



**AGENDA
CITY OF LAUREL
CITY/COUNTY PLANNING BOARD
WEDNESDAY, APRIL 21, 2021
5:35 PM
CITY COUNCIL CHAMBERS**

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

1. Roll Call

General Items

2. Approve Meeting Minutes: March 17, 2021
3. Public Hearing: Lazy KU Subdivision

New Business

4. Sign Review: Main Street Perk
5. Sign Review: Cloudz Vape

Old Business

Other Items

6. Project Updates

Announcements

7. Adjourn
8. Next Meeting: May 19, 2021

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:

2. Approve Meeting Minutes: March 17, 2021



**AGENDA
CITY OF LAUREL
CITY/COUNTY PLANNING BOARD
WEDNESDAY, MARCH 17, 2021
5:35 PM
CITY COUNCIL CHAMBERS**

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

1. Roll Call

The Chair called the meeting to order at 5:45pm

John Klasna
Roger
Evan Bruce
Dan Koch
Judy Goldsby
Nick Altonaga (City of Laurel)
Gavin Williams (arrived at 5:45pm)

General Items

2. Meeting Minutes: February 17, 2021

The Chair presented the minutes from the meeting on February 17, 2021.

Dan Motioned to accept the minutes from February 17, 2021 meeting.
Jon Seconded.
Motion Carried.

New Business

3. Public Hearing: EBY Trailers Variance (E. Railroad St.)

The Planning Director presented the details of the staff report.

Judy questioned where the exact location of the development was. The Planning Director explained that it was located towards the end of E. Railroad street, adjacent to other recent developments.

The Chair Called for Proponents

Chuck Henricks, EEC Engineering
720 Well West Lane, Billings, MT

The civil engineer representing the client on this application as well as previous similar applications. These are similar to the previous variances applied for. The only difference is that this project is within the SE 4th Street Overlay District and provides alternatives to that strict standard.

Rustic Modern versus traditional log and stone façade.

- The Variance for the fastener panels will only be on the east side of the building.

- Roof is architectural concealed fastener panelling, along with the rear portion.
- Bufferyard variance is self-explanatory – Sewer main line exists within the landscape bufferyard area.
- Landscaping islands – Only looking for this for the 8 employee parking spots.
- Have about 6-7x the required parking spots.

Roger: Roof type?

24 gauge

Standing seam, trapezoidal, 3inch tall.

The Chair Called for Proponents

The Chair Called for Proponents

The Chair Called for Opponents

The Chair Called for Opponents

The Chair Called for Opponents

There being none, the chair moved on to Planning Board discussion.

Jon had questions about the number of bays for trailers.

2 exterior, and additional bays inside.

Dan asked about Fire protection.

We are under the square foot requirements for fire suppression systems.

Dan called the question.

The Chair summarized the situation.

Board members discussed additional possible conditions of approval. The Planning Director will update the staff report to suit the situation.

- All applicable building and other permits shall be applied for
- The development shall comply with the sign code.

Gavin Motioned to approve the Variance for EBY Trailers with the staff conditions of approval presented in the Staff Report.

Evan Seconded.

Motion Carried.

4. Public Hearing: 801 E. Main Street Zone Change

Nick presented the findings of the staff report.

The Chair called for Proponents.

Shannon Otis. 3670 Spaulding Ave, Billings, MT

- Owner of the company that owns 801 E. Main St.
- The current parking requirements limit the amount of development on the lot.

- Plan to fix the laydown on the lot in order to fix the landscaping.
- Proposing new curbing along the property.
- The current zoning limits the development due to parking. This zone change focuses on the current rehabilitation.

Roger- Entrances to the rentals? What side will they be on?

The East. Can enter from Main Street and the rear street. Hope to close up the accesses.

Dan: The property line between the car wash and the current building should be considered. That neighboring Convenience store and Car wash – Is there an agreement for shared access?

The alleyway is on the 801 E Main Property, but the owner and the neighboring owner want to keep shared access.

The Chair Called for Proponents

Dan Foos – Owner of neighboring Car Wash and Gas Station. Questions on lots. Sidewalks

- Sidewalks will be on the western edge of the property.
- Stormwater drainage is a concern.
- Can they build across

Shannon – We don't have the current plans to build on the north side.

