or any other lawful purpose.

This Affidavit is submitted pursuant to and as a part of the Annexation Agreement and future contemplated Subdivision Improvement Agreement (SIA) with the City of Laurel.

This Affidavit of Waiver shall run with the land and shall forever be binding upon the Grantee, their transferees, successors and assigns.

LEGAL DESCRIPTION OF THE PROPERTY:

"NUTTING BRGS 2ND FILING, S10, T02 S, R24 E, LOT 18 & LOTS 19-25 (NUTTING BRGS 3RD S.D.)"

DATED this 7th day of November, 2018

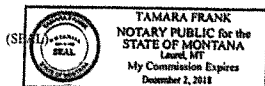
Amg J
Grantee Name
(Company..)

STATE OF Montana)

County of Yellowstone) ss.

On this day of 7th of November, 2018, personally appeared before me,
Anthony J. Golden proved to me on the basis of satisfactory evidence to be
the person(s) whose name(s) are subscribed to this instrument, and acknowledged the he/she/they executed
the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal on the day
and year in this certificate first above written.

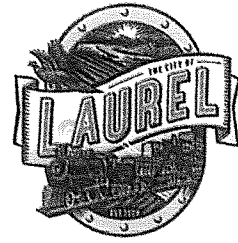


Tamara Frank
Notary Public for the State of Montana
Residing at: Laurel, MT
My Commission Expires: 12-02-2018

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 Planning

Office of the Director of Public
Works

Date: November 21, 2018

To: Laurel – Yellowstone City – County Planning Board and Zoning Commission

From: Forrest Sanderson, AICP, CFM – Contract Planner

Re: Annexation Request, Goldberg Investment LLP

BACKGROUND:

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

ANALYSIS OF REQUEST

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

Standard:

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

Findings:

- A. The property requested for consideration is adjacent to the existing Laurel city limits;
- B. The property requested for consideration is 32.56 acres in size;
- C. The property owner (Goldberg Investments LLP) owns or has been authorized to submit the annexation petition.;
- D. Should the request for annexation be denied by the City of Laurel the request for initial zoning will not proceed further;

- E. This is the type of comprehensive annexation and initial zoning requests that are desired under the City of Laurel Annexation Policy.
- F. The annexation and initial zoning appears to be consistent with your 2013 Growth Policy. (Infrastructure, Land Use, and Transportation Sections). These sections encourage comprehensive 'big picture' looks at development, growth and the extension of public infrastructure.

MOVING FORWARD

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

RECOMMENDATION:

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

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

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

City Of Laurel

P.O. Box 10
Laurel, Montana 59044



Office of Planning

Office of the Director of Public
Works

Date: November 30, 2018
To: Laurel – Yellowstone City – County Planning Board and Zoning Commission
From: Forrest Sanderson, AICP, CFM – Contract Planner
Re: Initial Zoning Request, Goldberg Investment LLP

BACKGROUND:

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

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

ANALYSIS OF REQUEST

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

GENERAL INFORMATION

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

FINDINGS OF FACT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

XI. Will the zoning conserve the value of buildings;

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

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

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

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

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

RECOMMENDATIONS AND CONDITIONS OF APPROVAL

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

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

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

Chapter 17.16**RESIDENTIAL DISTRICTS****Sections:****17.16.010 List of uses.****17.16.020 Zoning classified in districts.****17.16.010 List of uses.**

Table 17.16.010 designates the special review (SR) and allowed uses (A) in residential districts. (Ord. 04-1 (part), 2004; Ord. 01-4 (part), 2001; Ord. 99-22, 1999: Ord.

96-5 (part), 1996; Ord. 1049, 1992; Ord. 1026, 1992; Ord. 997, 1991; prior code § 17.28.010)

17.16.020 Zoning classified in districts.

Zoning for residential districts is classified in and subject to the requirements of Table 17.16.020. (Ord. 06-12 (part), 2006; Ord. 06-06 (part), 2006; Ord. 05-13, 2005; Ord. 99-23, 1999: Ord. 96-5 (part), 1996; Ord. 94-5, 1994: Ord. 1068, 1993; Ord. 1065, 1993; Ord. 820, 1985: prior code § 17.28.020)

Table 17.16.010

	RE 22,000	R 7,500	R 6,000	RLMF	RMF	RMH	PUD	SR	RT
Accessory building or use incidental to any permitted residential use customarily in connection with the principal building and located on the same land parcel as the permitted use		A	A	A	A	A	A	A	A
Animals (see zoning district description for specifics)								A	
Automobile parking in connection with a permitted residential use		A	A	A	A	A	A	A	A
Bed and breakfast inn		SR	SR	SR	SR	SR	SR	SR	SR
Boarding and lodging houses		SR	SR	SR	SR	SR	SR	SR	SR
Cell towers (see Sections 17.21.020—17.21.040)									
Cemetery		SR	SR	SR	SR	SR	SR	SR	
Child care facilities									
Family day care home		A	A	A	A	A	A	A	A
Group day care home		A	A	A	A	A	A	A	A
Day care center		SR	SR	SR	SR	SR	SR	SR	SR
Churches and other places of worship including parish house and Sunday school buildings		SR	SR	SR	SR	SR	SR	A	SR
Communication towers (see Sections 17.21.020—17.21.040)									
Community residential facilities serving eight or fewer persons		A	A	A	A	A	A	A	A
Community residential facilities serving nine or more persons		SR	SR	SR	SR	SR	SR	SR	SR
Orphanages and charitable institutions		SR	SR	SR	SR	SR	SR	A	SR
Convents and rectories		SR	SR	SR	SR	SR	SR	A	SR
Crop and tree farming, greenhouses and truck gardening									
Day care facilities		SR	SR	SR	SR	SR	SR	SR	SR
Kennels (noncommercial)		A	A	A	A	A	A	A	A
Dwellings Single-family		A	A	A	A	A	A	A	A
Two-family			A	A	A		A		
Multifamily				A	A		A		

	RE 22,000	R 7,500	R 6,000	RLMF	RMF	RMH	PUD	SR	RT
Manufactured homes									
Class A						A			
Class B						A			
Class C						A			
Row Housing				SR	SR		A		
Family day care homes		A	A	A	A	A	A	A	A
Greenhouses for domestic uses		A	A	A	A	A	A	A	A
Group day care homes		A	A	A	A	A	A	A	A
Home occupations		A	A	A	A	A	A	A	A
Parking, public		SR	SR	SR	SR	SR	SR	SR	SR
Parks, playgrounds, playfields, and golf courses community center buildings—operated by public agency, neighborhood or homeowners' associations		A	A	A	A	A	A	A	A
Planned developments							A		
Post-secondary school		A	A	A	A	A	A	A	A
Preschool		SR	SR	SR	SR	SR	SR	SR	SR
Public service installations		SR	SR	SR	SR	SR	SR	SR	SR
Schools, commercial		SR	SR	SR	SR	SR	SR	SR	SR
Schools, public elementary, junior and senior high schools		A	A	A	A	A	A	A	A
Towers (see Sections 17.21.020— 17.21.040)									

Chapter 17.20

COMMERCIAL—INDUSTRIAL USE
REGULATIONS

Sections:

17.20.010 List of uses.

17.20.020 Zoning classified in
districts.

17.20.010 List of uses.

Table 17.20.010 designates the special
review (SR) and allowed (A) uses as gov-erned by commercial — industrial use reg-
ulations. (Ord. 04-1 (part), 2004; Ord. 01-4
(part), 2001; Ord. 96-5 (part), 1996; Ord.
998, 1991; Ord. 923, 1987; Ord. 922, 1987;
Ord. 917, 1987; prior code § 17.32.010)

17.20.020 Zoning classified in districts.

Zoning for commercial — industrial use
is classified in and subject to the require-
ments of Table 17.20.020. (Prior code
§ 17.32.020)

Table 17.20.010									
	AG	RP	NC	CBD	CC	HC	LI	HI	P
Accessory buildings or uses incidental and customary to a permitted residential use and located on the same parcel as the permitted residential use	A	A	A	A	A	A	A	A	A
Airports	A								A
Alcoholic beverages manufacturing and bottling (except below):							A	A	
1,500 to 5,000 31-gallon barrels per year				SR	SR	SR	A	A	
Less than 1,500 gallon barrels per year				A	A	A	A	A	
Ambulance service			A	A	A	A	A	A	
Antique store				A	A	A	A		
Appliance - (household) sales and service			A	A	A	A	A		
Assembly halls and stadium					SR	SR	SR		SR
Assembly of machines and appliances from previously prepared parts					SR	SR	SR		SR
Auction house, excluding livestock				SR	SR	A	A	A	
Auction, livestock	SR								
Automobile sales (new and used)				A	A	A	A		
Automobile - commercial parking enterprise				A	A	A	A	A	
Automobile and truck repair garage				A	A	A	A	A	
Automobile service station			A	A	A	A	A	A	
Automobile wrecking yard								SR	
Bakery products manufacturing					SR	A	A	A	
Bakery shops and confectioneries			A	A	A	A	A		
Banks, savings and loan, commercial credit unions			A	A	A	A	A		
Barber and beauty shops			A	A	A	A	A		
Bed and breakfast inns	A		A		A	A			
Bicycle sales and repair			A	A	A	A	A		
Blueprinting and photostating			A	A	A	A	A		
Boarding and lodging houses	A		A		A	A			
Boat building and repair						A	A	A	
Boat sales new and used					A	A	A	A	
Boiler works (manufacturing servicing)								A	
Boiler works (repair and servicing)							A	A	
Book and stationery store			A	A	A	A	A		
Bottling works							A	A	
Bowling alleys				A	A	A	A		
Brick, tile or terra cotta manufacture								A	
Bus passenger terminal buildings local and cross country			A	A	A	A	A		
Bus repair and storage terminals						A	A	A	

