



**AGENDA
CITY OF LAUREL
CITY COUNCIL WORKSHOP
TUESDAY, NOVEMBER 16, 2021
6:30 PM
COUNCIL CHAMBERS**

Public Input: *Citizens may address the Council regarding any item of City business that is not on tonight's agenda. The duration for an individual speaking under Public Input is limited to three minutes. While all comments are welcome, the Council will not take action on any item not on the agenda. If a citizen would like to speak or comment regarding an item that is on tonight's agenda, 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.*

Be advised, if a discussion item has an upcoming public hearing, we would request members of the public to reserve your comments until the public hearing. At the public hearing, the City Council will establish an official record that will include all of your comments, testimony and written evidence. The City Council will base its decision on the record created during the public hearing. Any comments provided tonight will not be included in the record or considered by the City Council.

General Items

1. LARC Update

Executive Review

2. Resolution - Resolution Of Intent To Annex Contiguous City-Owned Properties Into The City Of Laurel, Yellowstone County.
3. Resolution - A Resolution Of The City Council To Adopt Criteria For Awarding And/Or Approving Grants For The Laurel Urban Renewal Agency (LURA) Board And City Council.
4. Resolution No. R21-109: A Resolution Approving Zone Changes For Property Owned By Northwestern Corporation D/B/A Northwestern Energy Located Near Lindy Lane Within The City Of Laurel's Zoning Jurisdiction.
5. Motion To Allow Council Member Klose To Be Absent From The City Of Laurel For More Than Ten Days. (LMC 2.12.060)

Council Issues

6. Discussion On Changing The Ordinance Regarding Attendance By Council. (LMC 2.12.060)

Other Items

Review of Draft Council Agendas

7. Draft Council Agenda for November 23, 2021.

Attendance at Upcoming Council Meeting

Announcements

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

File Attachments for Item:

1. LARC Update

Laurel Activities Recreation Complex

Phase One Coming to Laurel



The Project So Far

A Brief History



Laurel Swimming Pool

- End of life, 60 plus years old



Riverside Hall

- Needs repair & updates *in work



Old Middle School Gym

- In need of major repairs



**How & Why
We
Got Started**

GOALS ACCOMPLISHED THUS FAR

- Community Awareness
- Grass Roots Fundraising
- Create Non-Profit Corporation
- Feasibility Study
- Site Selection
- Site Layout Drawings
- Change Name & Branding

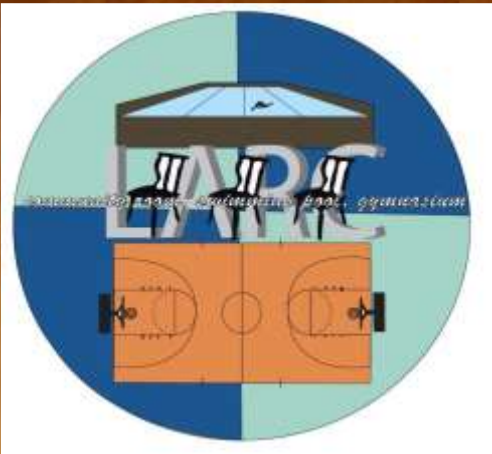


RE-BRAND & RE-FRESH BEGINS NOW

- New Logo
- New Ideas
- New & Existing Leadership
- New Focus
- Looking for your Input
- Looking for your Participation
- Looking for your Investment



RECENT LOGO CONTEST ENTRIES



The Winning Entry

Holly Schwarm – Woods Power Grip



The Winner

Holly Schwarm – Woods Power Grip



Future Home of LARC

- Land Donated by Woods Power Grip
- 10 Acres
- Some Utilities Located Across the Street
- City working on TIF to bring more Utilities in
- LARC Facility
 - 8 Acre Footprint
 - Site Signs coming plus Yard Signs



Future Home of LARC

- Land Donated by Woods Power Grip
- 10 Acres
- Some Utilities Located Across the Street
- City working on TIF to bring more Utilities in
- LARC Facility
 - 8 Acre Footprint
 - Site Signs coming plus Yard Signs



Laurel Community Pride

- All things Laurel
- Laurel Activities
- Laurel Recreation
- Laurel Complex
 - Laurel Pride
 - Laurel Owned
 - Laurel Operated
 - Laurel's Future



Laurel Activities

- Community Activities
 - Craft Fairs
 - Farmers Market
 - Event Center
 - Wedding & Reception Venue
 - Class & Family Reunions
 - Meeting Space
 - Concession Area
 - Etc.



Recreation In the Gymnasium

- **Gymnasium/Multi-Use Facility**

- Indoor Soccer (Futsal)
- Basketball
- Martial Arts
- Baseball Training & Batting Cages
- Fitness Classes
- Weight Facility
- Dance Classes
- Wrestling
- Tournament Venue
- Team Practice & Game Facility
- Climbing Wall
- Future Aquatic Center
- Etc.



Laurel Complex

- This will be a Local, County, Regional Complex
- How do we get Funding & Participation for this Project
 - Donations
 - Sponsors
 - Grants
 - Fundraisers
 - Board Members
 - Committee Members
 - Volunteers
 - Wall of Contributors (Gold, Silver, Bronze Levels)



FUTURE ON-SITE EVENTS & IDEAS

- Trunk or Treat
- Fall Fest
- Halloween Events
- Summer Carnivals
- Food Truck Battles
- Walk a Thon's
- Run for LARC
- Fourth of July Float and Activities
- Etc.



How can you get Involved?

- Invite us to Speak at your Event or Business
- Come to a Board Meeting
 - 2nd Monday of Month @ 6:30 pm @ Laurel Main St. Perk
- LARC Information
 - Website: <https://www.laurelarc.org/>
 - Facebook: <https://www.facebook.com/laurelarcmontana>
- Contact Information
 - Gabe Bush – Board President 406.208.1945
 - Leif Welhaven – LARC Consultant 406.855.6595



File Attachments for Item:

2. Resolution - Resolution Of Intent To Annex Contiguous City-Owned Properties Into The City Of Laurel, Yellowstone County.

RESOLUTION NO. R21-____

**RESOLUTION OF INTENT TO ANNEX CONTIGUOUS CITY OWNED PROPERTIES
INTO THE CITY OF LAUREL, YELLOWSTONE COUNTY.**

WHEREAS, Montana Law, specifically §7-2-4401 through §7-2-4421 provides the City the authority to annex contiguous City owned property; and

WHEREAS, §7-2-4403 requires the City's Mayor to file with the City Clerk a description of the land, a certification of ownership of the land, and a statement that the City desires to annex the property; and

WHEREAS, §7-2-4404 requires the City Council to adopt a Resolution of Intent prior to annexation of contiguous City owned property for inclusion within the boundaries of the City of Laurel; and

WHEREAS, after the Resolution of Intent is approved, §7-2-4405 requires the City Clerk to publish, at least once a week for 2 successive weeks, a notice that the Resolution of Intent has been duly and regularly passed and that for a period of 20 days after the first publication of such notice, the City Clerk will accept comments or expressions of approval or disapproval, in writing, of the proposed alterations of the boundaries of the City to include the City owned property. The notice shall state the time and place set for the public hearing on the proposed annexation; and

WHEREAS, §7-2-4406 requires a public hearing on the question of annexation and at such hearing the City Council shall hear all persons and all things relative to the proposed annexation prior to making a decision to annex such property; and

WHEREAS, if the City Council determines that annexation is in the best interest of the City and its inhabitants to annex the property, it shall adopt a resolution of annexation of the land which shall become effective 30 days after the annexation resolution's passage and approval; and

WHEREAS, the City Council has determined it is in the best interest of the City of Laurel for the properties described in the attachment to this resolution of intent be annexed into the City since they are owned by the City and are currently connected to and utilizing City Services; and,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Laurel, Montana, as follows:

The City Council hereby adopts the Resolution of Intent providing notice to the owners and citizens of Laurel that the City Council intends to annex the City owned properties described in the attached list; and

Upon adoption of this Resolution of Intent, the City Clerk shall publish the required notice to the public as provided herein.

Introduced at a regular meeting of the City Council on _____, 2021, by Council Member _____.

PASSED and APPROVED by the City Council of the City of Laurel this ____ day of _____, 2021.

APPROVED by the Mayor this ____ day of _____, 2021.

CITY OF LAUREL

Thomas C. Nelson, Mayor

ATTEST:

Bethany Langve, Clerk-Treasurer

Approved as to form:

Sam S. Painter, Civil City Attorney

City Property Located Outside City Limits							
Address	Legal Description	TAXID	Geocode	Subdivision	COS	Tract and/or Parcel	Description
1501 SEWER PLANT RD	S15, T02 S, R24 E, ACRES 9.5, PORTION IN E2E2SW ADJ TO & S OF COS 1998 (SEWAGE *	D02720	3082115307200000	UNPLATTED	-	-	Sewer Plant
1501 SEWER PLANT RD	S15, T02 S, R24 E, C.O.S. 1998, PARCEL 1	D02721	03-0821-15-3-07-21-0000	-	1998	Parcel 1	Sewer Plant
US HIGHWAY 212 S	S15, T02 S, R24 E, WATER PLANT IN SWSW4	D02722	3082115307010000	UNPLATTED	-	-	Water Plant
1152 YARD OFFICE RD	S10, T02 S, R24 E, C.O.S. 1048, PARCEL 1	D02645	3082110116010000	-	1048	Tract 1	Utility Lot
US HIGHWAY 10W	S17, T02 S, R24 E, C.O.S. 1055, PARCEL 1, LESS 1.71 AC FOR HWY (17)	D02804	3082117207200000	-	1055	Tract 1	West Pond
W BEARTOOTH DR	S04, T02 S, R24 E, IN N2SW4 LAUREL RESERVOIR	D02545	3082104324200000	UNPLATTED	-	-	Reservoir
W BEARTOOTH DR	S04, T02 S, R24 E, C.O.S. 496, PARCEL 1, AMND	D02541	3082104324210000	-	496 1st AMD	Tract 1	Reservoir
PARK W 12TH ST	LAURMAC SUBD AMEND, S09, T02 S, R24 E, BLOCK 14, Lot 1 - 6, AMND (13)	B01523	3082109238010000	LAURMAC SUB AMD	-	BLOCK 14, LOT 4	Park
LAUREL AIRPORT RD	S04, T02 S, R24 E, C.O.S. 3162, PARCEL A, TRS A-B, C1, D-E COS 3162 (11)	D02525	3082104101010000	-	3162	-	Cemetery
FIRST AVE	S04, T02 S, R24 E, C.O.S. 3287, PARCEL A1, AMD	D02523D	03-0821-04-2-01-35-0000	-	3287	Parcel A1	Cemetery
1820 LAUREL AIRPORT RD	S04, T02 S, R24 E, C.O.S. 1148, PARCEL 1, IN LOT 3	D02524	03-0821-04-2-19-01-0000	-	1148	Parcel 1	Cemetery
W 7TH ST	S08, T02 S, R24 E, C.O.S. 3397, PARCEL 2, **MULTI-DISTRICT** TR 2 COS 3397 SD 7 - .619 AC SD 07L - 1.282 AC	D02583B	03-0821-08-1-05-21-6000	-	3397	Tract 2	Stormwater Pond
30' Road ROW deeded to the city along Yellowstone River East of Water Plant towards BBWA headgate.	Documents filed at County approximately 80 years ago. Currently not platted/shown correctly on Yellowstone County GIS.			-	-	-	ROW

File Attachments for Item:

3. Resolution - A Resolution Of The City Council To Adopt Criteria For Awarding And/Or Approving Grants For The Laurel Urban Renewal Agency (LURA) Board And City Council.