Parking situation?

Currently will have them behind the building,

Will utilize on-street parking on Alder

Dan Foos –

- Concerned about E. 4th Street access. No problem with on-street parking on Alder. But want to ensure access to the rear of his properties to the East.
- Pins for the driveway – They are at the centerline of the driveway. Need to be sure to

Dan: What will the parking area be composed of?

Shannon: Right now, we are planning to clean it up and put gravel down. And keep the gravel out of the street through curbing.

Dan: Greenery?

Boulevard areas will have greenery.

There are water pooling issues on-site currently.

Need to decide how the water will be channeled.

Roger: Catch basins on the property? Aren't there two on the corners of the property?

The Chair Called for Opponents

Kurt Bradley, Lives across the street. Not necessarily an opponent but wanted to provide comment.

- Dan Foos and his wife have been very good neighbors with maintenance.
- Currently down-wind from this development. Garbage dumping brings an aroma.
- The City tried to put garbage cans in the street and it did not work well.

- Placed the garbage cans on Alder. This caused stray trash to blow into his yard. We HAVE to deal with garbage pick-ups and routes. Street strength? Garbage corrals/enclosures? Have concerns about the situation due to not wanting to pick up stray trash in the front yard. What might help is to ensure that all garbage is bagged.
- Garbage collection currently – Foos property has one can on the block but many adjacent property owners drop their trash in it. Have moved the can down to Alder Avenue due to the bad road conditions. This works better for the garbage route. The cans can fill up very fast.

The Chair Called for Opponents
The Chair Called for Opponents

The board moved on to voting.
Dan called for the question.

Jon Motioned to approve the Zone Change for 801 E. Main Street with the conditions presented in the staff report.
Roger Seconded.
Motion Carried.

5. Sign Review: Jimmy John's, SE 4th Street

Nick presented the Sign permit for Jimmy Johns at the new retail location on SE 4th Street.

What side will the Drive-Thru be on?
East Side.

Gavin Motioned to approve the sign permit for new Jimmy John's location.
Jon Seconded.
Motion Carried.

Old Business

Other Items

6. Ongoing Projects

Casa Linda Subdivision
Cherry Hills Subdivision
Golf Course Annexation and Subdivision
Goldberg Sporting Estates
Dyer PUD In-office.
West Laurel Interchange Planning
BSTF Planning Grant
Downtown Parking Study
Downtown Landscaping and Lighting
Zoning Code Update

Announcements

7. Adjourn

8. Next Meeting: April 21, 2021

Meeting Adjourned at 6:56pm.

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DATES TO REMEMBER

File Attachments for Item:

3. Public Hearing: Lazy KU Subdivision



LAUREL CITY-COUNTY PLANNING DEPARTMENT

STAFF REPORT & FINDINGS OF FACT

TO: Laurel City-County Planning Board
FROM: Nicholas Altonaga, Planning Director
RE: Major Preliminary Plat – Lazy KU Subdivision
DATE: April 21, 2021

DESCRIPTION OF REQUEST

A Major Preliminary Plat application and document packet was submitted by WWC Engineering on behalf of Cheryl Ann Kramer on February 23, 2021. The 11-lot subdivision is located north of the intersection of Danford Rd. and 72nd Street West, legally described as S25, T01 S, R24 E, C.O.S. 2301, PARCEL 3A1, AMD. The subdivision is located within the Laurel City-County Planning Jurisdiction.

The applicant has provided all the supporting subdivision elements as per Appendix F of the Laurel Subdivision Regulations. The documents provided by the applicant were deemed sufficient by The Laurel Planning Director and could proceed to public hearing at the Laurel City-County Planning Board.