Table 17.20.010									
	AG	RP	NC	CBD	CC	HC	LI	HI	P
Camera supply stores			A	A	A	A	A		
Camps, public					SR	A			A
Car washing and waxing					A	A	A		
Car wash - coin operated			A	A	A	A	A		
Cement, lime and plastic manufacture								A	
Ceramics shop		SR	A	A	A	A	A		
Chemical and allied products manufacture								A	
Child care facilities	A		A		A	A			
Churches and other places of worship including parish houses and Sunday school building	A	SR	A	A	A	A	A	A	
Clinic, animal	A		A	A	A	A	A		
Clinics, medical and dental		SR	A	A	A	A	A		
Clothing and apparel stores			A	A	A	A	A		
Coal or coke yard								A	
Cold storage					A	A	A		
Colleges or universities			A	A	A	A			A
Commercial recreation areas			SR	A	A				A
Commercial food products, storage and packaging						SR	A	A	
Communication towers (commercial)	A	A	A	A	A	A	A	A	SR
Concrete mixing plants and manufacturing of concrete products							A	A	
Construction contractors:									
Office			A	A	A	A	A	A	
Open storage of construction materials or equipment						SR	A	A	
Community residential facilities									
Adult foster family care home	A		A		A	A			
Community group home	A		A		A	A			
Halfway house	A		A		A	A			
Youth foster home	A		A		A	A			
Youth group home	A		A		A	A			
Nursing, homes, convalescent homes, orphanages, and charitable institutions	A		A		A	A			
Crematorium						SR	A	A	SR
Creameries, dairy products manufacturing							A	A	
Creosote manufacturing or treatment plants								A	

Table 17.20.010									
	AG	RP	NC	CBD	CC	HC	LI	HI	P
Fuel oil, gasoline and petroleum products bulk storage or sale						A	A	A	
Furnace repair and cleaning					A	A	A	A	
Furniture and home furnishings, retail sales			A	A	A	A	A		
Furriers, retail sales and storage			A	A	A	A	A		
Gambling establishments				A	A	A	A		
Garbage, offal and animal reduction or processing							SR		
Garbage and waste incineration								SR	
Gas storage								SR	
Gases or liquified petroleum gases in approved portable metal containers for storage or sale						A	A	A	
Grain elevators	A					SR	SR	A	
Greenhouses	A				A	A	A	A	
Hardware, appliance and electrical supplies, retail sales				A	A	A	A		
Hatcheries	A						SR	SR	
Heliports				SR		SR	SR	SR	SR
Hobby and toy stores			A	A	A	A	A		
Hospitals (for the care of human patients)			A	A	A	A		A	
Hospital, animal		A		SR	SR	A	A	A	
Hotels				A	A	A			
Industrial chemical manufacture except highly corrosive, flammable or toxic materials								SR	
Irrigation equipment sales and service					A	A	A	A	
Jails and penal institutes									A
Janitor service				A	A	A	A		
Jewelry and watch sales			A	A	A	A	A		
Kennels - commercial	A				SR	A	A		
Laboratories for research and testing						SR	A	A	
Landfills - reclamation or sanitary									A
Laundries, steam and drycleaning plants							A	A	
Laundries, steam pressing, drycleaning and dyeing establishments in conjunction with a retail service counter under 2500 sq. ft. in size			A	A	A	A	A		
Laundries, pick up stations			A	A	A	A	A		
Laundries, self-service coin operated			A	A	A	A	A		
Libraries, museums, and art galleries			A	A	A	A	A		A
Lock and gunsmiths			A	A	A	A	A		
Lodges, clubs, fraternal and social organizations provided that any such club establishment shall not be conducted primarily for gain				A	A	A			
Lumber yards, building materials, storage and sales						A	A	A	
Machine shops						SR	A	A	
Manufacturing - light manufacturing not otherwise mentioned in which no excessive fumes, odors, smoke, noise or dust is created						SR	A	A	
Heavy manufacturing not otherwise mentioned or blending or mixing plants						SR	SR		
Meat processing - excluding slaughter plants						SR	A		
Meat processing, packing and slaughter								SR	
Medical marijuana cultivation facility or cultivation facility							A	A	
Medical marijuana dispensary or dispensary							A		
Metal fabrication						SR	SR	A	
Motorcycle sales and repair				A	A	A	A		
Mortuary			A	A	A	A	A		
Motels and motor courts				A	A	A	A		
Music stores			A	A	A	A	A		

Table 17.20.010									
	AG	RP	NC	CBD	CC	HC	LI	HI	P
Woodworking shops, millwork						SR	A	A	
Zoo, arboretum	SR								A

(Ord. No. O09-01, 3-17-09; Ord. No. O09-07, 7-7-09; Ord. No. O11-01, 2-15-2011; Ord. No. O-14-03, 8-5-2014)

Table 17.20.020									
Zoning Requirements	A	RP*	NC*	CBD*	CC*	HC	LI	HI	P
Lot area requirements in square feet, except as noted, 20 acres	20 acres	NA	NA	NA	NA	NA	NA	NA	NA
Minimum yard requirements:									
Front ^(a)	NA	20	20	NA	20	20	20	20	20
Side ^(b)		0	0		0	0	0	0	0
Side adjacent to street		10	10		10	10	10	10	10
Rear ^(b)		0	0		0	0	0	0	0
Maximum height for all buildings ^(c)	NA	25	25	NA	25	45	70	NA	NA
Maximum lot coverage in percent	NA	50	50	NA	50	75	75	75	50
Minimum district size (expressed in acres)	20 acres	2.07	2.07	2.07	2.07	2.07	2.07	2.07	NA
(NA means not applicable)									
*The lot area, yard and lot coverage requirements for 1 and 2 single family dwellings in commercial zoning districts shall be the same as those in the RLMF residential zoning district.									
(a) Arterial setbacks									
(b) Side and rear yards									
(c) Except as provided in the airport zone									

(Ord. No. O-14-03,8-5-2014)

Table 17.16.020

Zoning Requirements	R 7,500	R 6,000	RLMF	RMF	RMH	PUD	SR	RT
Minimum lot area per dwelling unit in square feet								
One unit	7,500	6,000	6,000 ¹	6,000 ¹	6,000 ³	See	5 acres	1 acre
Two units		7,500	7,500	7,500 7,750		Chapter		
Three units		8,500	8,500	8,500 9,500		17.32		
Four units			10,000	10,000 11,250				
Five units				11,500 13,000				
Six units and more				Add 1,500- each 2,500 additional unit				
Minimum yard— setback requirements (expressed in feet) and measured from public right-of-way								
Front	20	20	20	20	10		25 ⁵	25
Side	5	5 ⁴	5 ⁴	5 ⁴	5		5 ⁵	5
Side adjacent to street	20	20	20	20	20		10 ⁵	10
Rear	5	5	5	5	5		25 ⁵	25
Maximum height for all buildings	30	35	35	NA ² 40	30		30	30
Maximum lot coverage (percentage)	30	30	40	55 45	40		15	30
Minimum district size (expressed in acres)	2.07	2.07	2.07	2.07	2.07		20	5

¹ Row housing may be permitted to be constructed on 3,000 square foot lots if approved through the special review process.

² NA means not applicable.

³ The requirements for the mobile homes contained herein relate only to a mobile home subdivision; see Chapter 17.44 of this code for the requirements for a mobile home park.

⁴ Zero side setbacks may be permitted if approved through the special review process.

⁵ All pens, coops, barns, stables, or permanent corrals shall be set back not less than 50 feet from any residence, public road, or water course, and any property line.

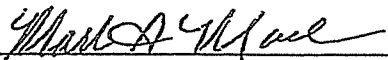
This Ordinance shall become effective thirty (30) days after final passage by the City Council and approved by the Mayor.

Introduced and passed on first reading at a regular meeting of the City Council on July 7, 2015, by Council Member Poehls.

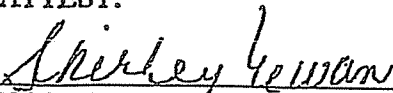
PASSED and ADOPTED by the Laurel City Council on second reading this 21st day of July, 2015, upon motion of Council Member Poehls.

APPROVED BY THE MAYOR this 21st day of July, 2015.

CITY OF LAUREL


Mark A. Mace, Mayor

ATTEST:


Shirley Ewan, Clerk/Treasurer

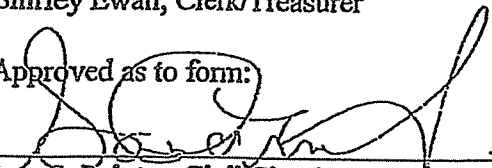
Approved as to form:

Sam S. Painter, Civil City Attorney

Table 17.20.010									
	AG	RP	NC	CBD	CC	HC	LI	HI	P
Woodworking shops, millwork						SR	A	A	
Zoo, arboretum	SR								A

(Ord. No. O09-01, 3-17-09; Ord. No. O09-07, 7-7-09; Ord. No. O11-01, 2-15-2011; Ord. No. O-14-03, 8-5-2014)

Table 17.20.020									
Zoning Requirements	A	RP*	NC*	CBD*	CC*	HC	LI	HI	P
Lot area requirements in square feet, except as noted, 20 acres	20 acres	NA	NA	NA	NA	NA	NA	NA	NA
Minimum yard requirements:									
Front ^(a)	NA	20	20	NA	20	20	20	20	20
Side ^(b)		0	0		0	0	0	0	0
Side adjacent to street		10	10		10	10	10	10	10
Rear ^(b)		0	0		0	0	0	0	0
Maximum height for all buildings ^(c)	NA	25	25	NA	25	45	70	NA	NA
Maximum lot coverage in percent	NA	50	50	NA	50	75	75	75	50
Minimum district size (expressed in acres)	20 acres	2.07	2.07	2.07	2.07	2.07	2.07	2.07	NA
(NA means not applicable)									
*The lot area, yard and lot coverage requirements for 1 and 2 single family dwellings in commercial zoning districts shall be the same as those in the RLMF residential zoning district.									
(a) Arterial setbacks									
(b) Side and rear yards									
(c) Except as provided in the airport zone									

(Ord. No. O-14-03,8-5-2014)

Minutes
Public Works Committee
January 22, 2019 6:00 P.M.
Council Conference Room

Those present:

Kurt Markegard, Staff Advisor
Emelie Eaton, Chair
Karl Dan Koch
Marvin Carter
Richard Herr
Heidi Sparks
Bill Mountsier at 6:18

1. The meeting started at 6:00. There was no public in attendance.

2. General items

Review and approve minutes of November 19, 2018 meeting. The minutes were reviewed. Richard Herr moved the minutes be approved as written. Heidi Sparks seconded. The motion was approved. Heidi Sparks questioned whether the minutes be corrected to state that Bill Mountsier was in attendance. Everyone agree Bill was not in attendance at the December, 2018 meeting.