RESOLUTION NO. R21-_____

A RESOLUTION OF THE CITY COUNCIL TO ADOPT CRITERIA FOR AWARDING AND/OR APPROVING GRANTS FOR THE LAUREL URBAN RENEWAL AGENCY (LURA) BOARD AND CITY COUNCIL.

WHEREAS, the City Council previously created the Laurel Urban Renewal Agency (LURA), pursuant to Ordinance No. 08-09 as codified at Title 18, Chapters 18.02 and 18.04 of the Laurel Municipal Code, to provide input and recommendations regarding the most effective uses of resources gained from the Tax Increment Finance (TIF) District; and

WHEREAS, the City Council appointed a LURA Board of Commissioners, pursuant to Resolution No. R08-123, who are responsible for providing guidance and recommendations to the City Council pursuant to grant programs that were previously created by resolution;

WHEREAS, the City Council has determined that it is appropriate to adopt mandatory criteria for the LURA Board and City Council to utilize when reviewing and analyzing grant applications under the previously created LURA grant programs.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Laurel, Montana, that the LURA Board and City Council shall apply the following criteria when reviewing and awarding LURA Grants to applicants under the previously approved grant programs:

1. Does the application benefit the public as a whole or just an individual business/property owner?
2. Does the application directly fund public projects or programs?
3. Does the application help to retire public debt?
4. Does the application establish a loan fund to provide financing?
5. Does the application stabilize or renovate publicly owned historic buildings?
6. Does the application construct and/or connect public infrastructure?
7. Does the project improve streetscape and/or public green spaces?
8. Does the project mitigate unsafe decay?
9. Does the project improve accessibility to publicly owned infrastructure?
10. Is the application intended to fund a study, plan or to promote something for the Public benefit?

Introduced at a regular meeting of the City Council on _____, 2021, by Council Member _____.

PASSED and APPROVED by the City Council of the City of Laurel this ____ day of _____, 2021.

APPROVED by the Mayor this ____ day of _____, 2021.

CITY OF LAUREL

Mayor

ATTEST:

R21-__Adopt Criteria for LURA Grant Review and Award

Bethany Langve, Clerk-Treasurer

Approved as to form:

Sam S. Painter, Civil City Attorney



Urban Renewal and Tax Increment Financing

CDS of Montana

October 5, 2021

Workshop Overview

Purposes of Urban Renewal

Fundamentals of Tax Increment Financing

Laurel URD Summary

District Management

Eligible Projects and Activities

Urban Renewal Experiences Across the State
and Cautionary Tales

Questions and Discussion

Statutory Authority for Urban Renewal



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

Types of URDs



Urban Renewal (URD)

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

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



Targeted Economic Development (TEDD)

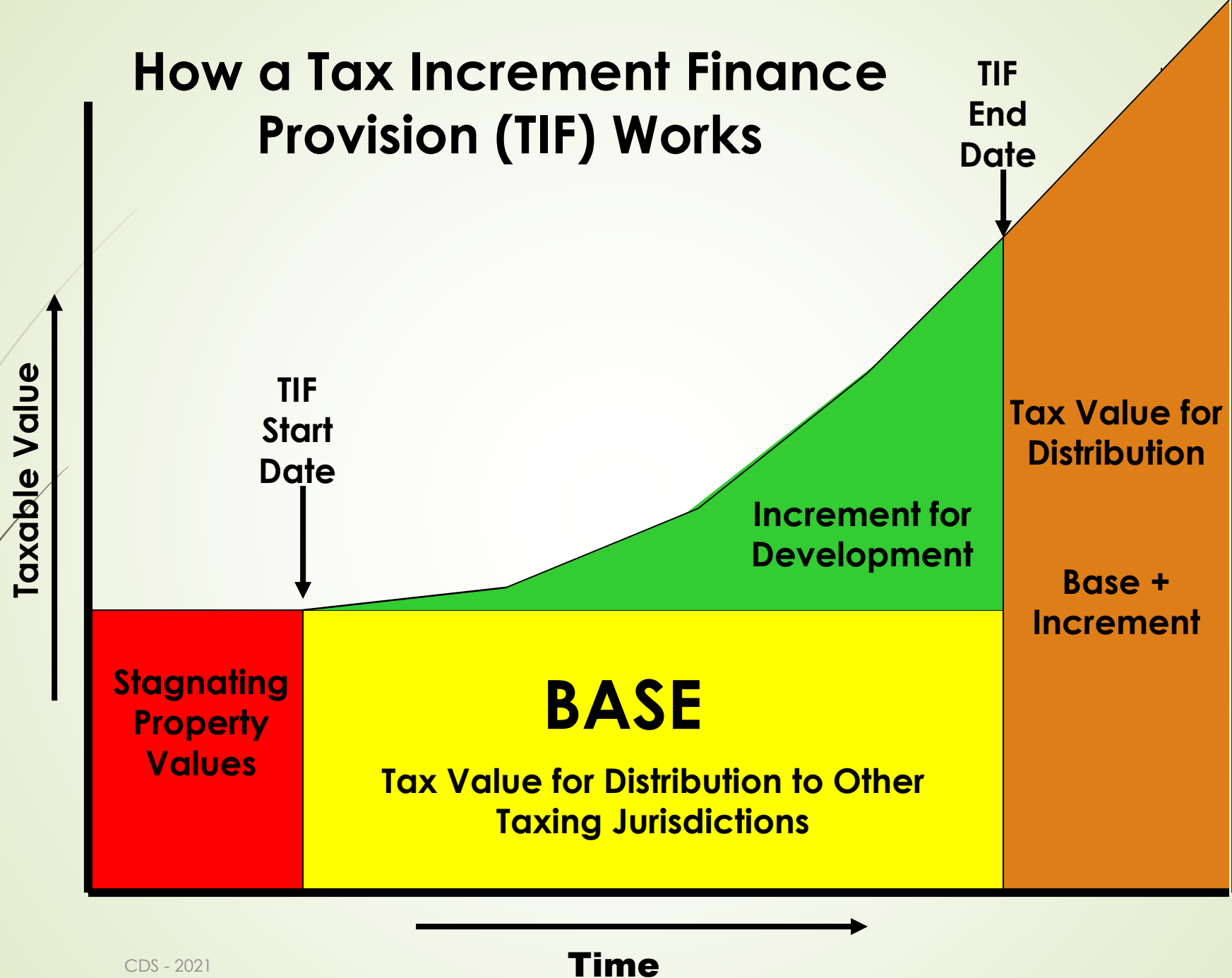
Available to cities, towns and counties in areas that exhibit public infrastructure deficiencies