Owner: Cheryl Kramer
Legal Description: S25, T01 S, R24 E, C.O.S. 2301, PARCEL 3A1, AMD (12)
Subdivision size: 19.47 Acres
Existing Land Use: Agricultural, Vacant
Proposed Land Use: Residential Subdivision

BACKGROUND AND PROCEDURAL HISTORY

- Subdivision Application originally submitted to Billings City-County Planning.
- Subdivision Application proceeded through review by County Departments prior to resubmittal to Laurel Planning Department.
- Major Preliminary Plat Application was submitted to the Laurel City-County Planning Jurisdiction on February 23, 2021.
- Comments on the Review Process were submitted to WWC Engineering on March 5, 2021.

- Element Review Letter was submitted to WWC Engineering on March 21, 2021.
- Sufficiency Review Letter was submitted to WWC Engineering on March 21, 2021.
- A Public Hearing for the review of the Lazy KU Subdivision has been scheduled at the Planning Board meeting on April 21, 2021.

STAFF FINDINGS

1. The Developer has submitted a Major Preliminary Plat Application and supporting documents.
2. The Application was found to contain all the necessary elements and an element review letter was submitted to the Applicant on March 21, 2021.
3. The Application and its supporting documentation were found to be sufficient for review by the Planning Board and Governing Body.
4. A sufficiency Review letter was submitted to the Applicant on March 21, 2021.
5. The Major Preliminary Plat for the Lazy KU Subdivision contains:
 - a. The Major Preliminary Plat consists of 12 lots and a Parkland dedication.
 - i. Lot 1 consists of 30.94 acres.
 - ii. Lots 2 – 11 consist of 1.00-acre parcels.
 - iii. Lot 12 consists of 5.00 acres.
 - iv. 4.47 Acres of Parkland are being dedicated with this preliminary plat.
 - b. Subdivision Improvement Agreement.
 - c. Weed Management Plan.
 - d. Water/Wastewater design and construction plans.
 - e. Copies of proposed RSIDs.
6. The Developer additionally met with the Planning Director on March 23, 2021 to discuss some changes needed on the subdivision plat and supporting documents as well as providing some additional information.
7. Agriculture Impacts
 - a. There does not appear to be any major impacts to agricultural facilities besides transitioning the existing agricultural land within the planned subdivision to residential use.
8. Agricultural water user facilities Impacts
 - a. No water rights have been conferred to the subdivider or future owners of the lots within the subdivision.
 - b. Existing irrigation and other related water user facilities shall not be changed or modified from their current use.
9. Local Services Impacts
 - a. Fire Service will be provided by the Laurel Volunteer Fire Department (Laurel Fire District).
 - b. Law Enforcement shall be provided by the Yellowstone County Sherriff's Department.
 - c. The property is within the Laurel School District.

- d. The proposed roadways and improvements for existing roadways within and adjacent to the proposed Subdivision will not create a burden for roadway maintenance on the area agencies.
- 10. Natural Environment Impacts
 - a. The area of the proposed subdivision is existing agricultural land.
 - b. The proposed subdivision follows the trend within Yellowstone County of agricultural land transitioning to residential and commercial uses.
 - c. The applicant has prepared the subdivision design in order to adequately protect water quality.
- 11. Wildlife and Wildlife Habitat Impacts
 - a. The proposed Subdivision contains no known protected species or those with special status.
- 12. Public health & Safety Impacts
 - a. The water and wastewater system has been submitted to DEQ for review and approval.
 - b. The subdivision has been designed to ensure no impacts arise for the subdivision or surrounding property regarding water and/or wastewater.

PLANNING BOARD AND GOVERNING BODY REVIEW CRITERIA

LMC 16.03.010.030.C Part 4 states:

“After the planner has notified the subdivider or the subdivider's agent that an application contains sufficient information delineated herein, the AGB shall approve, conditionally approve, or deny the proposed subdivision within sixty working days based on its determination of whether the application conforms to the provisions of these regulations. For major subdivisions over fifty lots, the AGB shall approve, conditionally approve, or deny the proposed subdivisions with eighty working days. The subdivider and the planner may agree to an extension or suspension of the review period, not to exceed one year, or a subsequent public hearing is scheduled and held as provided in herein. (MCA; s; 76-3-604(4))”

RECOMMENDATIONS

The Planning Director recommends that the Planning Board approve the Major Preliminary Plat of the Lazy KU Subdivision with the following conditions:

1. The Preliminary Plat and supporting water and wastewater design will be approved by MDEQ.
2. The Roadways and Right-of-Ways shall be constructed to the specifications presented in the plat plan and supporting documentation.
3. This Preliminary Approval shall be valid for 3 calendar years.
4. The Recommended changes to the Subdivision Improvement Agreement noted by the Laurel Planning Director shall be completed prior to review and approval by the Board of County Commissioners.
5. The Recommended changes to the plat are completed prior to review and approval by the Board of County Commissioners.
6. The comments made by Yellowstone County Departments shall be addressed prior to review and approval by the Board of County Commissioners.