3. New Business

a. Emergency Call-outs

Kurt had supplied all attendees with a list of all Emergency Call-outs since July 1, 2018. The July items had been reviewed at the July Public Works meeting. The August items had been reviewed at the August Public Works meeting. The September items had been reviewed at the September 17th meeting. The October items had been reviewed at the October 15th meeting. The November items had been reviewed at the November 19 meeting. The December items had been reviewed at the December Public Works meeting. Kurt asked the committee if he should provide only the callouts since the last meeting. It was unanimously agreed that the committee only wished to see call outs since the last meeting. For the January 22, 2019 meeting the following call outs were listed. December 25, 2018 Crews were sent out to sand the streets due to a winter storm. December 26, 2018 the Village Lift Station floats were activated due to grease buildup. On January 19, 2019 there were water leaks at 1710 Duval in Elena Subdivision and 714 Second Avenue. Both leaks were service lines leaking at the curb box shut off valves. It became

necessary to call in two City employees and the container site was closed for this reason. The Second Avenue leak became involved because of unusually thick cement in the sidewalk around the shut off valve. A sprinkler head next to the sidewalk was also damaged when crews attempted to cut the sidewalk to access the shut off. On January 21, 2019 three City employees were called in to do plowing, sanding and shoveling at City buildings due to a winter storm.

b. February, 2019 Meeting Time

Emelie Eaton stated that because the Public Works Committee is scheduled to meet on February 18, 2019; and because the Public Works Director had stated at last month's meeting that he no longer wished to meet on holidays; and because he had further stated to Chairwoman Eaton that he had plans to be gone for a large portion of the week of February 18, 2019; she was making a motion to cancel the February 18, 2019 Public Works meeting. That motion was seconded by Richard Herr. Discussion followed regarding whether there would be anything new to report to the committee that could not wait until the March 18th meeting. It was unanimously agreed that the February 18, 2019 meeting was cancelled and the committee would next meet March 18, 2019. Bill Mountsier joined the meeting and was brought up on what had been discussed.

4. Old Business

a. KLJ and Great West Engineering Reports

Kurt had supplied copies of the January 18, 2018 Project Progress Update from Great West.

Task Order No 26. New Water Intake

As was stated previously, the leak was fixed. The report states Great West is covering costs for this repair.

Task Order No. 29 Water System Improvements

Regarding putting lettering on the new water storage tank by Riverside Park south of Laurel, Kurt stated that the Mayor had agreed to add the cost of putting "Laurel" in 4' white lettering on the cobalt blue tank. Kurt confirmed that the final cost on this addition will be an additional \$2,300 and was well within the budget.

Great West's plans for the covered sedimentation buildings called for the gas pipes running parallel to Highway 212 be rerouted to heat the new buildings. MDU had surveyed the situation and stated they did not wish to dig their lines out of what is apparently a collection of pipelines in that area. They informed the City that if the City wished to reroute the line it would be their responsibility. The City is now assessing who would be willing to do this work and what the cost would be.

KLJ's January 15, 2019 City of Laurel Project Status Update was next reviewed. The Screw Press/Digester Rehabilitation project is underway. Crews are pumping down the water so the area can be cleaned and repairs made. They are leaving solids in the sedimentation beds to dry. Kurt showed pictures of the beds filled 3"-4" full of the materials taken out to dry. It is presently too cold to haul the materials, since the moisture has only frozen and not evaporated or run off. This is creating something of a backup in the process as the beds are filling and there is still more to be taken away. K. Dan Koch inquired if the material couldn't be used as fertilizer. Kurt explained that while *Glacier Gold*, a gardening fertilizer that can be found in a local hard ware store, does come from the Kalispell sedimentation basins, there are extensive DEQ requirements that have to be met to make the product safe to be distributed to the public. Currently Laurel has pumped out roughly 300,000 gallons and Billings uses the dried product as cover over the trash at the County landfill. Kurt did state that he felt there would be a problem when crews start to drain the digesters. He stated that millions of dead snails from a build up elsewhere were likely collected at the bottom of the first digester. He also stated that the second digester leaks. No one would know the extent of the damage or be able to estimate the cost until it was drained. He stated that crews expected to need 7 to 10 days to finish this part of the project. They had started on Saturday, January 19th so it was expected there would be answers soon.

The H2S Remediation issue. Nothing discussed
Archimedes Screw Rehabilitation. Nothing discussed.

East 6th Street improvements.

The scope of this project changed with the City requesting off-street parking within Thompson Park; and installing a new water main within East 6th Street to provide looping for side street connections. KLJ had completed looking at the water main on December 3rd and had determined that the water pressure was sufficient and there was no need to loop. This was paid for out of Water Enterprise Funds.

The issue of off street parking had been reviewed and KLJ had provided some estimates for cost. The issue of putting a parking lot where the tennis courts now sit was eliminated because of fear of foul balls hitting cars. If the City were to put in parking east of the shelter, where the ice skating rink was many years ago, it would cost approximately \$150,000 or \$7,500 each for the roughly 20 parking spots that could be built. This money would have to come out of the General Fund because creating a parking lot in the park does not fall into the guidelines of uses for street improvement monies or Gas Tax dollars. KLJ has stated that changing to

diagonal parking along East 6th Street would provide 16 parking spots and save the City a considerable amount. Kurt stated that the consensus now is to change East 6th Street to diagonal parking.

Pavement Maintenance. Nothing discussed.

LURA Infrastructure Improvements

Kurt explained that the mayor had proposed LURA fund improvements to Washington Avenue; Idaho Avenue and Ohio Avenue between East Main Street and East First Street. The Mayor is now considering delaying this issue for three years. Emelie Eaton inquired what reaction the Railside Diner had to this change of direction. Kurt responded that the Railside Diner wishes to expand their building and the plan is to build to the sidewalk so they are anxious to have improved streets and possibly diagonal parking for their patrons. Emelie Eaton inquired whether the brewery was still going to pay for their own curb, gutter and sidewalk improvements. Kurt stated that once the brewery's owners heard that the City was planning to make improvements to the sidewalks, street, curb and gutters, they withdrew their plans to finance the project for their business and the area will remain with the gravel scraped away.

Pavement Management Plan

It is expected that a draft form of this report will be available in February and the committee can review it in March. Public Works Director Markegard stated that all streets on the south side are earmarked for complete rebuild. KLJ is still gathering information as it learned that those streets designated as Urban Routes have to have information gathered beyond the City limits. Kurt stated that the report that KLJ provides will give cost estimates which are expected to be between \$60 and \$70 million to complete all improvements. Heidi asked where the money comes from to make these improvements. Kurt stated that it comes from the Gas Tax Fund and Pavement Maintenance Fund. He stated that TIGER grants are available but he felt that it was impossible to get any federal grant money when Laurel was so close to Billings and we would be competing with them for funding because the grants were based on how much traffic used any given street. Heidi disagreed with his, stating that if the City applied for a TIGER grant for SW 4th Street and included the 2,000 additional employees every three years during a turn around the numbers would look good. Kurt brought the web site up on his computer and showed the committee two small Montana towns that had received TIGER grants. The web site <https://www.transportation.gov/BUILDgrants> gives the specs needed to apply for the BUILD-TIGER Discretionary Grants.

Marvin Carter left the meeting at 6:55 stating he had another meeting to attend in five minutes.

On-Call Professional Services-Nothing was discussed

Laurel Planning Services

Kurt stated that on January 19th the Laurel Planner job had been offered to a planner by the name of Nick now located in New Hampshire.

Other Notes and Information-nothing was discussed

b. Update on West Railroad Street

Kurt stated that the state had reviewed the joint County/City of Laurel request to place West Railroad Street on the list of state projects. Consequently, the state reviewed the materials submitted to it and had met with City staff earlier in the day. The state had said it could not proceed with the project until the City proved it had the match funding for the project as it was submitted. The City stated it had reserved approximately \$4 million and that \$200,000 was added to it annually which would bring the total to roughly \$4.7 million in five years when construction is expected to begin. The state said the match needed to be between \$4-\$7 million in today's dollars and costs would go up as time passed. The state recommended changing the scope of the project and either replacing Railroad Street from 1st Avenue to 5th Avenue or from 5th Avenue to 8th Avenue. In the earlier meeting the CAO and Treasurer had urged the Mayor to hold off on the project. Committee members were hugely disappointed in this report and will be inquiring at the next workshop what steps the City plans to take to proceed and re-evaluate and not let this project die once again. Kurt stated that the state was looking at improving West Railroad to "Urban Standards" which meant dealing with underground utilities, which were more extensive than the Public Works Director was aware of, and making it a three lane road.

5. Other Items

No one had any other items.

6. Announcements

There were no announcements.

The January 22, 2019 Public Works meeting was adjourned at 7:07 p.m.

Respectfully submitted,
Emelie Eaton
Public Works Chair

MEMORANDUM

Date: January 18, 2019

To: Kurt Markegard, Public Works Director – City of Laurel

From: Chad E. Hanson, PE

Subject: Project Progress Update

The following sections summarize the current status and recent progress on active task orders under our "on-call" engineering contract with the City. Please let me know if you have any questions and/or would like more information.

Task Order No. 26 – New Water Intake

We submitted the additional documentation for the wetland restoration along the transmission main route requested by Robert Cole with the Army Corps of Engineers on the City's behalf. We have reviewed the Corps' response to the additional documentation but are waiting on direction from the City before preparing a response.

Task Order No. 29 – Phase 3 Water System Improvements

COP Construction continues making good progress on the project. The new basins are mostly poured, and the plate settlers are scheduled for installation beginning today. We have been providing on-site observation as applicable, holding weekly update meetings with the City, and conducting weekly construction progress meetings with the City and COP Construction. We have also continued to respond to requests for information (RFIs) from the Contractor and to review submittals as they are received.

Task Order No. 38 – Phase 4 Water System Improvements

No work has been performed since the Progress Update Memo dated July 10, 2018, which stated:

The Phase 4 Improvements include lowering the 2003 intake, adding an additional raw water



pump at the WTP, and installing VFDs on all of the large raw water pumps. TSEP and DNRC grant applications for the project were submitted in the spring of 2016 but fell below the funding line. The City needs to complete the lowering of the 2003 intake to comply with the Army Corps permit for the new intake but is undecided on a schedule for the work.

We have done no work on the project and will not until so directed by the City.



WWTP Screw Press (KLJ #1804-00120)

Project Manager: Travis Jones/Doug Whitney

Reason for Project: The City's WWTP does not currently have adequate sludge handling equipment, which has led to overfilling and backup of the drying beds, digesters, and various other WWTP components. Completion of this project will allow for improved operations and allow for maintenance of the digesters, which cannot be taken offline until this project is completed.

Project Scope: Design and construction of a new screw press to process WWTP sludge.