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

Urban Renewal and Tax Increment Financing

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

How a Tax Increment Finance Provision (TIF) Works





7

The Calculation

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



8 Potential Funding Strategies

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

Laurel URD Summary



Laurel Urban Renewal District created in 2007



City created an urban renewal agency in 2008



Created a Facade Improvement Grant program in 2010



Created Technical Assistance Grant program in 2010



Large Grant Requests Program in 2015



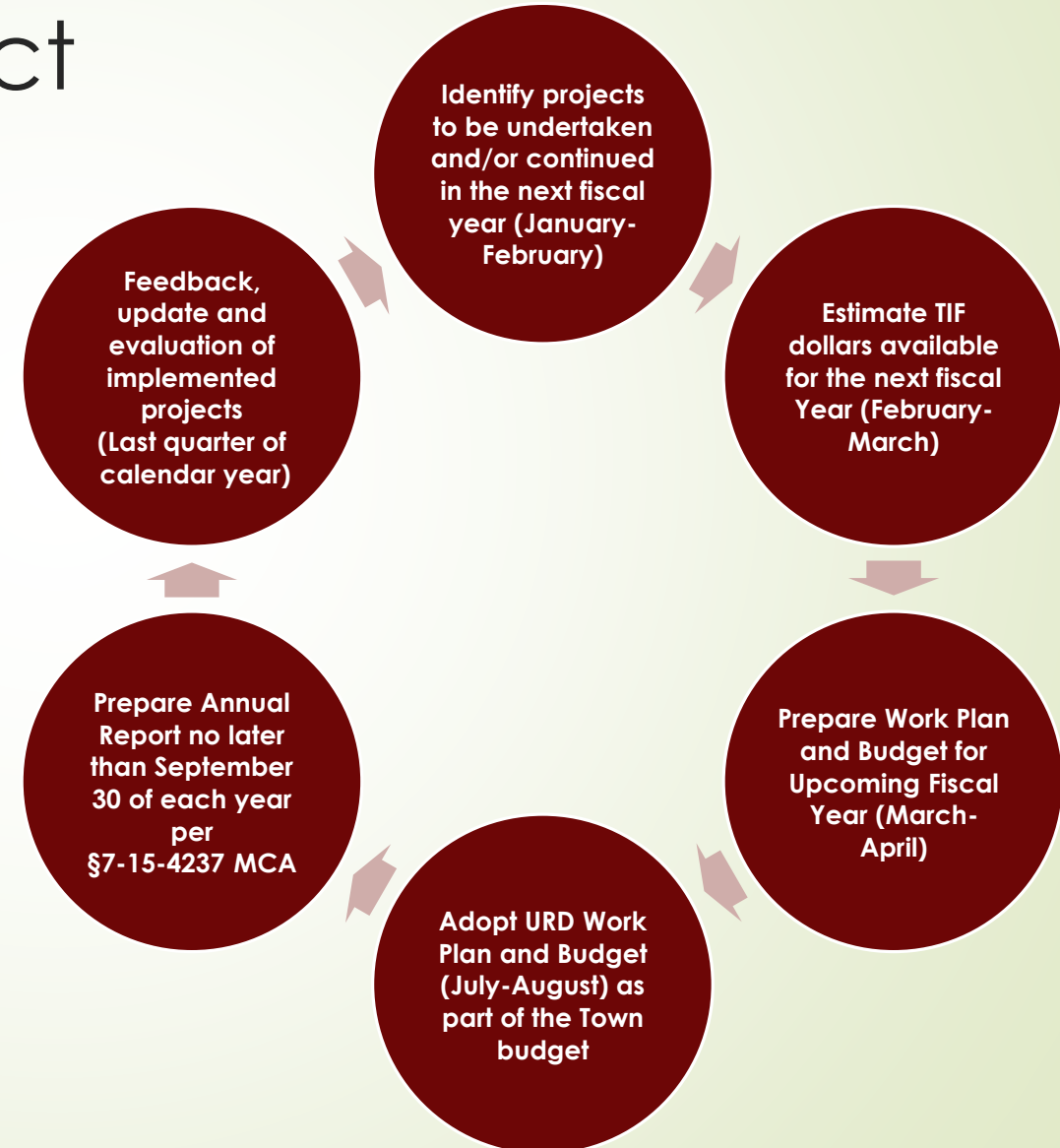
General Small Grant Program in 2019



Issued a 25-year TIF bond in 2020

Management of an Urban Renewal District

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



Allowable Uses of TIF Funds

Stabilize and/or renovate publicly owned historic buildings

Construct and connect public infrastructure

Mitigate unsafe decay

Improve streetscapes and public green spaces

Improve accessibility to publicly owned infrastructure

Study, plan and promote



Project Evaluation Criteria

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

12

Urban Renewal Plan Conformance – Identified Conditions that Contribute to Blight

Flooding

Storm Drain
System
Inadequacies

Lack of Green
Space

Need for Street
Improvements

Need for
Intersection
Improvements

Lack of
streetlights,
sidewalks, curbs
and gutters

Urban Renewal Sample Projects

Capital improvements

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

Branding/Beautification

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





15

Sample Projects

Economic development

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

Safety

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

Neighborhoods

- Sidewalks
- Streetlights
- Connectivity
- Leveraging LMI grant applications

Decay

- Acquisition
- Removal
- Resale

16

Sample
Projects

Cautionary Tales

Questionable
public benefit

“Build it and
they will come”

Lack of buy-in

Dependency
on centrally
assessed
taxpayers

Change in
taxable status

Single use
districts



18 Questions and Discussion

File Attachments for Item:

4. Resolution No. R21-109: A Resolution Approving Zone Changes For Property Owned By Northwestern Corporation D/B/A Northwestern Energy Located Near Lindy Lane Within The City Of Laurel's Zoning Jurisdiction.

RESOLUTION NO. R21-109

A RESOLUTION APPROVING ZONE CHANGES FOR PROPERTY OWNED BY NORTHWESTERN CORPORATION D/B/A NORTHWESTERN ENERGY LOCATED NEAR LINDY LANE WITHIN THE CITY OF LAUREL'S ZONING JURISDICTION.

WHEREAS, zone changes has been requested in the current zoning designation by Northwest Corporation d/b/a NorthWestern Energy, the owner of the herein described property ("Property") that is located within the City of Laurel's zoning jurisdiction; and

WHEREAS, the Property consists of two parcels both currently having partial zoning designations of Heavy Industrial ("HI") and Agricultural Open ("AP") which the owner seeks to have changed to a designation of Heavy Industrial ("HI") zoning for both parcels of the Property; and

WHEREAS, it is in the best interests of the residents of the City of Laurel to adopt this resolution thereby approving the proposed zone changes to provide for an expanded, uniform, and orderly growth and economic development within the City's zoning jurisdiction; and

WHEREAS, a duly noticed public hearing was held by the City's Zoning Commission on September 15, 2021. The Zoning Commission reviewed and considered the application pursuant to the criteria contained in the LMC. At the conclusion of the hearing, the Zoning Commission decided to recommend the approval of the requested zone changes to the City Council subject to the conditions contained in the Staff Report which is hereby attached hereto and incorporated herein as part of this resolution; and

WHEREAS, the City Council held a duly noticed public hearing on October 12, 2021. The City Council gathered testimony and public comment during the hearing from both proponents and opponents. Based on the evidence presented at the Public Hearings, the recommendation of the Zoning Commission, and documents submitted by Staff, the City Council has determined the requested zone changes are in the City's best interest as detailed in the Zoning Commission and City Council Records which are incorporated herein as part of this resolution; and

WHEREAS, the City Council hereby adopts the findings contained in the Zoning Commission Record as well as all items in the Council Record.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Laurel, Montana, that the zone changes requested by the owner are hereby approved for the Property described as follows:

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

BE IT FURTHER RESOLVED, the Property zoning designations are hereby changed to Heavy Industrial (“HI”) for both Parcels described above subject to the following conditions:

1. The above Parcels shall be fully included in the City’s Zoning Jurisdiction.
2. The above Parcels shall be classified as Heavy Industrial (“HI”) to be fully within the Heavy Industrial zoning district.
3. The above Parcels shall have no uses deemed not allowable within the Heavy Industrial (“HI”) District.
4. Any future changes to zoning for the Parcels shall follow the same process and procedure required to obtain the zone changes approved herein.

Introduced at a regular meeting of the City Council on October 12, 2021, by Council Member _____.

PASSED and APPROVED by the City Council of the City of Laurel this 12th day of October 2021.

APPROVED by the Mayor this 12th day of October 2021.

CITY OF LAUREL

Thomas C. Nelson, Mayor

ATTEST:

Bethany Langve, Clerk-Treasurer

Approved as to form:

Sam S. Painter, Civil City Attorney



LAUREL CITY-COUNTY PLANNING DEPARTMENT

STAFF REPORT

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

DESCRIPTION OF REQUEST

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

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

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

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

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

BACKGROUND AND PROCEDURAL HISTORY

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

STAFF FINDINGS

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

PLANNING BOARD AND GOVERNING BODY REVIEW CRITERIA

17.72.060 - Zoning commission action.

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

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

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

RECOMMENDATIONS

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

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

The Zone Change approval specifically notes that:

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

ATTACHMENTS

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

July 23, 2021

Mr. Nick Altonaga, CFM
Planning Director
City of Laurel
PO Box 10
Laurel, MT 59044

**Reference: Zone Map Amendment Application
NorthWestern Energy Laurel Generating Station**

Dear Mr. Altonaga:

On behalf of NorthWestern Energy Corporation, please accept our application for a Zone Change Request for the following two properties:

- Parcel 2, COS 1677, S15, T02S, R24E
- Parcel 1, COS 1239, S15, T2S, R24E

The properties are currently zoned Heavy Industrial (HI) and Agricultural Open Space (A1). The requested zoning is **Heavy Industrial (HI)** for both properties. Please note that the Laurel Zoning Jurisdiction splits Parcel 2, and with this application we are requesting that the City of Laurel adjust the jurisdiction line so that it encompasses all of Parcel 2.

NorthWestern Energy has identified a need for a new energy generation station. Planned retirements of electric assets in the Pacific Northwest region exceed 3,600 MW and the Northwest Power and Conservation Council forecasts regional capacity shortfalls as early as 2021. NorthWestern's continued reliance on the market to purchase energy to fill the gap during peak customer demand will significantly increase price and reliability risk for NorthWestern's customers because of the reduced energy supply availability.

In order to close the gap between our electricity generation and our customers' demands, the Laurel Generating Station will be developed to generate 175-megawatt from natural gas.

Mr. Nick Altonaga
July 23, 2021
Page 2

The location offers access to adequate, uncongested electric transmission and adequate natural gas supply. This land use will be consistent with the adjacent heavy industrial uses represented by the CHS Refinery and Laurel Water Treatment.

In support of this application, the following documents are included:

1. Application Form
2. Area Exhibit
3. Existing Zoning Exhibit
4. Proposed Zoning Exhibit
5. Site Plan of Generating Station
6. Adjacent Property Owner List and Mailing Labels
7. Property Covenants
8. Application Fee

Should you require any additional information, please do not hesitate to contact me. I can be reached at (406) 922-4313 or lwaterton@sandersonstewart.com.

Sincerely,



Lauren Waterton, AICP
Associate/Senior Planner

Enc.

cc: Roy Ishkanian, NorthWestern Energy

CITY HALL
115 W. 1ST ST.
PLANNING: 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 City Planner

Zone Change Request

The Undersigned as owner or agent of the following described property requests a Zone Change as outlined in the City of Laurel Zoning Ordinance.

Current Zoning District (if zoned): A-1 (Agricultural Open Space)

Proposed Zoning District: H-1 (Heavy Industrial)

Legal Description of the Property: S15, T02 S, R24 E, C.O.S. 1677, PARCEL 2

S15, T2S, R24E, C.O.S. 1239, PARCEL 1

Address or General Location: Lindy Lane

Owner(s)/Applicant(s):

Name: NorthWestern Energy Corporation

Address: Attn: Roy Ishkanian, PO Box 80330, Billings, MT 59108

Phone: 406-655-6415

Email: roy.ishkanian@northwestern.com

Name: _____

Address: _____

Phone: _____

Email: _____

Agent(s)/Representative(s):

Name: Sanderson Stewart, Attn: Lauren Waterton

Address: 1300 N. Transtech Way, Billings, MT 59102

Phone: 406-922-4313

Email: lwaterton@sandersonstewart.com

Purpose/Reason for Zone change:

In order to meet the needs of customer's energy needs, NorthWestern Energy


will construct an energy generating station using natural gas supply.