ATTACHMENTS

1. Preliminary Plat of Lazy KU Subdivision
2. Names and Addresses of Adjoining Property Owners
3. Subdivision Improvements Agreement
4. Environmental Assessment and/or Summary of Probably Impacts
5. Draft Protective and Restrictive Covenants
6. Water/Wastewater Design (DEQ Submitted)
7. Weed Management Plan
8. Element Review Letter
9. Sufficiency Review Letter
10. Public Hearing Notice
11. Yellowstone County Public Works Comments
12. Yellowstone County Clerk & Recorder Comments

LAZY KU SUBDIVISION

TRACT 2 OF CERTIFICATE OF SURVEY NO. _____
SITUATED IN THE SE1/4 OF SECTION 25, T.1S., R.24E., P.M.M.
YELLOWSTONE COUNTY, MONTANA

LEGAL DESCRIPTION AND PROPERTY OWNER CERTIFICATIONS

STATE OF MONTANA)
County of YELLOWSTONE)

KNOW ALL MEN BY THESE PRESENTS, that **Cherry Ann Kramer Revocable Trust**, the owner of the following described tract of land, does hereby certify that it has caused to be surveyed, subdivided and platted into lots, blocks and streets as shown on the plat, said tract being situated in Section 25, T.1S., R.24E., P.M.M. Yellowstone County, Montana, said tract being more particularly described as follows:

TRACT 2 OF CERTIFICATE OF SURVEY NO. _____

The plat requirement for this subdivision has been met by land donation pursuant to Section 36-5-427(1)(b), M.C.A.

The undersigned hereby grants unto all utility companies, as such are defined and established by Montana Law, and cable television companies an easement for the location, maintenance, repair and removal of their lines and other facilities, in, over, under and across the areas designated on this plat as "UTILITY EASEMENT". This easement shall be held in trust for the benefit of the public and shall be subject to the laws of the State of Montana, and the lands designated as public right-of-way and are hereby granted and dedicated to the use of the public forever.

NOTICE OF APPROVAL

STATE OF MONTANA)
County of Yellowstone)

This plat has been approved for filing by the Yellowstone County Board of Planning and conforms to the recommendations of the board.

President _____ Date _____
Executive Secretary _____ Date _____

CERTIFICATE OF CITY/COUNTY HEALTH DEPARTMENT

This Certificate of Subdivision Plat has been reviewed and approved by the Yellowstone City/County Health Department and the State Department of Environmental Quality.

Health Officer or Authorized Representative
Yellowstone City/County Health Department

CERTIFICATE OF COUNTY ATTORNEY

This document has been reviewed by the Yellowstone County Attorney's Office and is acceptable as to form.

County Attorney or Authorized Representative
Yellowstone County Attorney's Office

CERTIFICATE OF COUNTY TREASURER

I hereby certify that all real property taxes and special assessments have been paid per 76-5-61(1)(b)(7)&(207)(3), M.C.A.

County Treasurer or Authorized Representative
Yellowstone County Treasurer's Office

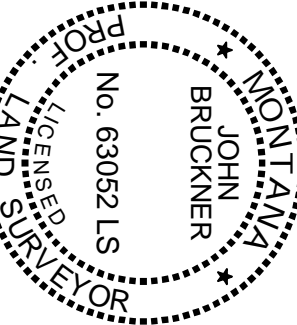
Date _____

CERTIFICATE OF SURVEYOR

I, John Bruckner, a Montana Registered Land Surveyor being this day sworn, deposes and says that I am the duly qualified and duly licensed Surveyor of the above described Lazy Ku Subdivision and that I have caused the same to be surveyed and platted in accordance with the laws of the State of Montana and in conformity with the Montana Subdivision and Platting Act, said subdivision being in accordance with the landowner's Certificate and as shown on the plat, that the monuments found and set are of the character and occupy the positions hereon.