Milestones:

- Preconstruction meeting was held December 13th
- Notice to Proceed will be January 7, 2019 (150-day contract)

Current Status:

- Submittal process is underway.
- Contractor is mobilizing on site.
- Dewatering sub-contractor has mobilized and planning to start dewatering operation on Friday the 18th.

WWTP Digester Rehabilitation (concurrent with above Screw Press project)

Project Manager: Travis Jones

Reason for Project: The City has not taken down the digesters for routine cleaning, inspection, and repairs for several years. This is due to inadequacy in the sludge handling equipment.

Project Scope: Complete the design and construction administration for the cleaning, inspection, and repairs of the existing digesters.

Milestones: (As needed)

- Will be concurrent with WWTP Screw Press

Current Status:

- Once the interior of the digester is cleaned and can be evaluated for needed restoration, a construction change order and engineering amendment may be required.



Sanitary Sewer H₂S Remediation (KLJ #1804-00122)

Project Manager: Travis Jones/Doug Whitney

Reason for Project: Buildup of H₂S within the WW collection system has led to deterioration of manholes and other system components.

Project Scope: Complete the design and construction administration for the proposed air injection/diffuser system to address H₂S build-up within the system.

Milestones:

- Sewer sampling plan submitted to the City.
- Sewer samples collected on July 19th.
- Results of sewer sampling received on July 30th.
- Analyses of sampling and recommendations for a second round of sewer sampling submitted to the City on August 3rd.
- Second round of samples collected on August 14th.
- Second round of sampling results received on August 27th.
- Results of second round of sewer sampling received on Sept 25th.
- Design of recommended improvements is anticipated for May 2019.

Current Status:

- City has requested that KLJ proceeds with improvement design independent of future sampling.

WWTP Archimedes Screw Rehabilitation (KLJ #TBD)

Project Manager: Travis Jones

Reason for Project: The grouting around the existing screw pumps is wearing down, which makes the pumps less efficient in the transfer of wastewater.

Project Scope: Complete the design and construction administration for the rehabilitation of the existing screw pumps.

Milestones: (As needed)

Current Status: (KLJ Contract Pending)

- No significant updates since previous status report.



City of Laurel Project Status Update
January 15, 2019



East 6th Street Improvements (KLJ #1804-00121)

Project Manager: Carl Jackson

Reason for Project: Street reconstruction between 1st Ave. and Wyoming Ave. to address failed pavement, saturated subgrade conditions and surface runoff improvements. UPDATE: the scope recently changed to include new water main from Pennsylvania to Wyoming.

Project Scope:

- Grading, paving, parking, and drainage enhancements (minor water main in Wyoming)
- Special Improvement District (sidewalks, driveways), pending approval
- Safety improvements
- Water main and valve replacements in Wyoming intersection.

Milestones:

- Survey and preliminary design – complete
- Final design – Winter 2018/2019 (ongoing)
- Bidding – February/March 2019 (tentative)
- SID creation – April/May 2019
- Construction – completed before August 2019 start of school year

Current Status: Road design is underway. Water main will be looped by adding a new 8-inch line between Pennsylvania and Wyoming. Off-street parking (in Thompson Park) is pending City review of available funding; KLJ is not incorporating off-street parking in the current design.

2018 Pavement Maintenance (KLJ #1804-00123)

Project Manager: Carl Jackson

Reason for Project: This continues the City's annual pavement maintenance. As a result of significant freeze-thaw during the 2017-18 winter, several City streets have significant pavement damage.

Project Scope: The 2018 scope is hot mix asphalt for repaving West 4th Street (6th Ave. - 8th Ave.) and pothole repairs on West Railroad Street.

Milestones: Construction is substantially complete. Striping will need to wait until Spring 2019.

Current Status: (no progress to report until spring re-start)



City of Laurel Project Status Update
January 15, 2019



LURA Infrastructure Improvements (KLJ #1804-01309)

Project Manager: Carl Jackson

Reason for Project: Reconstruction and rehabilitation of streets, utilities and various other infrastructure improvements including Washington Ave., Idaho Ave. and Ohio Ave. generally bound between E. Main Street and E. 1st Street, as well as E. 1st Street generally bound between Washington Ave. and Alder Ave.

Project Scope: Preliminary engineering (survey, geotechnical and CCTV inspections), SID creation, design, bidding and construction.

Milestones:

- Survey & Geotechnical field work – complete
- Preliminary Engineering – February 1, 2019
- SID creation – Spring 2019
- Design & Bidding – pending results and completion of Preliminary Engineering
- Construction – will occur during 2019 construction season

Current Status: Preliminary engineering is nearly complete, after which time the scope of the 2019 project will be discussed with the City. It is possible the project will be built in phases (TBD).

Pavement Management Plan Update (KLJ #1804-01970)

Project Manager: Bryan Vanderloos

Reason for Project: Develop an updated pavement management plan (PMP) including MDT and City streets within the Laurel corporate limits. This will be used for prioritizing the City's annual pavement maintenance projects, along with satisfying MDT's requirement that the City update its PMP on a regular basis to be eligible for certain future State funding.

Project Scope: Conduct a field inventory by assessing paved streets utilizing the Pavement Surface Evaluation and Rating (PASER) methodology. A rating of 1-10 will be given to each road segment based on distresses such as cracks, ruts, potholes, etc. Known roads that have failed pavement sections and are in disrepair will not be evaluated, and simply given a poor rating.

Milestones:

- Field Inventory (pavement condition assessment) – November 1, 2018
- PASER analysis and draft PMP (report) – January 15, 2019
- Finalize PMP (report) based on City review and feedback – February 14, 2019
- Attend City Council meeting to discuss the plan after February 14th.



City of Laurel Project Status Update
January 15, 2019



Current Status: A draft report review meeting was held Monday, January 14 and KLJ is in the process of making edits before resubmitting for final City comment.

On-Call Professional Services (KLJ #1804-00347)

Project Manager: Carl Jackson

Reason for Project: This contract would enable KLJ to provide consulting services that are not part of an approved task order. Generally, this would apply to situations where KLJ's fees are small enough that a separate task order is not necessary, or for time-sensitive matters.

Project Scope: Services may include engineering, surveying, planning or government relations.

Milestones: (as needed)

Current Status: No services were provided last month.

Laurel Planning Services (KLJ #1804-00554)

Project Manager: Forrest Sanderson

Reason for Project: KLJ has been retained to provide City of Laurel planning services during the interim period, while the search for the new City Planner is ongoing.

Project Scope: Planning services may include: subdivision, zoning, development, floodplain hazard management, miscellaneous reviews and other related work. KLJ will prepare staff reports, recommendations, and attend meetings upon request.

Milestones: (as needed)

Current Status:

Floodplain Management – minimal activity this month.

Subdivision Review – The primary efforts during the past month include Iron Horse Phase 2, Regal Park, Brester Minor, Russel Minor and Robertus Ag Exemption.

Zoning – Answered several questions on Zoning compliance. Prepared a staff report and attended the Planning and Zoning Commission meeting on the Annexation and Initial Zoning Request for Goldberg LLP prepared by Performance Engineering.

Planning – primary overall activity included meeting attendance and office work related to Planning and Zoning Commission consideration of the Goldberg LLP Annexation and Initial Zoning, along with bi-weekly meeting with City and KLJ staff.



City of Laurel Project Status Update

January 15, 2019



Other Notes and Information

Other potential projects have been identified during recent conversations between City staff and KLJ. City Public Works staff and KLJ task leaders meet bi-weekly to discuss current and future projects. As these are tentative, the timing and extent of KLJ's services are TBD, unless noted otherwise.

Anticipated FY19 Projects

1. Booster station rehabilitation or replacement (task order forthcoming)
 - a. Anticipated as a spring 2019 project.
2. Capital Improvement Plan (CIP) assistance – pending further direction from the City.
3. Planning (task order amendments forthcoming)
 - a. Review of development rules and regulations (related to public works and planning)
 - b. Growth Policy update
4. Annual Pavement Maintenance (crack/chip seal, other repairs TBD)
 - a. This will be annual; tentatively scheduled for bidding in spring 2019
5. Railroad Street coordination
 - a. A joint resolution between the City and County is pending.
6. Water storage tank evaluation
 - a. Tim is coordinating inspections of the tanks in Spring 2019, which will help determine the scope of work, which may include external and internal coating.
7. Updating City utility maps and GIS
 - a. City would like updated maps and to explore better uses of GIS information. The task order is pending clearer understanding of the scope by both KLJ and the City, which will come from future discussions.

Other Potential Future Projects

1. Examining engineer review of 3rd Party submittals to City
2. Lion's park grant application assistance
3. On-call government relations
4. Riverside Park improvements
5. West side groundwater remediation

October 15, 2018

Public Works Emergency Call-outs since July 1, 2018

7-1 Elm Lift Station Alarm

7-11 110 Yellowstone Sewer Complaint

8-5 H2O Break North of Nutting Park

8-9 Replace manhole lid East Main Street

8-16 Water turn on 201 3rd Avenue

August Meeting

8-18 Digester Sump Pump Fail

8-23 Water leak at 110 ½ 7th Avenue

September Meeting

9-3 H2O problem 921 4th Avenue

9-6 H2O turn on 1055 Montana Ave

9-8 H2O leak South 8th Ave

9-15 Murry Heights Water Booster pump noise

October Meeting

9-24 Elm Lift Station Failure

10-10 Elm Lift Station Failure- Alarm was set off by AT&T update. We changed the alarm to go to water treatment plant.

November Meeting

10-16 Water turn on at 2509 Atchison Dr.

10-28 Village Lift Station backup floats activated

11-7 Sanding

11-11 Water Leak 8th Ave. and East 9th Street Townhomes

11-12 Clean Streets S.E. 4th Street Glass shattered across road

11-16 Sand Streets for Ice and Snow Storm

December Meeting

11-28 Sewer Plant Power Failure

12-6 PLC to the Blower Building failed- needs replaced

January 22, 2019 Meeting

12-25-2018 Sanding Streets

12-26-2018 Village Lift Station Floats activated

1-19-2019 Water Leaks at 1710 Duval and 714 2nd Ave. Service lines leaking at curb box shut off valves. Called in two people and closed container site.

1-21-19 Called in three people to deal with the snow storm. Plow, Sanding and Shoveling City buildings.

Backup material for agenda item:

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

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



LAUREL FIRE/EMS

215 WEST 1ST STREET • LAUREL, MT • 59044
OFFICE 406.628.4911 • FAX 406.628.2185

City of Laurel
PO Box 10
Laurel, Mt. 59044

January 17, 2019

Mayor, CAO and Laurel City Council,

The following have been selected by the members of the Laurel Fire/EMS to become volunteers.