The land use is consistent with adjacent heavy industrial uses (CHS Refinery, Laurel Water Treatment Plant)

I understand that the application fee accompanying this application is non-refundable, that it pays the cost of processing, and that the fee does not constitute a payment for a zoning change approval. I further certify that all the information presented on this application and its supporting documentation is true and correct.

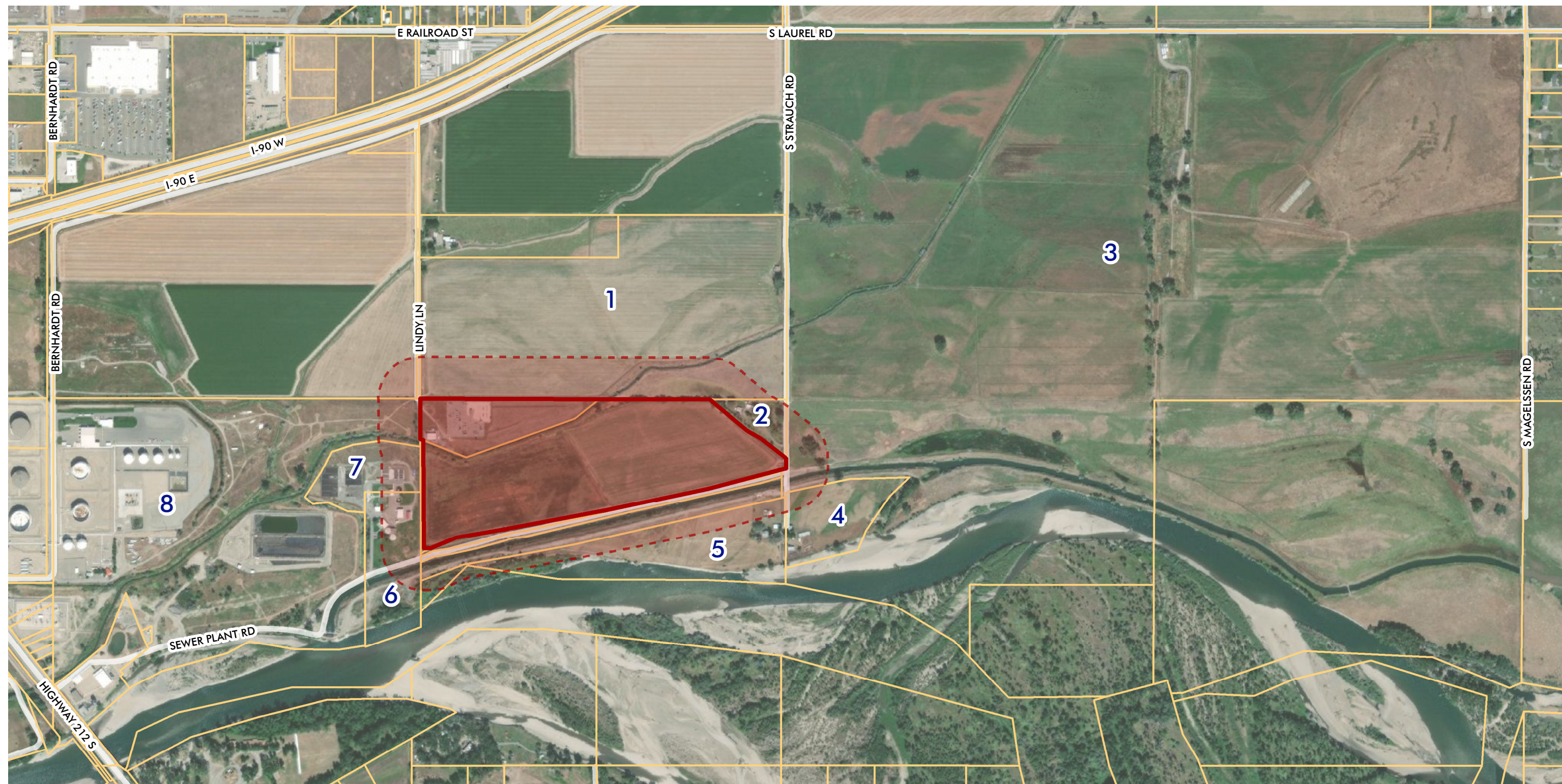
Owner/Applicant Signature: _____

Date: _____


Roy M. Ishikawa
7/26/21

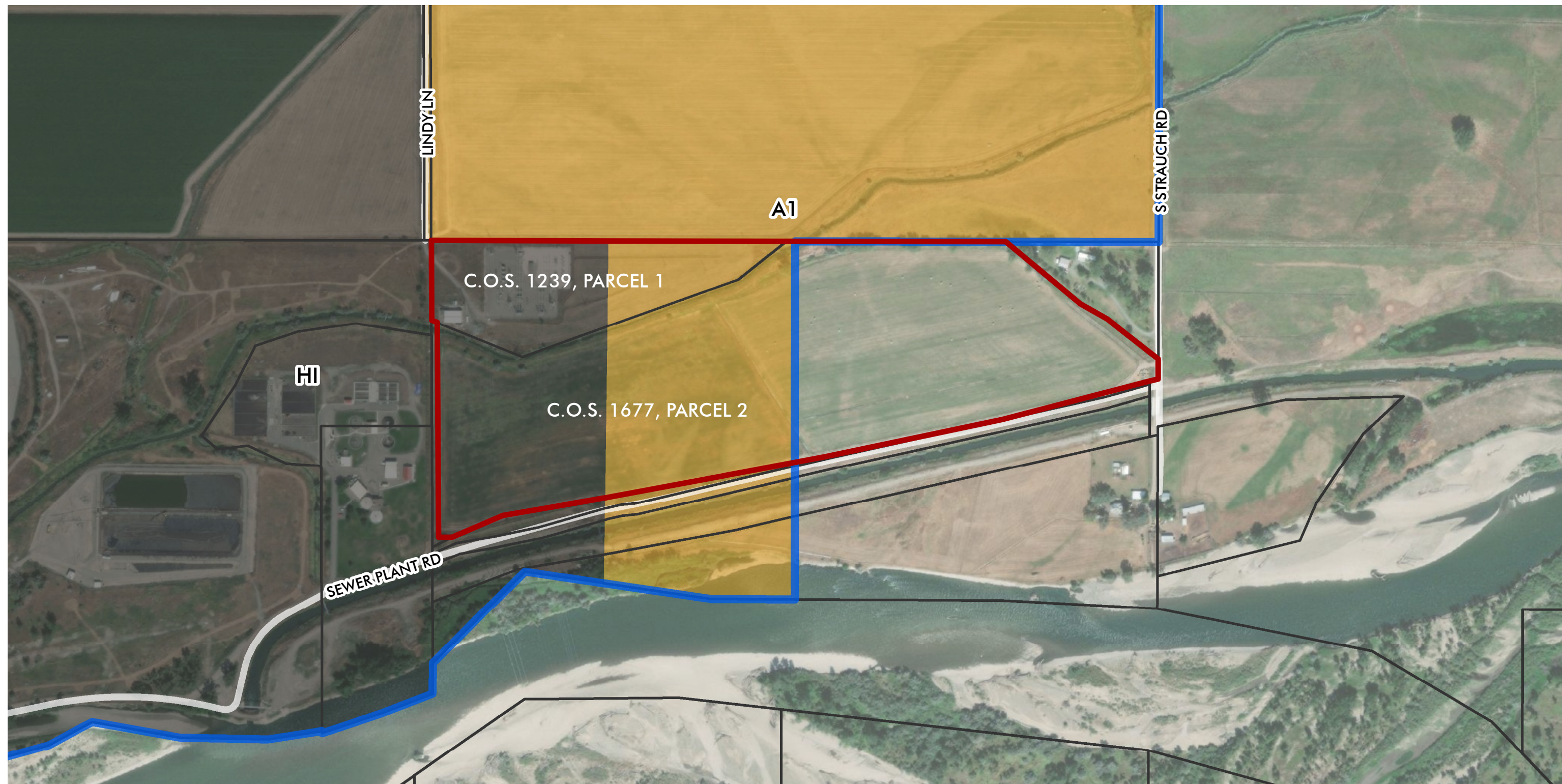
Agent and/or Representative Signature: _____

Date: _____



- Zone Change Parcels
- 300 ft Buffer
- Parcels





Zoning Districts

- A1 (Ag Open Space)
- HI (Heavy Industrial)