Dated the _____ day of _____, 2021

John Bruckner
Registration Number 63052 LS



LEGEND

- FOUND ALUMINUM CAP
- FOUND YELLOW PLASTIC CAP
- FOUND REBAR
- SET 1/4" REBAR W/ PLURIE PLASTIC CAP (BRUCKNER 63052 LS)

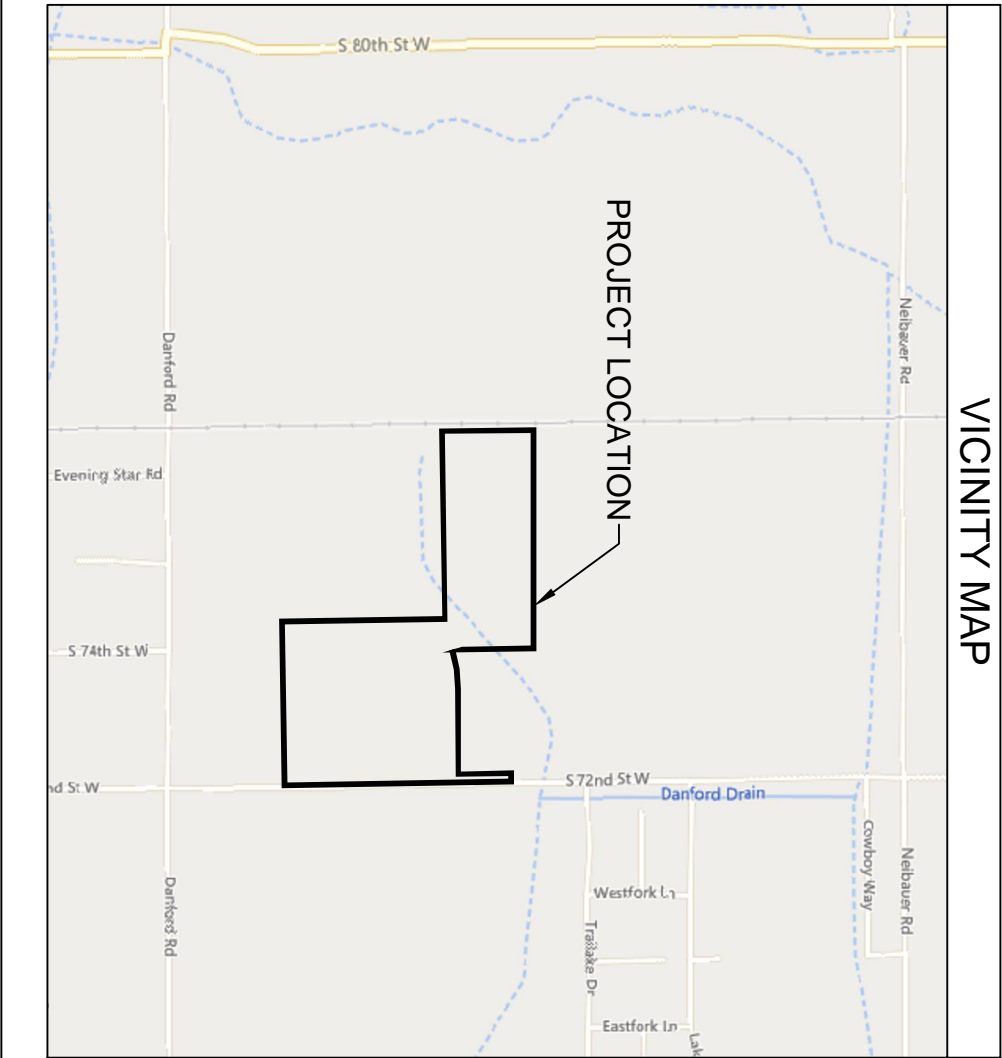
- EXISTING EASEMENTS
- NEW EASEMENTS
- PROPERTY BOUNDARY
- SUBDIVISION BOUNDARY

- NOTES
- BASIS OF BEARING: NAD83(2011) MONTANA STATE PLANE COORDINATE SYSTEM GRID
 - DISTANCES: GROUND, INTERNATIONAL FOOT