Firefighters.

Amee Patrick
Ryan Robertus
Bridger Fournier
Levi Klamert
Steven Hiller

Ambulance Drivers

Mariah Haugen (currently in an EMT class)
David Jackson
Boady Harper (currently in an EMT class)
Bryanna Ruskanen (currently in an EMT class)

They have all been selected unanimously by the Department, and are seeking your appointment.

All personnel have been approved by the Chief of the Department.

This will bring the total to:

Fire- 41 of 45

EMS- 15 of 30

Ambulance Drivers- 5

Brent Peters
Fire Chief
City of Laurel Fire/ EMS

Backup material for agenda item:

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

RESOLUTION NO. R19-02

**A RESOLUTION OF THE CITY COUNCIL AUTHORIZING THE
RELEASE OF FUNDS FROM THE TAX INCREMENT FINANCING DISTRICT FUND FOR
FAÇADE IMPROVEMENTS AND SIGNAGE FOR THE PROPERTY LOCATED AT 117 WEST
MAIN STREET, LAUREL MONTANA.**

WHEREAS, the City Council previously approved a Façade Grant Request Program proposed by the Laurel Urban Renewal Agency (LURA); and

WHEREAS, the owner of the property listed herein submitted a Grant Request for façade improvements for his property and such property is located within the Tax Increment Financing District: Owner: Ron Seder: 117 West Main Street; and

WHEREAS, the LURA Board reviewed the application and recommends approval for the above Property in the amounts provided in the attached letter; and

WHEREAS, the application was complete, the project is eligible for grant assistance and LURA recommends funding of the same as provided in the attached letter.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Laurel, Montana, that the grant request for façade improvements and signage is approved for the following: Owner: Ron Seder: 117 West Main Street Façade: \$7500.00 and Sign: \$500.00

BE IT FURTHER RESOLVED, the Mayor, CAO, and City Clerk Treasurer are authorized to utilize the appropriately designated accounts to pay the grants upon submission of the required documentation from the Property Owner.

Introduced at a regular meeting of the City Council on February 5, 2019, by Council Member

_____.

PASSED and APPROVED by the City Council of the City of Laurel this 5th day of February 2019.

APPROVED by the Mayor this 5th day of February 2019.

CITY OF LAUREL

Thomas C. Nelson, Mayor

ATTEST:

Bethany Langve, Clerk-Treasurer

Approved as to form:

Sam S. Painter, Civil City Attorney

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

January 25, 2019

Matt Lurker and Mayor Nelson,

Re; King Koin Laundry Façade and Sign Grant for Ron Ceder

King Koin Laundry is being recommended to be awarded two grants from the TIFD funds and the LURA Board.

As per Resolution R10-116, Ron Ceder is eligible to receive a Façade Grant for \$6,000.00 due to his lot frontage distance. Ron is also eligible for an additional \$1,500.00 for having his building in the historic district and a historic property. The total amount Ron is eligible to receive for a Façade Grant is \$7,500.00. Ron has spent more than double that amount he qualifies for and the Façade Grant requires a 1/1 match. Ron would have to have spent \$15,000.00 and he has done so by the receipts he has turned in with his grant application.

Ron also applied for a Sign Grant and has spent \$1,000.00 getting the King Koin sign electrically rewired so that it can be illuminated at night. The sign grants are awarded up to \$3,000.00 and LURA is recommending that Ron receive \$500.00 which is half of his expenses.

Ron Ceder has not received a grant for this property from the TIFD. Ron will not be eligible for two years for any future Façade Grant from the time of the City Council award.

Respectfully,

Kurt Markegard
Public Works Director

Laurel Urban Renewal Agency
115 W. 1st Street
Laurel, Montana 59044



January 18, 2019

To: Laurel City Council
From: Laurel Urban Renewal Agency

Subject: King Koin Laundromat

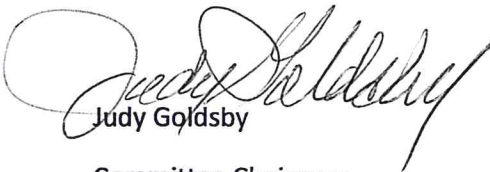
Ron Seder has applied for a façade improvement grant for renovations to his building at 117 West Main Street, also known as King Koin Laundromat.

Mr. Seder has provided evidence of payment for replacement of glass and doors on the exterior of the building as well as a new sign.

LURA recommends reimbursement in the amount of \$7,500.00 for façade and \$500.00 for his sign.

A copy of the application and evidence of payment is attached to this letter.

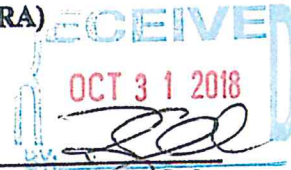
Thank you for your consideration.



Judy Goldsby

Committee Chairman

LAUREL URBAN RENEWAL AGENCY (LURA)
Façade Improvement Project
Application



(For Office Use Only)

Project Location

Address of Property to be improved: 117 W Main

Assessor Parcel Number(s): _____

Can be found at <http://www.co.yellowstone.mt.us/gis/>

Name of Business(es) in Project: King Koin Laundromat

Building Frontage Measurement of Project _____

Applicant Information

Name: Ron Seder

Mailing Address: _____

48 S White Horse Rd

City: Laurel State: MT Zip: 59044

Phone: 406-855-5050

Email: 51591259@gmail.com

Do you own, rent or lease the subject property?

Own

Businesses or Services Offered on Site:

Laundromat Service

Description of Proposed Improvements:

Replaced old Stone Front with new glass and doors. Install new lights on interior and exterior.

Please identify ways in which this project supports the Laurel Urban Renewal Plan/Tax Increment District mission (information available at City Hall):

Submittals:

Application must include the following materials, if applicable, for consideration by the Façade Incentive Grant Committee.

Applications lacking sufficient materials to describe the project will not be reviewed.

- a) current photo(s) of the proposed project site
- b) rendering or sketch of proposed improvements
- c) architectural plans, including dimensions/measurements
- d) color and material samples for paint, awning, signs, etc.
- e) sign plans
- f) awing design
- g) historical significance designation

Estimated Costs and Timing:

Please provide copies of vendor bids/estimates or other documentation of cost estimates for all proposed work façade work.

Applications lacking sufficient cost estimates will not be reviewed.

- a) Water clean exterior
- b) Exterior prep and paint
- c) Window replacement/repair
- d) Door replacement/Entry Foyer Repairs
- e) Exterior Lighting
- f) Façade restoration/rehabilitation
- g) Architectural/Design Fees
- h) Landscape/hardscape Improvements
- i) Building Permit
- j) Other Proposed Improvements (specify)

Subtotal

- k) Signage
- l) Awnings

\$ _____
\$ _____
\$ _____
\$ _____
\$ 1000.⁺
\$ 500.⁺⁺
\$ 13950.⁺
\$ _____
\$ _____
\$ _____
\$ _____
\$ _____

\$ _____
\$ _____
\$ _____
\$ _____

7,500⁰⁰

1st 2nd

Don Darts



\$ 17,355.05 km

17450

Don 1st Dean 2nd

Subtotal

\$18,450⁻

TOTAL ESTIMATED COST

\$18,450⁻

Estimated Days/Months for Completion 3 months

SIGNATURES:

Signed: [Signature] Signed

[Signature]
Property Owner(s) Signature(s)

[Signature]
Applicant(s) Signature(s)

Checklist: Please review the checklist below to ensure all information/materials have been prepared for submission with this application. Applicants are advised to submit a complete application and all supporting materials per the instructions in this packet; the committee will not review incomplete applications.

Project location (page 5)
Assessor parcel number (page 5)
Building frontage measurement (page 5)
Applicant information (page 5)
Listing of businesses or services offered on site (page 5)
Description of proposed improvements (page 5)
Identification of project's support of the Urban Renewal Plan and/or Tax Increment
District mission (page 5)
Current photo of project site (page 6)
Rendering or sketch of proposed improvements (page 6)
Architectural plans – elevation drawing, dimensions, measurements, etc. (page 6)
Color and material samples – as applies (page 6)
Sign/Awning design drawings and/or plans – as applies (page 6)
Historical significance designation – as applies (page 6)
Documentation of cost estimates – copies of vendor bids, estimates, etc. (page 6)
Signature of Property Owner (page 7)
Signature of Applicant (page 7)

APPROVAL (for office use only)

Amount Approved: \$7500⁰⁰ Fee

500⁰⁰ signage

Date Approved: 12-17-2018

08/20/2010

[Signature]
7

SEDER APPLIANCE HEATING & COOLING
48 S. WHITEHORSE BENCH RD. PH. 628-8351
LAUREL, MT 59044-9212

93-514/929

No. 5754

DATE

12/17/18

Shield™

Pay to the order of

Associated Glass

\$2355.00

Twenty Three Hundred Fifty Five and 00/100

YELLOWSTONE BANK

1511 SHILOH ROAD (408) 294-9400
BILLINGS, MONTANA 59106

Signature

King Koin

[Signature]

⑆092905142⑆ 404⑆569⑆6⑆ 5754



Invoice

5445 Hesper Road
Billings MT 59106

Date	Invoice #
9/12/2018	18-0089

Bill To
Seder's Heating & Cooling Ron Seder 1515 Central Avenue Billings, MT 59102

Web Site
www.canyonelectric.biz

E-mail
smiller@canyonelectric.biz

P.O. No.	Terms	Project
	Due on receipt	

Item	Quantity	Description	Rate	Amount
Journeyman Labor	7	Take apart signs the one up and one in garage. Engineer solution to light interior of sign with leds. Go to lowes shop for lights that would work in sign. Install lights test lights prior to install of covers. Install of covers. Temp wiring inbuilding to sign for evening. Clean up and lock up.	70.00	490.00
Apprentice Labor - ...	6	Take apart signs the one up and one in garage. Run controller bucket truck man spotter on the ground. Parts runner.	0.00 45.00	0.00 270.00
Material	1	4- led lamps, 2- 4' Strip fixtures, L	130.00	130.00
Equipment - Bucket...	4	Bucket Truck	100.00	400.00
Credit		Credit this is the good guy Trades Man Credit for Bucket Truck!!	-200.00	-200.00

			Total	\$1,090.00
--	--	--	--------------	-----------------------

Phone #
406-208-7615

1,000⁰⁰

SEDER APPLIANCE HEATING & COOLING 2001 S. WHITEHORSE BENCH PH. 620-8351 LAUREL, MT 59044		93-514/929 4045636 DATE <u>9/24/18</u>	4116
PAY TO THE ORDER OF <u>Cayon Electric</u>		\$ <u>1,000.00</u>	
<u>One Thousand</u>		<u>00</u> DOLLARS	
YELLOWSTONE BANK P.O. BOX 7 (406) 628-7951 LAUREL, MONTANA 59044			
MEMO <u>King Kim</u>	<u>Rondedeck</u>		

0002256876

>092904761<
Little Horn State Bank #0
2018-09-25
0002256876
Batch 156630438

EIDONSE/IERE



from:(tylerh@associatedglass.com)

Ron

Morning Tyler stop down here at the shop at 9 o'clock or 9 o'clock it's 10 930 now no guy show

Tyler Herbert <tylerh@associatedglass.com>

to me

Ron,

I have got your door ready to be install, but I was just informed we need to get you caught up on
With the Add for the Oversized Door the total comes to \$17,500.00, Will need to see a payment c

Thank you

**Tyler Herbert**

Estimator / Project Manager

Office: 406-259-1352

Fax: 406-245-4202

Have a Great Day!!