Zone Change Parcels

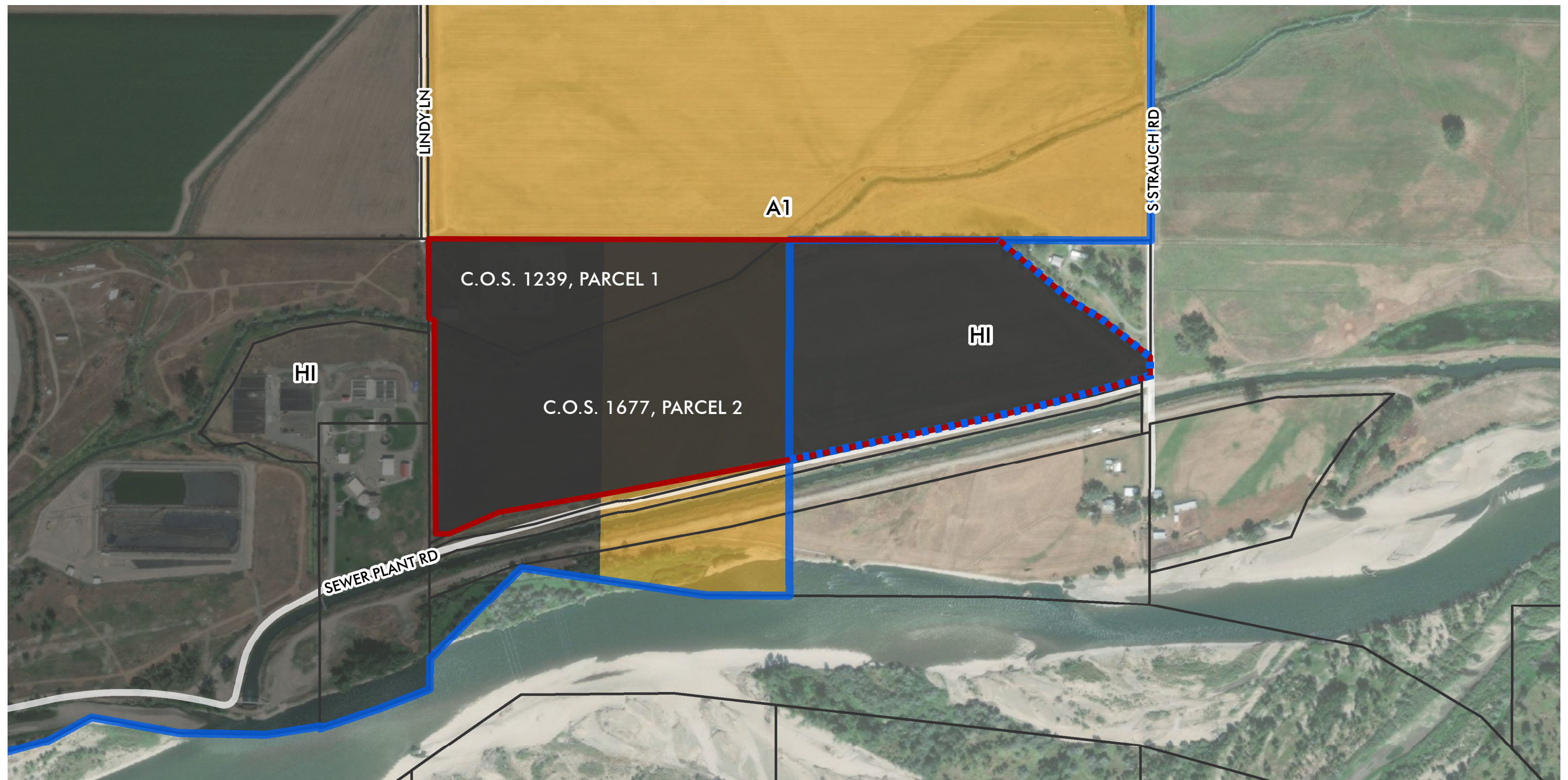


Zoning Jurisdiction Boundary



Parcels





Current Zoning Districts

- A1 (Ag Open Space)
- HI (Heavy Industrial)

Zone Change Parcels

- Proposed Zoning Jurisdiction
- Proposed Zoning (HI)

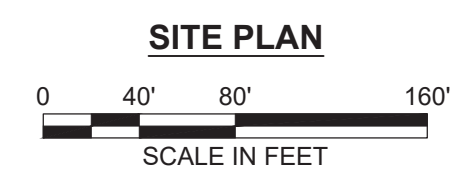
Current Zoning Jurisdiction Boundary

- Parcels



Exhibit D

SITE KEY	
1	ENGINE HALL
2	CONTROL RM, TOILET RM AND JANITORS CLOSET
3	ELECTRICAL & BATTERY ROOM
4	HVAC UNITS
5	SILENCERS - STACKS
6	SELECTIVE CATALYTIC REDUCER
7	CHARGE AIR FILTERS
8	RADIATORS
9	AMMONIA TANK W/ CONTAINMENT
10	NEW LUBE OIL TANK
11	USED LUBE OIL TANK
12	TANK CONTAINMENT
13	STATION TRANSFORMER
14	GSU TRANSFORMER
15	DEADEND STRUCUTRE
16	FUEL GAS COALESCER & DEWPOINT HEATER
17	HEAVY HAUL ROAD
18	AUX GENERATOR
19	CIRCUIT BREAKER
20	DISCONNECT SWITCH
21	STARTING AIR RECEIVER
22	STARTING AIR COMPRESSOR
23	INSTRUMENT AIR RECEIVER
24	INSTRUMENT AIR COMPRESSOR
25	INSTRUMENT AIR DRYER
26	CHEMICAL TOTE STORAGE AREA
27	FIRE WATER TANK
28	FIRE PUMPHOUSE
29	UNLOADING STATION
30	FUEL GAS PRESSURE REGULATOR
31	MAINTENANCE WATER TANK
32	WAREHOUSE
33	ADMINISTRATION AREA
34	10 PARKING SPACES



**PRELIMINARY - NOT
FOR CONSTRUCTION**

[illegible]



Return recorded document to:

CHS Inc.
P.O. Box 909
Laurel, MT 59044
ST1098221

DECLARATION OF COVENANTS AND CONDITIONS

This **DECLARATION OF COVENANTS AND CONDITIONS** (this "Declaration") is made effective as of the 11th day of May, 2021, by **CHS INC.**, a Minnesota cooperative corporation, whose post office address is P.O. Box 64089, Saint Paul, Minnesota 55164-0089 (hereinafter "CHS"); and **NORTHWESTERN CORPORATION**, a Delaware corporation, d/b/a **NORTHWESTERN ENERGY** with an address of 11 East Park Street, Butte, MT 59701-1711 (hereinafter "NorthWestern").

WITNESSETH

WHEREAS, CHS is the owner of those certain tracts or parcels of land situated in Yellowstone County, Montana, identified collectively as the "Benefitted Parcels" on the attached Exhibit A, and as legally described on the attached Exhibit B; and

WHEREAS, NorthWestern is the owner of that certain tract or parcel of land situated in Yellowstone County, Montana, identified as the "Burdened Parcel" (and together with the Benefitted Parcels, the "Parcels") on the attached Exhibit A, and as legally described on the attached Exhibit C.

NOW, THEREFORE, in consideration of the agreements, easements, covenants, conditions and restrictions contained in this Declaration, CHS and NorthWestern do hereby establish and declare that the Parcels shall be owned, held, and conveyed, subject to the agreements, easements, covenants, conditions and restrictions set forth in this Declaration. Upon recordation of this Declaration, any conveyance, transfer, sale, hypothecation, assignment, lease or sublease made by NorthWestern or CHS, or by any owner of any portion of the Parcels shall be and is deemed to incorporate by reference the provisions of this Declaration, as the same may from time to time be amended, and each owner, by acceptance of the conveyance of any portion of the Parcels, and each occupant by its use and occupancy of any portion of the Parcels shall be bound by the provisions of this Declaration.

1. Plant Construction and Operation.

(a) The Burdened Parcel may be used for the construction and operation of a nominal 175 MW gas-fired, electric-generating plant (the "Plant") consisting of eighteen, 9.7 MW class Caterpillar G20CM34 natural gas reciprocating internal combustion engines (RICE)

and associated balance of Plant equipment in full compliance with all applicable laws and regulations.

(b) Prior to making any submission to the Montana Department of Environmental Quality (the "MDEQ") pursuant to Title 17, Chapter 8, Subchapters 7, 8 or 12 of the Administrative Rules of Montana relating to the construction, operation or maintenance of the Plant (including any revision, modification or supplement thereto, each, an "MDEQ Submission"), NorthWestern shall provide to CHS a copy of the MDEQ Submission and CHS shall determine whether the operation of the Plant pursuant to the provisions in the MDEQ Submission will adversely affect the Benefitted Parcels or CHS's activities conducted or to be conducted upon the Benefitted Parcels. CHS shall have 10 business days following the receipt of the MDEQ Submission to either provide written consent or objection thereto. If CHS objects, the parties shall work collectively to discuss changes to the MDEQ Submission that would address CHS's objection and result in CHS's consent. NorthWestern shall not submit the MDEQ Submission to the MDEQ without the prior written consent of CHS, which consent shall not be unreasonably withheld or delayed. If CHS shall fail to respond to NorthWestern within such 10-business day period, then CHS shall be deemed to have consented to the MDEQ Submission.

(c) Any development or construction on the Burdened Parcel that deviates from the layout of the Plant set forth on Exhibit D shall require the prior written consent of CHS.

(d) Following the construction and commissioning of the Plant and in accord with the Montana Air Quality Permit issued to construct the Plant, NorthWestern shall submit an application to MDEQ for a Title V Operating Permit in accordance with the terms and procedures set forth in Section 1(b), and NorthWestern shall operate the Plant in compliance with any Title V Operating Permit issued by MDEQ.

(e) Following the construction and commissioning of the Plant, the Plant shall be supplied with natural gas through the repurposed Byron Pipeline. Any proposed change to the natural gas supply to the Plant from any source other than the repurposed Byron Pipeline shall require the prior written approval of CHS.

2. Public Grant. Nothing contained herein shall be used or construed as a grant of any rights to any public or governmental authority or agency.

3. Notices. Any notice or other communication required or permitted to be given hereunder shall be in writing and shall be mailed to the applicable party by certified or registered mail, postage prepaid, or nationally recognized overnight courier, and shall be considered given upon receipt, addressed as follows:

CHS Inc.
5500 Cenex Drive
Inner Grove Heights, MN 55077
Attn: General Counsel;

CHS Inc. Laurel Refinery
P.O. Box 909
Laurel, MT 59044
Attn: VP Refining; and EH&S Manager

NorthWestern Corporation
d/b/a NorthWestern Energy
11 East Park Street
Butte, MT 59701-1711
Attn: General Counsel; and
Vice-President Supply

Addresses may be changed by giving notice of such change to the other party in the manner provided herein. Unless and until such written notice is received, the last address given shall be deemed to continue in effect for all purposes.

4. Successors, Duration. The agreements and restrictions contained herein and the rights granted hereby shall run with the title to the respective Parcels and shall bind and inure to the benefit of the parties hereto and their respective heirs, successors, and assigns. Unless otherwise canceled or terminated, this Declaration and all of the easements, rights and obligations hereof shall be perpetual unless prohibited by applicable law, in which case this Declaration shall remain in effect for the maximum amount of time allowed by law but in no event fewer than one hundred (100) years.