PREPARED FOR: CHERYL ANN KRAMER
DATE SURVEYED: OCTOBER 2020
PREPARED BY: WWC ENGINEERING

LAZY KU SUBDIVISION

JD#W/ 2020-282



REVISIONS		DATE	BY	DESCRIPTION
NO.	DATE			
1	10/20/20			INITIALS
2	10/20/20			DATE
3	10/20/20			TIME
4	10/20/20			LOCATION
5	10/20/20			PROJECT
6	10/20/20			CLIENT
7	10/20/20			PROJECT
8	10/20/20			PROJECT
9	10/20/20			PROJECT
10	10/20/20			PROJECT

WWC ENGINEERING
550 S 24th STREET W, SUITE 201
BILLINGS MT 59102
(406) 897-4200

Preliminary Plat Application &
Attachments
Lazy KU Subdivision

Prepared for:

Yellowstone County

On behalf of:

Cherryl Kramer

Prepared by:

WWC Engineering



January 2021

PRELIMINARY PLAT APPLICATION & ATTACHMENTS LAZY KU SUBDIVISION

Prepared for: Yellowstone County, Montana

On behalf of: Cherryl Kramer

Prepared by: WWC Engineering
550 S. 24th Street W, Ste. 201
Billings, MT 59102
(406) 894-2210

Principal Authors: Aaron Redland, Project Manager

Reviewed by: Greg Reid, P.E., Billings Branch Manager

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ATTACHMENTS

- Attachment 1: Written documentation of legal and physical access to the land being subdivided
- Attachment 2: Names and addresses of immediately adjoining property owners
- Attachment 3: Draft Subdivision Improvements Agreement
- Attachment 4: Environmental Assessment or Summary of Probably Impacts
- Attachment 5: Draft protective and restrictive covenants
- Attachment 6: Preliminary Water and Sanitation Site Plan – DEQ Submitted

Introduction

This Preliminary Plat Application Report (Report) is for the Lazy KU Subdivision (subdivision) located near 72nd Street West and Danford Road in the unincorporated portion of Yellowstone County, Montana (County). This portion of the subdivision was initially filed in 2007, and subsequently approved by the County and the Montana Department of Environmental Quality (MDEQ).

The purpose of this subdivision is to

A list of attachments included in this Report is located in the table of contents. A Homeowner's Association is proposed at this time which is included in this submittal packet.

Attachment 1:

Written documentation of legal and physical access to the land being subdivided

The Project is situated in the southeast quarter of Section 25, Township 1S, Range 24E in Yellowstone County, Montana. The site is generally located approximately 4 miles west of the Billings city limits. The Project is generally bound by unplatted property to the north; with 72nd Street east of the Project; Burlington Northern and Santa Fe (BNSF) Railroad tracks to the west; and Danford Road to the south. 72nd Street East is intended to be the location of the accesses for this subdivision, which is generally constructed as a 28' wide paved roadway.

Attachment 2:

Names and addresses of immediately adjoining property owners, typed or neatly printed on address labels

The below addresses have been provided on address labels which are attached.

Tax ID	Owner and Mailing Address
D01007A	DAN & JULANE FARMS, LLC 5847 WHISPERINGWOODS DR BILLINGS, MT 59106-9708
D01007	BURBANK, ROBERTA & 3019 DUPORTAIL ST # 189 RICHLAND, WA 99352-6103
D00235	KRAFT, EDWARD & ROXANA LVG TRST 7428 NEIBAUER RD BILLINGS, MT 59106-3434

SUBDIVISION IMPROVEMENTS AGREEMENT

LAZY KU SUBDIVISION

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LAZY KU SUBDIVISION

This agreement is made and entered into this ____ day of _____, 20 ____, by and between *Cherryl Ann Kramer Revocable Trust*, whose address for the purpose of this agreement is **3116 S 72Nd Street W, Billings, Montana 59106**, hereinafter referred to as “Subdivider,” and YELLOWSTONE COUNTY, Montana, hereinafter referred to as “County.”