From: Ron [mailto:rls91259@gmail.com]**Sent:** Thursday, July 12, 2018 9:27 AM**Tyler Herbert** <tylerh@associatedglass.com>

to me

Ron,

Payment??? Please we really need to be paid on this ASAP.

Thank you

SEDER APPLIANCE HEATING & COOLING 2001 S. WHITEHORSE BENCH PH. 628-8351 LAUREL, MT 59044		93-514/929 4045636	4099
DATE <u>8/9/18</u>			
PAY TO THE ORDER OF	<u>Associated Glass</u>	<u>\$12,000.00</u>	
<u>Twelve Thousand</u>		<u>no</u> DOLLARS	<input type="checkbox"/>
YELLOWSTONE BANK P.O. BOX 7 14061628-7931 LAUREL MONTANA 59044			
MEMO	<u>Stone Front K/S</u>	<u>Ra Seder</u>	MP

ACCT# 0120		93-514/920	4118
SEDER APPLIANCE HEATING & COOLING		4045695	
2001 S. WHITEHORSE BENCH PH. 628-8351		DATE 9/26/18	
LAUREL, MT 59044			
PAY TO THE ORDER OF Associated Glass		\$ 3000	30
Three Thousand		DOLLARS	
YELLOWSTONE BANK			
P.O. BOX 7 (406) 628-7951			
LAUREL, MONTANA 59044			
MEMO Dear at KK		R. S. S. S.	MP

Backup material for agenda item:

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

RESOLUTION NO. R19-03

**RESOLUTION AUTHORIZING AND APPROVING AN EMPLOYMENT CONTRACT
BETWEEN THE CITY OF LAUREL AND NICHOLAS ALTONAGA WHO SHALL SERVE
AS THE CITY PLANNER II FOR THE CITY OF LAUREL.**

WHEREAS, the City conducted a nationwide search for applicants qualified for the position of City Planner II; and

WHEREAS, the Mayor created a search and selection committee to review and screen applications submitted for the position and to interview applicants on the City's behalf; and

WHEREAS, the committee recommends Nicholas Altonaga as the most qualified for the position; and

WHEREAS, the City of Laurel negotiated the attached employment contract for the City Planner II position, and it is currently in the best interest of the City of Laurel to approve the attached Employment Contract.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Laurel, Montana, that the attached Employment Contract is hereby approved and the Mayor is authorized to execute the Employment Contract on the City's behalf.

Introduced at a regular meeting of the City Council on February 5, 2019, by Council Member

PASSED and APPROVED by the City Council of the City of Laurel this 5th day of February 2019.

APPROVED by the Mayor this 5th day of February 2019.

CITY OF LAUREL

Thomas C. Nelson, Mayor

ATTEST:

Bethany Langve, Clerk-Treasurer

Approved as to form:

Sam S. Painter, Civil City Attorney

CITY HALL
115 W. 1ST ST.
MAYOR OFC.: 628-8456
PUB. WORKS: 628-4796
WATER OFC.: 628-7431
COURT: 628-1964
FAX: 628-224

City Of Laurel

P.O. Box 10
Laurel, Montana 59044



Office of the Mayor

January 14, 2019

Nicholas Altonaga
57 Main Street, Apt. 1
Littleton, NH 03561

Dear Nicholas Altonaga,

Congratulations! You have been selected for the City Planner II position with the City of Laurel. The following information is pertinent to your employment with the City of Laurel:

- Start date: February 6th, 2019
- Starting salary: \$48,131.20 annually
- FLSA Status: Exempt
- Work schedule: Monday-Friday from 8am-5pm, dependent on operational needs.
- Report to: Chief Administrative Officer
- Probationary period: Six months (180 calendar days)

Please review, sign, and return this document as soon as possible (electronically). The City Council is scheduled to review this offer of employment on February 5th, 2019. It is my desire to present you to the City Council at that time.

When reporting for your first day, present this signed conditional offer letter and your driver's license at City Hall. Your direct supervisor, the Chief Administrative Officer, will take care of you from there. We look forward to working together with you to help build Laurel's future. Thank you for your perseverance through our hiring process.

Sincerely,

Thomas C. Nelson
Mayor

I, Nicholas Altonaga, hereby accept the position of City Planner II, and accept the conditions set forth in the attached employment agreement.

Nicholas Altonaga

EMPLOYMENT AGREEMENT

City Planner II

This employment agreement is made and effective this February 6th, 2019 by and between the City of Laurel, Montana, hereinafter referred to as "City" and Nicholas Altonaga, hereinafter referred to as the "Employee." When the term "parties" is utilized in this agreement, the term means the "City and Employee," jointly. In consideration of their mutual promises set forth herein, the parties hereby agree as follows:

1. **Employment.** City hereby employs Employee in accordance with Article III, Section 3 of the City's Charter and Employee hereby accepts such employment, upon the terms and conditions set forth in this written agreement of employment. The parties intend to create a written agreement of employment in accordance with MCA §39-2-912(2) and therefore agree that this agreement and the City's Job Description attached hereto constitutes the entire agreement between the parties and that no oral promises, representations or warranties have been made or are an enforceable part of this agreement.
 - 1.1. Employee shall serve as the City's Planning Director. The City has classified the position as an Exempt/Non-Union Position as contained in the Job Description attached hereto and incorporated herein. Employee shall commence employment under this Agreement upon approval by the City Council.
 - 1.2. Employee shall perform the essential duties and responsibilities contained in the attached Job Description and shall report directly to the City's Chief Administrative Officer.
 - 1.3. The Employee shall not be reassigned from the position of City Planner II to another position without the Employee's prior express written consent.
 - 1.4. The Employee shall be subject to passing a pre-employment drug test.
2. **Salary.** City shall compensate Employee, as an Exempt, Non-Union, Salary Employee as follows:
 - 2.1. City shall pay Employee for services rendered pursuant hereto an annual salary in the sum of \$48,131.20 payable in equal installments at the same time as other employees of the City are paid. Employee shall serve a six-month (180 calendar day) probationary period. Employee thereafter is eligible for an annual increase on the anniversary of the Employee's start date of this Agreement. Employee's annual increase shall be calculated at the same percentage equal to other non-union employees, of the then current salary of the Employee.
 - 2.2. Expenses: City recognizes that certain expenses of a non-personal and generally job-affiliated nature are incurred by Employee (i.e. official travel, etc.), and hereby agrees to reimburse or to pay reasonable expenses and the City Treasurer, upon approval by the Mayor, is hereby authorized to disburse such monies upon receipt of duly executed expense or petty cash vouchers, receipts, statements or personal affidavits.

2.3. Taxes: All payments made to and on behalf of Employee under this agreement are subject to withholding of any required federal, state or local income and employment taxes.

3. **Term.**

3.1. The term of this agreement shall be for four (4) years commencing the start date above, pending the City Council approves the agreement. The City Council may extend or renew the agreement as desired.

3.2. The Employee shall serve a six-month (180 calendar day) probationary period that shall commence on the first day the employee reports for work.

3.3. The Employee's regular schedule shall conform to normal City business hours, Monday through Friday from 8:00am to 5:00 pm. The Employee understands that in some occasions, the Employee may work outside of these normal business hours to attend meetings, conferences, training, or other duties.

3.4. Nothing in this agreement shall prevent, limit or otherwise interfere with the authority of the Mayor to terminate the services of the Employee at any time, subject only to the provisions set forth in Section 7, Paragraphs 7.1 through 7.6, of this agreement.

3.5. Nothing in this agreement shall prevent, limit or otherwise interfere with the right of the Employee to resign at any time from the position with City, subject only to the provision set forth in Section 7, Paragraphs 7.5 and 7.7 of this agreement.

3.6. Employee agrees to remain in the exclusive employ of the City and to not accept any other employment, or to become employed, by any other employer unless termination is affected as hereinafter provided. The term "employ and/or employed" shall not be construed to include occasional teaching, writing, consulting or military (Reserve, National Guard, or Auxiliary) service performed on Employee's time off or while under official orders.

4. **Suspension.** The Mayor may suspend the Employee in accordance with the City's Personnel Policy Manual at any time during the term of this agreement. Notice of suspension shall be made by the Mayor, in writing, identifying the start and end dates of suspension and reason for suspension.

5. **Benefits.** The City shall provide Employee the following benefits:

5.1. The City shall provide Employee with a one-time reimbursement for moving expenses up to \$2,000.00. Reimbursement shall be made after the agreed upon start date and with required documentation pursuant to City policy.

5.2. The City shall provide Employee the same benefits provided its other non-union exempt employees under the City's Personnel Policy Manual, as amended, and as required by applicable state and federal law.

6. **Representations and Warranties.** Employee represents that he/she shall attain and maintain the standard of personal and professional conduct required by the City; the résumé and/or employment application furnished to the City are true and accurate in all respects, are not misleading, and do not omit the provision of any material information;

that the education and experience of Employee is as stated in the resume and/or application; that Employee is in good health; that the Employee knows of no present condition which now or in the future may adversely affect his/her health or his/her ability to perform his/her job; and that the Employee has fully disclosed to the City all facts which are material to the City's decision to employ the Employee.