5. Amendment. This Declaration may only be amended, modified or supplemented by a writing signed by each party hereto; provided that CHS may unilaterally amend Exhibits A and B hereto solely to remove any tract or parcel of land from the Benefitted Parcels hereunder, and shall thereafter deliver to NorthWestern such amended Exhibits A and B, which amended Exhibits A and B may be unilaterally recorded by CHS. NorthWestern shall, if requested by CHS, execute and deliver an instrument in recordable form effecting an amendment to Exhibits A and B solely to remove any tract or parcel of land from the Benefitted Parcels.

6. Headings. The headings of the paragraphs contained herein are intended for reference purposes only and shall not be used to interpret the agreements contained herein or the rights granted hereby.

7. Counterparts. This Declaration may be executed in one or more counterparts, including by facsimile or other electronic means, all parties need not be signatories to the same documents, and all counterpart signed documents shall be deemed to be an original and one and the same instrument.

[Signature pages follow.]

IN WITNESS WHEREOF, CHS has executed this Declaration this 6th day of May, 2021.

CHS INC.,
a Minnesota cooperative corporation

By: John TraegerName: John TraegerTitle: Senior Vice President

ATTEST:

Helene Dreyling
Name: Helene Dreyling
Title: Assistant Secretary

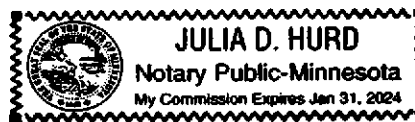
ACKNOWLEDGEMENTS

STATE OF MINNESOTA)
) ss.
COUNTY OF DAKOTA)

This instrument was acknowledged before me this 6th day of May, 2021, by John Traeger, as Senior Vice President of CHS Inc., a Minnesota cooperative corporation, for and on behalf of said Minnesota cooperative corporation.

WITNESS MY HAND and notarial seal subscribed and affixed in said County and State, the day and year in this certificate above written.

By: Julia D Hurd
Notary Public



My Commission Expires: 1/31/2024

Signature page to Declaration of Covenants and Conditions

STATE OF MINNESOTA)
) ss.
COUNTY OF DAKOTA)

This instrument was acknowledged before me this 6th day of May, 2021, by Helene Dreyling, as Assistant Secretary of CHS Inc., a Minnesota cooperative corporation, for and on behalf of said Minnesota cooperative corporation.

WITNESS MY HAND and notarial seal subscribed and affixed in said County and State, the day and year in this certificate above written.

By: 
Notary Public



My Commission Expires: 1/31/2024

7th IN WITNESS WHEREOF, North Western has executed this Declaration this
day of May, 2021.

NORTHWESTERN CORPORATION,
a Delaware corporation
d/b/a North Western Energy

By: 

Name: Brian B. Bird

Title: President & CEO

ACKNOWLEDGEMENT

STATE OF

South Dakota

)

) SS

COUNTY OF

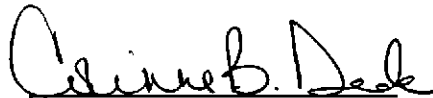
Minnehaha

)

This instrument was acknowledged before me this 7th day of May, 2021, by Brian B. Bird, as President & CEO of North Western Corporation, a Delaware corporation, d/b/a North Western Energy, for and on behalf of said Delaware corporation.

WITNESS MY HAND and notarial seal subscribed and affixed in said County and State, the day and year in this certificate above written.

By:



Notary Public

My Commission Expires: March 16, 2027

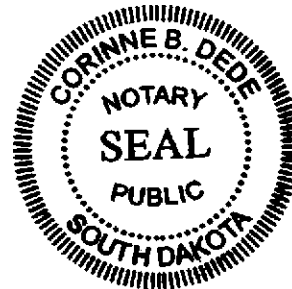


EXHIBIT A

Site Plan Showing the Parcels

See attached.

Exhibit A to Declaration of Covenants and Conditions

EXHIBIT A

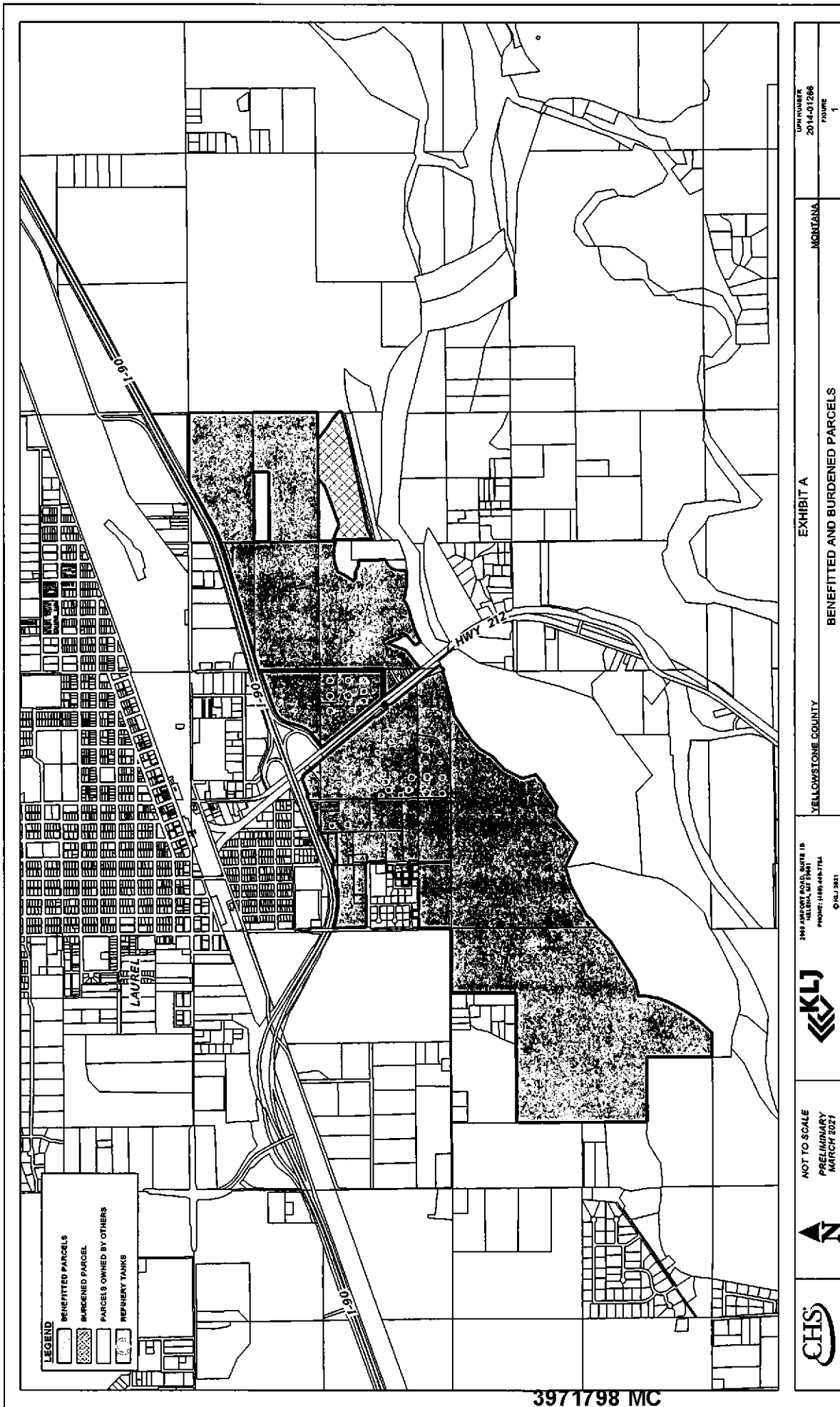


EXHIBIT B

Legal description of the Benefitted Parcels

See attached.

3971798 MC
05/11/2021 09:34 AM Page 10 of 15
eRecorded For Yellowstone County, MT

68

EXHIBIT C

Legal description of the Burdened Parcel

See attached.

Exhibit C

That part of the Southeast quarter of Section 15, Township 2 South, Range 24 East, of the Principal Montana Meridian, described as Tract 2, of Certificate of Survey No. 1677 on file in the office of the Clerk and Recorder of Yellowstone County, Montana, under Document No. 1056543.

16398463_v3

EXHIBIT D

Plant Layout

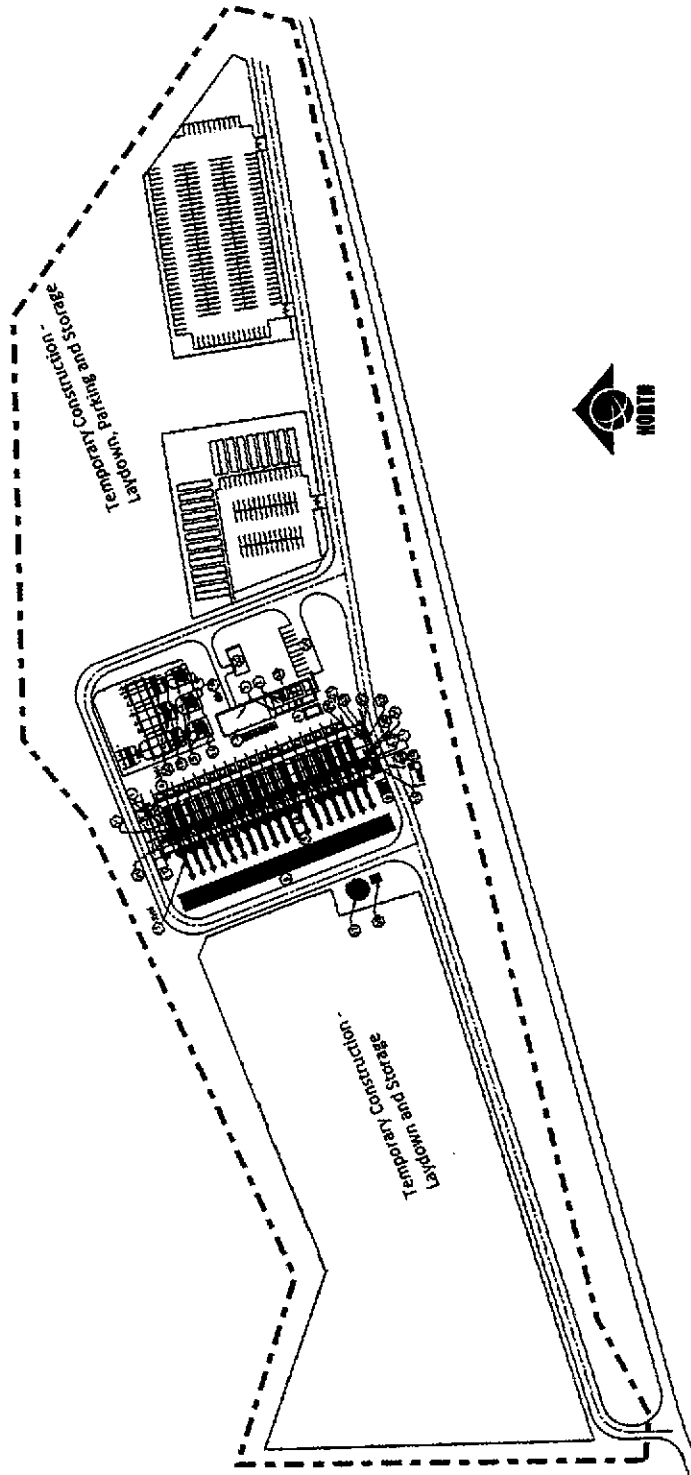
See attached.