WITNESSETH:

WHEREAS, at a regular meeting conducted on ____ day of _____, 20 ____, the Board of Planning recommended conditional approval of a preliminary plat of LAZY KU SUBDIVISION; and

WHEREAS, at a regular meeting conducted on ____ day of _____, 20 ____, the Yellowstone County Board of County Commissioners conditionally approved a preliminary plat of *LAZY KU SUBDIVISION*; and

WHEREAS, a Subdivision Improvements Agreement is required by the County prior to the approval of the final plat.

WHEREAS, the provisions of this agreement shall be effective and applicable to *LAZY KU SUBDIVISION* upon the filing of the final plat thereof in the office of the Clerk and Recorder of Yellowstone County, Montana. The Subdivision shall comply with all requirements of the Yellowstone County Subdivision Regulations, the rules, regulations, policies, and resolutions of Yellowstone County, and the laws and administrative rules of the State of Montana.

THEREFORE, THE PARTIES TO THIS AGREEMENT, for and in consideration of the mutual promises herein contained and for other good and valuable consideration, do hereby agree as follows:

I. VARIANCES

Subdivider requests no variances.

II. CONDITIONS THAT RUN WITH THE LAND

- A. Lot owners should be aware that this subdivision is being built in close proximity to prime deer and antelope habitat and it is likely that homeowners will experience problems with damage to landscaped shrubs, flowers, and gardens. The Montana Fish, Wildlife, and Parks Department does not provide damage assistance unless there is damage to commercial crops and/or a threat to public health and safety.
- B. Lot owners should be aware that soil characteristics within the area of this subdivision, as described in the 1972 Yellowstone County Soil Survey, indicate that there could be potential limitations for proposed construction on the lots, which may require a geotechnical survey prior to construction.

- C. No water rights have been transferred to the lot owners. Irrigation ditches that exist on the perimeter of this development are for the benefit of other properties. Perimeter ditches and drains shall remain in place and shall not be altered by the Subdivider or subsequent owners.
- D. There is attached hereto a Waiver waiving the right to protest the creation of the special improvement district or districts which by this reference is expressly incorporated herein and made as much a part hereof as though fully and completely set forth herein at this point. The Waiver will be filed with the plat, shall run with the land, and shall constitute the guarantee by the Subdivider and property owner, or owners of the developments described herein. Said Waiver is effective upon filing and is not conditioned on the completion of the conditions set forth in this Agreement. The Subdivider and owner specifically agree that they are waiving valuable rights and do so voluntarily.
- E. Lot owners should be aware that portion(s) of this property lie within the floodplain/floodway, as depicted on the FEMA maps for this area. Please be advised that special development restrictions may apply within these specified areas.
- F. Culverts and associated drainage swales shall not be filled in or altered by the subdivider or subsequent lot owners.
- G. When required by road improvements, all fences and irrigation ditches in the public right-of-way adjacent to this subdivision shall be removed or relocated outside of the public right-of-way and any relocation outside of the public right-of-way shall be subject to securing and recording easements.
- H. Future maintenance of all public (or common) improvements shall be done through one (1) or more RSID(s) created as part of the SIA for this subdivision.
- I. Lot owners or their agent will obtain an Access Permit from County Public Works prior to any construction on any lot within the subdivision. The application will include a site plan showing the desired location of the access and show that it meets the requirements outlined by the DEQ storm water requirements for the subdivision. Failure to do so will result in the lot owner or their agent removing what has been installed and locating the access in an approved location at the lot owners' expense.

III. TRANSPORTATION

The subdivider agrees to guarantee all improvements for a period of one (1) year from the date of final acceptance by Yellowstone County.