7. Termination of Employment.

- 7.1. This agreement and Employee's employment immediately terminate upon Employee's death or finding or determination of a disability that prevents the Employee from performing the essential duties and responsibilities of the assigned position.
- 7.2. If the Mayor terminates Employee without cause and Employee is willing and able to perform his/her duties under this agreement, then the City shall pay the Employee a severance payment equivalent to four (4) calendar months of the Employee's then current salary. Employee shall also be compensated for all accrued and remaining vacation leave, computed on an hourly basis determined by dividing the Employee's then current annual salary by 2080 hours, and in accordance with the City's Personnel Policy Manual. The City shall comply with all IRS rules and regulations governing severance pay and tax withholding requirements.
- 7.3. If the Employee is terminated "for cause" or voluntarily resigns his/her employment, the City has no obligation to pay the severance payment provided in this paragraph. Employee shall receive payment for any remaining vacation balance as described in this paragraph. For cause means any legitimate business reason, or as otherwise defined by Montana law.
- 7.4. During the effective date of this agreement, if the City involuntarily reduces the Employee's salary or otherwise refuses to comply with any provision of this agreement that benefits Employee, he/she, at his/her option, may elect to be considered terminated without cause entitling him/her to the severance payment provision contained in paragraph 7.2.
- 7.5. If the Employee resigns following a formal suggestion by the Mayor that the Employee resign for no cause, the Employee, may at his/her option, elect to be considered terminated at the date of such suggestion entitling him/her to the severance payment provision contained in paragraph 7.2.
- 7.6. If the City's Mayor terminates the Employee without cause at any time during the six (6) calendar months subsequent to the seating and swearing-in of a newly elected Mayor while the Employee is willing and able to perform his duties under this agreement, the City shall pay the severance sum provided in paragraph 7.2 above.
- 7.7. If the Employee voluntarily resigns his/her position with the City, he/she must provide the City with thirty (30) calendar days advance notice, unless the parties otherwise agree in writing.
- 7.8. If Employee's termination results from death or disability, the City's final compensation to the Employee is limited to payment for services rendered to date and payment for any accrued and remaining vacation leave in accordance with the City's Personnel Policy Manual.

- 7.9. If the Employee's termination results from cause, the City's final compensation to Employee is limited to payment for services rendered to date in accordance with the City's Personnel Policy Manual, and payment for any accrued and remaining vacation leave calculated at the then current salary.
- 7.10. Conditioned upon the City fulfilling its obligations to pay the Severance Amount, the Severance Benefits and the Current Obligations, upon a Unilateral Severance, the Employee waives and releases the Employee's rights to continued employment with the City and the parties waive and release the right to a hearing on the issue of good cause. In the event of a Unilateral Severance, the parties agree not to make disparaging comments or statements about each other.
8. **Confidentiality.** Employee acknowledges that during his/her course of employment he/she might obtain and gather confidential information regarding the City's operations or employees. Employee further acknowledges that all confidential information is the City's property and in no event shall the Employee disclose such information to any person or entity unless disclosure is requested by the City or required by law.
9. **Performance Evaluation.** The City's Chief Administrative Officer (herein after "CAO") shall review and evaluate the performance of the Employee at least once annually. The review shall occur on or about the Employee's anniversary date of hire. The review and evaluation shall be in accordance with specific criteria which may be modified as the CAO may, from time to time, determine necessary and proper, in consultation with the Employee. The Employee shall provide the CAO a self-evaluation at least two weeks prior the annual joint evaluation. The CAO shall personally review the evaluation with the Employee and provide the Employee an adequate opportunity to discuss the evaluation.
- 9.1. In the event the CAO determines that the evaluation instrument, format and/or procedure are to be modified, and such modifications would require new or different performance expectations, then the Employee shall be provided a reasonable period of time to demonstrate such expected performance before being evaluated.
- 9.2. Unless the Employee expressly requests otherwise in writing, except to the extent prohibited by or in material conflict with Applicable Laws and Authorities, the evaluation of the Employee shall at all times be conducted in a meeting with the CAO and shall be considered private to the maximum and full extent permitted by law. Nothing herein shall prohibit the CAO or the Employee from sharing the content of the Employee's evaluation with their respective legal counsel.
10. **Professional Development.** City shall budget and pay for the travel and subsistence expenses of Employee for short courses, institutes, certifications, and seminars that are necessary for his/her professional development for the good of the City, pending available funding. The City desires the Employee join and participate in professional organizations including, but not limited to, the Montana Association of Planners, Association of Montana Floodplain Managers, and American Planning Association. The City shall pay Employee's membership dues and annual conference fees to encourage such membership and attendance.

11. **Bonding.** City shall bear the full cost of any fidelity or other bonds required of the Employee under its Charter or any applicable law or ordinance.
12. **Other Terms and Conditions of Employment.** The CAO, in consultation with the Employee, shall fix other terms and conditions of employment, as they may determine necessary from time to time, relating to the performance of the Employee provided such terms and conditions are not inconsistent with or in conflict with the provisions of this agreement, the City's Charter, Ordinances or any other applicable law.
13. **Indemnification.** City shall defend, save harmless and indemnify the Employee against any tort, professional liability claim or demand or other legal action, costs and attorney's fees incurred in any legal proceedings, whether groundless or otherwise, arising out of an alleged act or omission occurring in the performance of Employee's duties. The City may compromise and settle any such claim or suit and will pay the amount of any settlement or judgment rendered thereon. The obligations of the City under this section shall not apply if:
- The conduct of the Employee complained of constitutes oppression, fraud or malice, or for any reason does not arise out of the course and scope of the Employee's employment; or,
 - The conduct of the Employee complained of constitutes a criminal offense as defined under Montana law; or,
 - The Employee compromised or settled the claim without the consent of City; or,
 - The Employee fails or refuses to cooperate reasonably in the defense of the case.
14. **Availability.** Employee acknowledges that they must be available by either cellphone or telephone after work hours in cases of emergency. Employee shall provide the CAO and appropriate department heads his/her contact information for after hour emergency notifications. The City does not require the Employee to be on-call, simply available by telephone if an emergency should arise for purposes of notification.
15. **Miscellaneous.** This agreement contains the entire agreement and supersedes all prior letters, agreements, and understandings, oral or written, with respect to the subject matter hereof. This agreement may be changed only by an agreement in writing signed by the party against whom any waiver, change, amendment or modification is sought. This agreement shall be construed and enforced in accordance with the City's Charter, Ordinances and applicable laws of the State of Montana.
16. **Personal Agreement.** The obligations and duties of the Employee hereunder shall be personal and not assignable to any person or entity, although the agreement is binding and shall inure to the benefit of Employee's heirs and executors at law.
17. **Notices.** Notices pursuant to this agreement shall be given in writing by deposit in the custody of the United States Postal Services, certified postage prepaid, addressed as follows:

- If to the City: Office of the Mayor, P.O. Box 10, Laurel, MT 59044; and
- If to the Employee: Nicholas Altonaga, 57 Main Street, Apt. 1, Littleton, NH 03561

Notice shall be deemed delivered and received as of three business days after the date of deposit of such written notice in the course of transmission in the United States Postal Service. Either party may, from time to time by written notice to the other party, designate a different address for notice purposes. The Employee shall provide the City a current mailing address when relocation is complete.

18. Renegotiation. The Parties may commence negotiation of a subsequent employment agreement six (6) months prior to the expiration of this employment agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on February 6th, 2019. This agreement is contingent upon its approval via Resolution of the City Council.

EMPLOYEE


Nicholas Altonaga

CITY OF LAUREL


Thomas C. Nelson, Mayor

ATTEST:

Bethany Langve, City Clerk-Treasurer

Backup material for agenda item:

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

When Recorded Return to:

City of Laurel
P.O. Box 10
Laurel, Montana 59044

AMENDED ENCROACHMENT PERMIT

This Encroachment Permit ("Permit") is approved and issued by the City of Laurel, Montana ("City") pursuant to City Council Resolution, for the benefit of C-Store Properties, LLC, Innovative Properties, LLC, and Rimrock II, LLC hereinafter ("Property Owners"). The City and Property Owners are referred to herein jointly as "Parties." The Permit is specific to that portion of South Montana Avenue shown on the attached map ("Permit Area") that is labeled Exhibit A and attached hereto and incorporated herein by this reference. At all times relevant during and after this Permit, South Montana Avenue shall remain a dedicated public right-of-way. The City of Laurel has no intention to vacate the right-of-way and is providing Property Owners the authority to improve and use the South Montana Avenue right-of-way until this permit expires, terminates or is revoked.

Recitals

1. Whereas, the City currently owns and controls a 60' right-of-way constituting a dedicated public street known as South Montana Avenue. South Montana Avenue, in this location, is gravel and not developed and will likely remain undeveloped for the foreseeable future.
2. Whereas, the Property Owners currently own two unimproved lots which are immediately adjacent to the South Montana Avenue right-of-way as shown on Exhibit A. Property Owners intend to improve the lots by paving them for purposes of providing customer parking as well as access for their existing business properties.
3. Whereas, the City has received a number of complaints from nearby property owners regarding excessive dust from the public's use of Property Owners' unimproved lots as well as the unimproved South Montana Avenue for parking and access. As a result of the complaints, the City contemplated closing and fencing off South Montana Avenue to the public by erecting a fence to keep traffic off the right-of-way until it is improved at some time in the future.

4. Whereas, Property Owners approached the City with a plan to resolve the ongoing dust issue by improving their lots. Property Owners improved the lots by designing and constructing a paved parking lot and travel lane.
5. Whereas, the City possesses the authority to regulate the use of its rights-of-way in the best interest of the public, and at this time allowing Property Owners to improve and use the right-of-way pursuant to the terms and conditions contained in this Permit.
6. The City Council is authorized to approve an Encroachment Permit to regulate the use of streets, sidewalks, and public rights-of-way pursuant to Chapter 12.16.040 of the Laurel Municipal Code, §7-14-4102 MCA, and the City's self-governing powers provided through its Charter.
7. Upon review of this situation and the special facts and circumstances surrounding this situation, the City Council has determined issuance of this Encroachment Permit is appropriate and in the City and Public's best interest.