16384356_v8

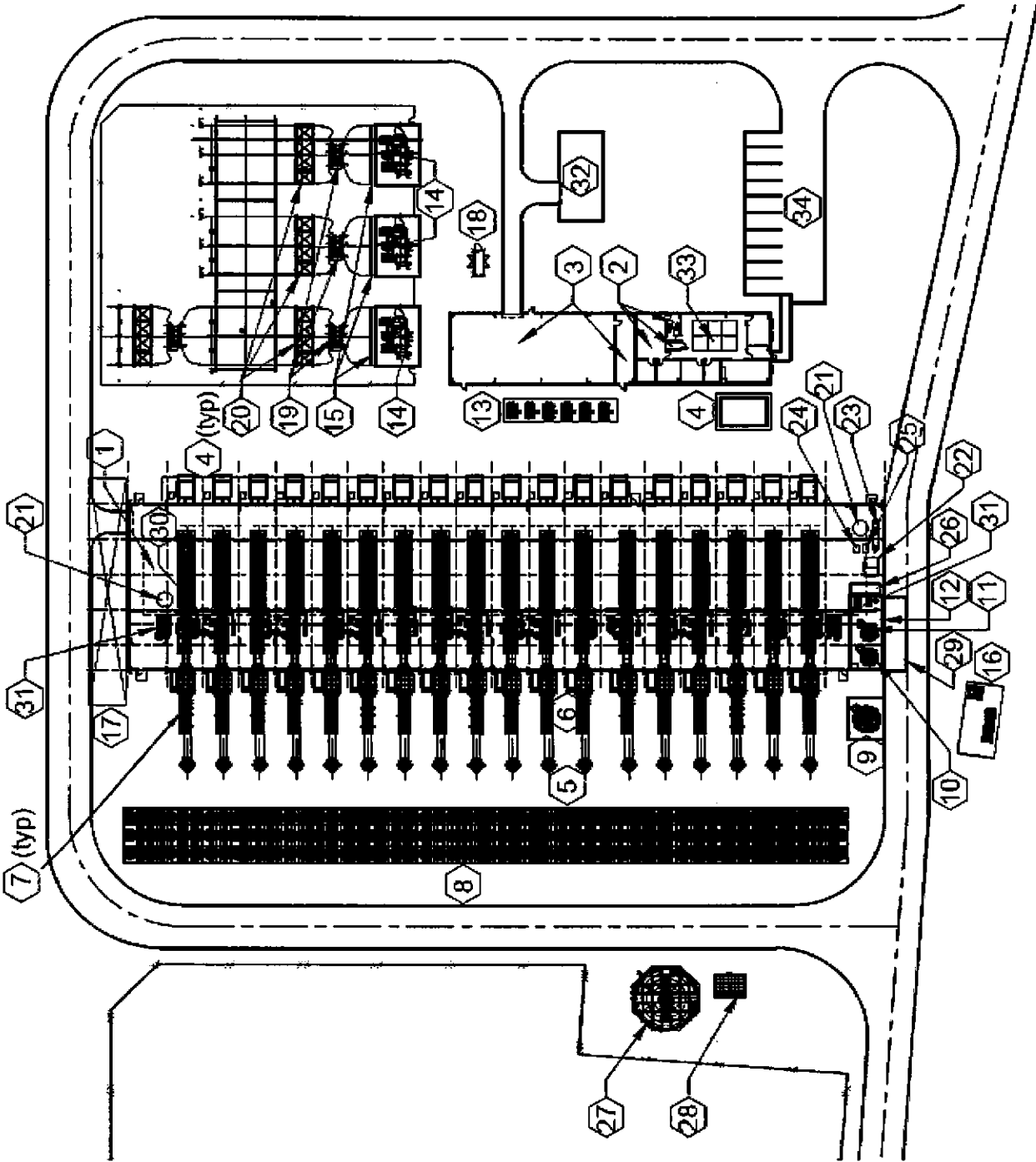
Exhibit D – Page 1 of 2

Note: Plant layout and property boundary are shown in approximate locations. Plant layout will be added to the property survey at a later date and an updated drawing will be provided.

— · — · — Approximate Property Boundary



SITE KEY	
1	ENGINE HALL
2	CONTROL RM, TOILET RM AND JANITORS CLOSET
3	ELECTRICAL & BATTERY ROOM
4	HVAC UNITS
5	SILENCERS - STACKS
6	SELECTIVE CATALYTIC REDUCER
7	CHARGE AIR FILTERS
8	RADIATORS
9	AMMONIA TANK W/ CONTAINMENT
10	NEW LUBE OIL TANK
11	USED LUBE OIL TANK
12	TANK CONTAINMENT
13	STATION TRANSFORMER
14	GSU TRANSFORMER
15	DEADEND STRUCTURE
16	FUEL GAS COALESCE & DRYPOINT HEATER
17	HEAVY HAUL ROAD
18	AUX GENERATOR
19	CIRCUIT BREAKER
20	DISCONNECT SWITCH
21	STARTING AIR RECEIVER
22	STARTING AIR COMPRESSOR
23	INSTRUMENT AIR RECEIVER
24	INSTRUMENT AIR COMPRESSOR
25	INSTRUMENT AIR DRYER
26	CHEMICAL TOTE STORAGE AREA
27	FIRE WATER TANK
28	FIRE PUMPHOUSE
29	UNLOADING STATION
30	FUEL GAS PRESSURE REGULATOR
31	MAINTENANCE WATER TANK
32	WAREHOUSE
33	ADMINISTRATION AREA
34	10 PARKING SPACES



17.20.010 - List of uses.



Table 17.20.010 designates the special review (SR) and allowed (A) uses as governed by commercial — industrial use regulations.

	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	
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

17.20.010 - List of uses.



Table 17.20.010 designates the special review (SR) and allowed (A) uses as governed by commercial — industrial use regulations.

	AG	RP	NC	CBD	CC	HC	LI	HI	P
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	
Department stores				A	A	A	A		
Drug stores			A	A	A	A	A		
Dry kiln								A	
Dwellings: single-family Manufactured home	A	A	A	A	A				
Class A, Class B, Class C									
two family			A	A	A				
multiple family			A	A	A				
row housing			SR	SR	SR				
Eating and drinking establishments:									
Cocktail lounge, restaurants, bars and taverns				SR	SR	SR	SR		
Restaurants (without the sale of alcoholic beverages)				A	A	A	A		
Drive-in restaurants					SR	SR	SR		
Extractive industries - excavations of sand and gravel		SR					SR		
Farm implements, sales and service						A	A	A	
Fat rendering or production of fats and oils								SR	
Feedlots – livestock	A							SR	
Feed and seed processing and cleaning for retail purposes									
Feed and seed - farm and garden retail sales					A	A	A		
Fertilizer manufacturing								SR	
Fertilizer wholesale sales						SR	SR	A	
Fertilizer - retail sales					A	A	A		
Florist, wholesale sales	SR				A	A	A		
Florist, retail sales			A	A	A	A	A		
Flour mills							SR	SR	
Food products manufacturing, storage and processing						SR	SR	A	
Food stores (retail only)				A	A	A	A		
Food stores (retail only) - 3000 sq. ft.			A	A	A	A	A		
Foundry								A	
Frozen food lockers					A	A	A		
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	

17.20.010 - List of uses.



Table 17.20.010 designates the special review (SR) and allowed (A) uses as governed by commercial — industrial use regulations.

	AG	RP	NC	CBD	CC	HC	LI	HI	P
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 dry-cleaning plants							A	A	
Laundries, steam pressing, dry-cleaning 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		
Office building, professional government and private office buildings in which no activity is carried on catering to retail trade and no stock of goods is maintained for sale	SR	SR	A	A	A	A	A	A	SR
Office equipment, supplies and service			A	A	A	A	A		
Optician and optical supplies and sales			A	A	A	A	A		
Oxygen manufacturing and/or storage								A	
Paint and body shops				A	A	A	A	A	
Paint and retail sales			A	A	A	A	A		
Parking, public		SR	A	A	A	A	A	A	A

17.20.010 - List of uses.



Table 17.20.010 designates the special review (SR) and allowed (A) uses as governed by commercial — industrial use regulations.

	AG	RP	NC	CBD	CC	HC	LI	HI	P
Parks, playgrounds, playfields and golf courses, community center buildings - operated by public agency, neighborhood or homeowner's association	A	SR							A
Pawn shops				A	A	A	A		
Pet shops			A	A	A	A	A		
Photographic studios		SR	A	A	A	A	A		
Planing or saw mills								A	
Post-secondary school	A	A	A	A	A	A			A
Prefabricated building materials assembly and manufactures						SR	A	A	
Preschool	A	SR	SR	SR					
Printing, publishing, reproduction and lithography				A	A	A	A	A	
Processing of previously slaughtered meats, including cutting, wrapping, and freezing by freezer and locker provisioners					A	A	A	A	
Public utilities service installations	SR	SR	SR	A	A	A	A	A	SR
Public utilities storage yard						A	A	A	SR
Radio and TV broadcasting stations				A	A	A	A	A	
Radio and TV tower						A	A	A	SR
Railroad yard							A	A	
Real estate office			A	A	A	A	A		
Rental service store and yard					A	A	A		
Repair and servicing of industrial equipment and machinery						A	A	A	
School, commercial			A	A	A	A			A
Scrap yards - storage and processing								A	
Secondhand stores and/or antique store				A	A	A	A		
Sheet metal shops and processing							A	A	
Shoe repair				A	A	A	A	A	
Sign manufacturing, painting and maintenance						A	A	A	
Sign									
Billboards	SR					SR	SR	SR	
On premises	A	SR	A	A	A	A	A	A	
Off premises	SR			SR	SR	SR	SR	SR	
Slaughterhouse	SR							SR	
Sporting goods sales				A	A	A	A		
Storage, compartmentalized storage for commercial rent							SR	SR	
Storage and warehouse and yards							SR	A	
Stone cutting, monuments manufacturing and sales							SR	A	
Sugar and sugar beet refining								SR	
Swimming pools or beaches, public									A
Taxi stands				A	A	A	A		
Theaters, cinema, opera houses				A	A	A			
Drive-in theaters						SR			
Tire recapping and retreading						A	A	A	
Trailer and recreational vehicle sales area					A	A	A		
Travel trailer park (transient)						SR			
Truck terminals, repair shops, hauling and storage yards						A	A	A	
Water and sewage treatment plant	A								A
Wholesale and jobbing establishments						SR	A	A	
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)

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)



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)

Chapter 17.72 - AMENDMENTS

Sections:

17.72.010 - Purpose of provisions.

Whenever the public necessity, convenience, general welfare, or good zoning practice requires, the city council may amend, supplement, or change the regulations in this title, or the zoning boundaries or classification of property on the zoning map, as set forth in this chapter.

(Prior code § 17.84.010)

17.72.020 - Amendment procedure.

Amendments to the text of the title and/or changes in the zoning boundaries or classification of properties shown on the zoning map may be initiated by the city council on their own motion, or upon recommendation of the planning board but no amendment shall become effective unless it shall have been submitted to the zoning commission for review and recommendation. Before enacting an amendment to this title, the city council shall give public notice and hold a public hearing thereon.

(Ord. 96-5 (part), 1996; prior code § 17.84.020 (part))

17.72.025 - Amendment by private property owner.

Amendments to the zoning boundaries or classification of property shown on the zoning map may be initiated by property owners of the land proposed to be rezoned, by the filing with the zoning commission secretary of a zoning change application, which application shall be provided by the zoning commission secretary, and accompanied by all other materials and data required in the application.

(Ord. 01-4 (part), 2001; Ord 96-5 (part), 1996; prior code § 17.84.020 (part))

17.72.030 - Preapplication conference required.

Persons or parties interested in submitting an application for a zoning change shall consult with the planning director and the building inspector, at a joint meeting, if possible, concerning a proposed zoning change, its relation to and effect upon the comprehensive plan, any applicable specific plans or any plans being prepared by the planning department, and whether the proposed change is in conformance with public necessity, convenience, general welfare and good zoning practice.

(Prior code § 17.84.030)

17.72.040 - Application requirements.

- A. Unless initiated by the city council or planning board, all applications for official map amendments must be submitted by the owner of such property, the contract purchaser, or the authorized agent of the owner. An application for an amendment affecting the same property shall not be submitted more often than once every twelve months. The zoning change application shall contain the following information:
1. Name of applicant;
 2. Mailing address;
 3. Telephone number;

4. Accurate legal description of location;
 5. Nature of zoning change requested;
 6. Description of present land uses;
 7. Description of adjacent land uses;
 8. Statement of intended land use;
 9. Statement concerning any expected effect upon the adjacent neighborhood;
 10. Date of preapplication conference;
 11. Names and addresses of adjacent property owners, within three hundred feet;
 12. Signature of applicant;
 13. Payment of all applicable fees.
- B. An application for amendment to the official map shall be made on or before five p.m. of the first day of the month preceding the date of the public hearing before the zoning commission. When the date of submittal falls on a weekend or holiday, the submittal shall be on the following day before five p.m.
- C. An application for a zone change may not be withdrawn or amended after the legal advertising, as required by this section, has appeared for final public hearing before the city council. An applicant may be allowed to withdraw at the time of the zoning commission hearing by a majority vote of the members present without requiring council approval of the withdrawal and without prejudice with respect to the twelve month waiting period providing, however, that no application be allowed to be withdrawn more than once within the twelve month period after application shall have first been submitted.

(Prior code § 17.84.040)

17.72.050 - Planning department evaluation responsibility.

The planning director, upon receiving an application for rezoning of an area or a particular place of property shall do the following:

- A. Consult with other departments of the city or county to fully evaluate the impact of any zoning change upon public facilities and services including, but not limited to schools, drainage, traffic and related facilities;
- B. Study each application with reference to its appropriateness and effect on existing and proposed land use, and references to the comprehensive plan;
- C. In the case of a protest petition filed in the matter of any application for rezoning determine the validity of such petition;
- D. Advertise twice in a newspaper of general circulation in the jurisdictional area of the Laurel-Yellowstone city-county planning board at least fifteen days in advance of the time and place of the public hearing;
- E. Notify, by mail, the applicant or his authorized agent five days prior to the date of the public hearing of the time and place of such hearing;
- F. Notify, by mail, all property owners within three hundred feet of the exterior boundaries of the property subject to the rezoning; of the time, date, place of the public hearing and the existing and proposed classification. Further, he may notify property owners within a radius of more than three hundred feet if he determines that the proposed use of the property would have substantial environmental impact on surrounding land uses;
- G. The planning director shall report his findings and conclusions in writing to the zoning commission, which report shall be a matter of public record.

(Ord. 01-4 (part), 2001; prior code § 17.84.050)

17.72.060 - Zoning commission action.

- A. The zoning commission shall review and take action upon each application in accordance with the provisions of this chapter, and after a public hearing at which the application shall be presented to the zoning commission by the planning director together with his findings and conclusions on the matter. A report of the commission's recommendation and the planning director's findings and conclusions shall be submitted to the city council.
- B. The zoning commission shall make a recommendation to the city council to:
 - 1. Deny the application for amendment to the official map;
 - 2. Grant action on the application for a period not to exceed thirty days;
 - 3. Delay action on the application for a period not to exceed thirty days;
 - 4. Give reasons for the recommendation.
- C. The zoning commission shall adopt such rules and regulations for the conduct of public hearings and meetings, which shall be published and available to the public, as well as conflict of interest rules, to ensure that no member is entitled to vote on a matter in which he has an interest directly or indirectly.

(Prior code § 17.84.060)

17.72.070 - Public hearing—Notice required.

- A. Before taking action on an application for an amendment to the official map, and after presentation of the zoning commission's recommendation, the city council shall hold a public hearing on the application.
- B. The recommendations of the zoning commission shall be published twice in a newspaper of general circulation in the jurisdictional area of the Laurel-Yellowstone city-county planning board, and not less than fifteen days after the first publication of such notice, a final hearing shall be held at the next regular meeting of the city council.
- C. When such proposed amendment has been denied by the city council neither it nor one involving the same tract(s) shall be offered for adoption within one year after such denial.
- D. In case, however, of a valid protest petition against such change signed by the owners of twenty per centum or more either of the lot included in such proposed change, or of those immediately adjacent in the rear of extending one hundred fifty feet therefrom or of those adjacent on either side thereof within the same block, or of those directly opposite thereof extending one hundred fifty feet from the street frontage of such opposite lots, such amendment shall not become effective except by the favorable vote of three-fourths of all the members of the city council.

(Ord. 01-4 (part), 2001; prior code § 17.84.070)

File Attachments for Item:

6. Discussion On Changing The Ordinance Regarding Attendance By Council. (LMC 2.12.060)

2.12.060 Vacancy of office—Cause.

An office becomes vacant on the happening of any of the following events before the expiration of the term of the incumbent:

- A. The death of the incumbent;
- B. A determination pursuant to Title 53, Chapter 21, Part 1, that he is mentally ill;
- C. His resignation;
- D. His removal from office;
- E. His absence from the city continuously for ten days without the consent of the council;
- F. His open neglect or refusal to discharge his duties;
- G. His ceasing to be a resident of the city, or in the case of an alderman, his ceasing to be a resident of his ward;
- H. His ceasing to discharge the duty of his office for a period of three consecutive months, except when prevented by illness or when absent from the city by permission of the governing body;
- I. His conviction of a felony or of any offense involving moral turpitude or a violation of his official duties;
- J. His refusal or neglect to file his official bond within the time prescribed;
- K. The decision of a competent tribunal declaring void his election or appointment.

(Prior code § 2.04.050)

File Attachments for Item:

7. Draft Council Agenda for November 23, 2021.



**AGENDA
CITY OF LAUREL
CITY COUNCIL MEETING
TUESDAY, NOVEMBER 23, 2021
6:30 PM
COUNCIL CHAMBERS**

NEXT RES. NO.
R18-XX

NEXT ORD. NO.
O18-XX

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. Approval of Minutes of November 9, 2021.
2. Approval of Minutes of November 10, 2021, Special meeting.

Correspondence

3. Beartooth RC&D November 2021 Correspondence.

Council Disclosure of Ex Parte Communications

Public Hearing

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

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.*

5. Claims entered through November 19, 2021.
6. Approval of Payroll Register for PPE _____ totaling \$_____.

Ceremonial Calendar

Reports of Boards and Commissions

7. Budget/Finance Committee Minutes of November 9, 2021.
8. Public Works Committee Minutes of October 18, 2021.
9. Tree Board Minutes of October 21, 2021.

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

10. Resolution - Resolution Of Intent To Annex Contiguous City-Owned Properties Into The City Of Laurel, Yellowstone County.
11. Resolution - A Resolution Of The City Council To Adopt Criteria For Awarding And/Or Approving Grants For The Laurel Urban Renewal Agency (LURA) Board And City Council.
12. Resolution No. R21-109: A Resolution Approving Zone Changes For Property Owned By Northwestern Corporation D/B/A Northwestern Energy Located Near Lindy Lane Within The City Of Laurel's Zoning Jurisdiction.
13. Motion To Allow Council Member Klose To Be Absent From The City Of Laurel For More Than Ten Days. (LMC 2.12.060)

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