Encroachment Permit Terms and Conditions

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

1. Incorporation of Recitals. The recitals herein are incorporated into this Permit by this reference.
2. Grant of Encroachment Permit. Under the terms and conditions of this Permit, and pursuant to the Resolution of the City Council, the City hereby permits Property Owners or their successors in title, to utilize the Permit Area for the existing planned improvements.
3. Forebearance. As long as Property Owners and their successors in title comply with the terms and conditions of this Permit, the City shall forbear, any act or action to interfere with the permitted use of the Permit Area described herein
4. Conditions on Use.
 - A. The Permit remains valid so long as Property Owners, or their successors in interest, use of the Permit Area remains in compliance with the terms and conditions of this permit and, the use and/or size of the Permit Area is not expanded, and no hazardous materials or substances may be stored upon or buried within the Permit Area. Subject to the foregoing provisions, nothing herein shall be deemed or considered to prohibit or prevent Property Owners or their

successors in title from using the Permit Area as a paved parking lot. Property Owners shall not allow parking on the Permit Area which shall be utilized for ingress and egress purposes.

- B. Property Owners acknowledge that the Permit Area contains underground public and private utilities including but not limited to water, sewer, power, and gas. Property Owners shall not deny access to a utility owner requiring access to his/her utility line. The Parties agree that any excavation or work within the Permit Area must comply with Chapter 12.12 of the Laurel Municipal Code.

5. Design, Construction and Maintenance.

- A. Property Owners obtained a professionally engineered design for their proposed parking lot that addresses storm water drainage, ingress and egress control, striped parking spaces compliant with ADA requirements, and constructed to current City standards. Property Owners obtained all necessary approvals from the City as well as securing a building permit. At all times during this Permit, Property Owners are responsible for sharing the cost of snow removal and weed control.
- B. Payment. Property Owners have paid the cost of the project not covered by grants obtained for the project.
- C. Reimbursement of Costs. If any future property owner desires use of the Permit Area, he/she must pay Property Owners a proportionate share of their “out of pocket” project costs before the City issues him/her permission to additionally use the permit area.

6. Termination or Revocation.

- A. Definition of Default. A Party’s failure to comply with any term or condition contained in this Permit, shall constitute a default under this Permit.
- B. Remedies for Default:
 - i. If a Party defaults under this Permit, the other Party may immediately give written notice of such default.
 - ii. If the breaching Party cures the default within thirty (30) days from the date of service of notice, the Permit shall remain valid.
 - iii. If the breaching Party fails to cure the breach within thirty (30) days, the other Party may pursue any appropriate remedy available by law including but not limited to termination or revocation of the Permit.

- C. If the use of the Permit Area changes, or if future development requires the use of the Permit Area as a City Street, the City may immediately terminate or revoke the Permit and require the Property Owners to surrender the Permit Area to the City. Property Owners shall not remove or disturb any improvement prior to vacating the Permit Area.
7. Indemnification. Property Owners shall indemnify and hold harmless the City, including, without limitation, City's agents, elected officials, and its employees, from any claim, right, or cause of action, arising out of or in any way connected with the negligence or willful act of Property Owners that results in the injury or death of any person or damage to real or personal property arising out of the use of the Permit Area under this Permit. Property Owners shall maintain insurance for the parking lot and Permit Area to cover potential claims or injuries that may occur.
8. Miscellaneous. The following additional conditions apply to this Permit:
- A. Transfer. This Permit and the rights and obligations hereunder may be transferred to a successor in title to the Property Owners so long as the use of the property remains as permitted.
- B. Severability. If one or more of the provisions contained herein are declared invalid, illegal or unenforceable in any respect, the validity, legality and enforceability of the remaining provisions shall not in any way be impaired thereby.
- C. Waiver. The failure of either Party to insist in any one or more instances upon strict performance of any of the requirements of this Permit shall not be construed as a waiver or relinquishment for the future of such requirement, but the same shall continue and remain in full force and effect.
- D. Headings. The headings and captions of various paragraphs of this Permit are for convenience of reference only and are not to be construed as defining or limiting, in any way, the scope or intent of the provisions therein.
- E. Amendment. All modifications or changes to this Permit shall be effective only when reduced to writing and signed by Parties hereto, and approved by Resolution of the City Council.
- F. Applicable Law. This Permit shall be interpreted according to the laws of the State of Montana.
- G. Entire Agreement. Except as explicitly stated herein, this Permit, attachments, and the Council Resolution constitute the entire agreement between the Parties

and subsume and incorporate all prior written and oral statements and understandings.

H. Recording. This Permit shall be recorded in the Office of the Clerk and Recorder in and for Yellowstone County, Montana.

I. This Permit shall be effective upon authorization and/or approval by City Council Resolution and Signature by the Mayor of the City of Laurel. The Permit shall be effective for successive terms of ten (10) years unless terminated or revoked by either Party on one of the grounds set forth herein.

IN WITNESS WHEREOF, each Party has caused this Permit to be executed in duplicate.

Property Owners:

By: _____
Dennis Whitmore
C-Store Properties, LLC

By: _____
Steven Barkley
Innovative Properties, LLC

By: _____
Ann Soares, Member
Rimrock II, LLC

City of Laurel:

By: _____
Mayor

By: _____
City Clerk

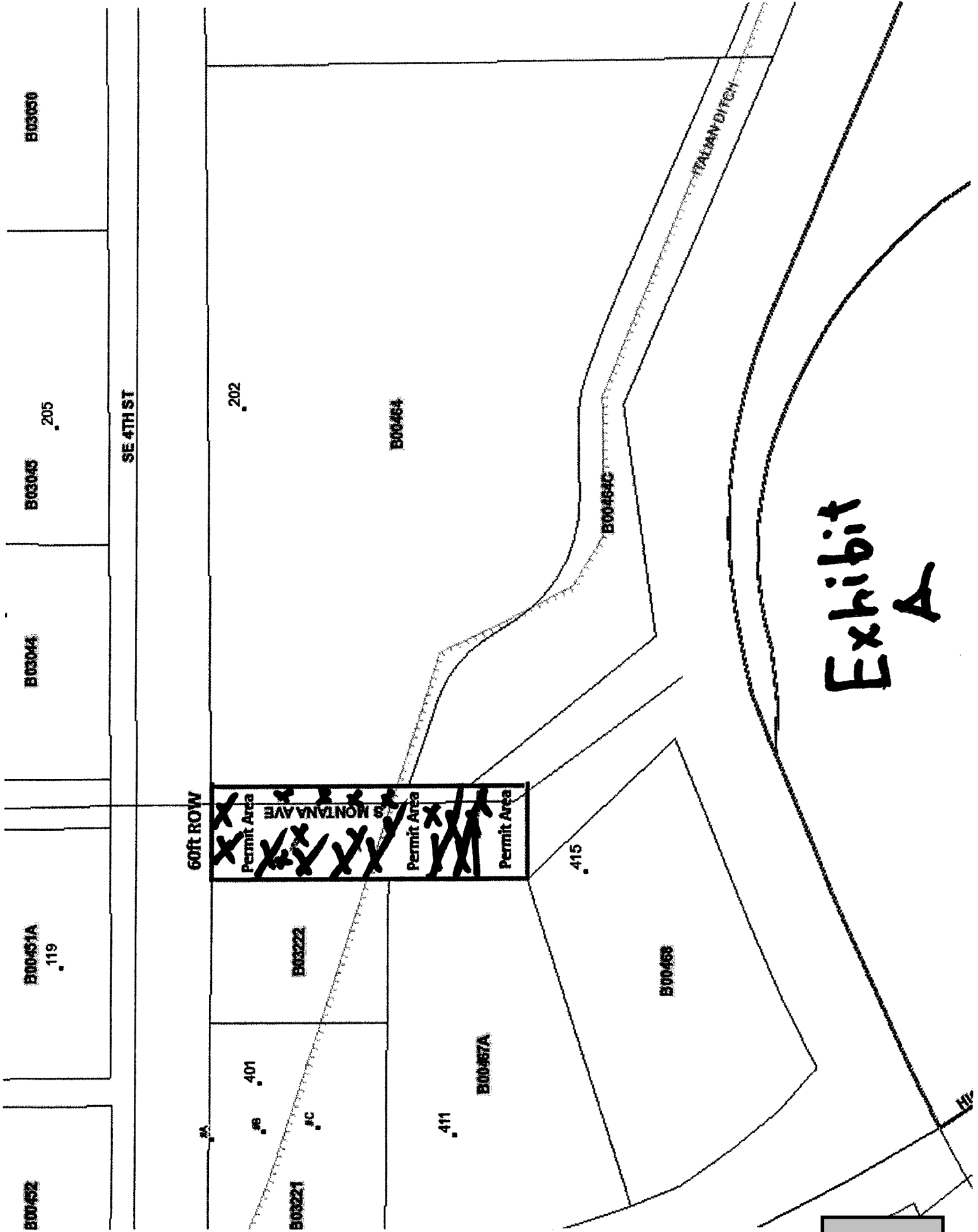


Exhibit
A

RESOLUTION NO. R19-04

A RESOLUTION APPROVING AN AMENDED ENCROACHMENT PERMIT FOR SOUTH MONTANA AVENUE FOR C-STORE PROPERTIES LLC, INNOVATIVE PROPERTIES LLC AND, RIMROCK II, LLC AND TO AUTHORIZE THE MAYOR TO EXECUTE THE PERMIT ON BEHALF OF THE CITY OF LAUREL.

WHEREAS, the City Council previously approved an Encroachment Permit for C-Store Properties LLC and Innovative Properties LLC (“Property Owners”) through Resolution R17-35; and

WHEREAS, Rimrock II, LLC approached the Property Owners and entered into an agreement to enable them to become a party to the Encroachment Permit as evidenced by the Agreement attached hereto and incorporated herein; and

WHEREAS, the City has reviewed the Agreement and upon requests of the Parties hereby approve the Amended Encroachment Permit with is attached hereto and incorporated herein; and

WHEREAS, the terms and conditions of the Encroachment Permit have not been materially or substantially changed other than to add Rimrock II, LLC as a Party to the Encroachment Permit through this resolution.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Laurel that the attached Amended Encroachment Permit is hereby approved for a ten (10) year term which shall automatically renew for an additional ten (10) year term if not terminated by either party as provided in the Amended Encroachment Permit; and

BE IT FURTHER RESOLVED, the Mayor is authorized to execute and record the attached Amended Encroachment Permit on behalf of the City of Laurel after the Parties have executed the Permit.

Introduced at a regular meeting of the City Council on February 5, 2019, by Council Member

_____.

PASSED and APPROVED by the City Council of the City of Laurel this 5th day of February 2019.

APPROVED by the Mayor this 5th day of February 2019.

CITY OF LAUREL

Thomas C. Nelson, Mayor

ATTEST:

Bethany Langve, Clerk-Treasurer

Approved as to form:

Sam S. Painter, Civil City Attorney