A. Streets

Lazy KU Drive, Farmstead Lane, and Sugar Beet Circle shall be built to county paved road standards with a satisfactory subbase, base course and asphalt surface. Lazy KU Drive, Farmstead Lane, and Sugar Beet Circle shall be a 60' right-of-way. They will be paved to the end of the lots being developed. The design cross-section shall be a 24-foot asphalt width

street with 2-foot-wide gravel shoulders and shoulder drainage swales. These portions will be dedicated county road.

The entire length of Lazy KU Drive, Farmstead Lane, and Sugar Beet Circle will be maintained by a county road RSID.

Farmstead Lane will extend as a gravel road to RG Kramer Drive, built to county standards to where it connects to 72nd Street West. This portion will be in a public road easement.

B. Traffic Control Devices

Street name and stop signs for streets within the subdivision, or located immediately adjacent thereto, shall be furnished and installed in accordance with the specifications of the Yellowstone County Public Works Departments. A stop sign will be located at both the intersections of Lazy KU Drive and 72nd Street West, and RG Kramer Drive and 72nd Street West.

C. Access

Primary access to the subdivision will be Lazy KU Drive from 72nd Street West.

Secondary access will be from the gravel extension of RG Kramer Drive to 72nd Street West.

D. Billings Area Bikeways and Trail Master Plan (BABTMP)

There is a proposed Long-Range Trail identified on 72nd Street West. The applicant is not responsible for any additional road development for bike lanes.

IV. EMERGENCY SERVICE

A 30,000-gallon water storage tank/dry hydrant shall be located on the northern end of the subdivision off Lazy KU Drive. The dry hydrant will be located in a dry hydrant easement and will be maintained and serviced by an RSID. The Subdivider shall submit the dry hydrant system plans and specifications to the Billings Fire Department for review and approval prior to construction. The dry hydrant system shall be installed by the Subdivider and inspected and approved by the Billings Fire Department prior to Final Plat approval.

V. STORM DRAINAGE

All drainage improvements shall comply with the provisions of the Section 4.7, Yellowstone County Subdivision Regulations, and a stormwater management plan shall be submitted to and approved by the Montana Department of Environmental Quality (MDEQ), or its designee.

Stormwater will be collected onsite using a combination of swales, culverts, and the natural slope of the land and delivered to onsite storm detention facilities. All stormwater facilities will have access easements to facilitate maintenance.

VI. UTILITIES

A. Water

Public water service is not available in the subdivision at this time. In accordance with Section 4.9 Yellowstone County Subdivision Regulations, all proposed water systems must obtain approval by the MDEQ, or its designee.

Individual wells will be permitted for the lots. An approval letter from the MDEQ will be submitted with the final plat. The maintenance and operation of the individual wells will be facilitated by the individual lot owner.

B. Septic System

Municipal public sewer service is not available in the subdivision at this time. In accordance with Section 4.8 Yellowstone County Subdivision Regulations, all proposed sanitary sewer systems must obtain approval by the MDEQ, or its designee.

Individual septic systems will be permitted. An approval letter from the MDEQ will be submitted with the final plat. The maintenance and operation of the individual systems will be facilitated by the individual lot owner.

C. Power, Telephone, Gas, and Cable Television

The private utilities shall be installed within the provided easements. 8-foot-wide utility easements have been shown on the plat adjacent to all streets within the subdivision per the request of the utility companies.

VII. PARKS/OPEN SPACE

- A total of 3.54 acres is required for parkland in this subdivision and 4.47 acres will be provided by park dedications on the subdivision. Therefore, there is surplus of 0.93 acres to be used towards parkland in future development.
- The parkland will be finished graded as identified in the COSA and seeded with native prairie grass mixture.
- An RSID will be created for the maintenance of the parkland.

VIII. IRRIGATION

- All internal irrigation facilities will remain within the subdivision. No water rights will be transferred to the lot owners.

IX. WEED MANAGEMENT

All noxious weeds on the latest Yellowstone County Noxious Weed List shall be controlled on all properties in the subdivision.

- A Weed Management Plan must be filed and updated as needed for approval by the Yellowstone County Weed Department. Said weed management plan shall contain the noxious weeds being addressed and the plan for the control of those weeds. All associated cost for noxious weed control is the responsibility of the owner of record.
- A revegetation plan shall be submitted as part of the management plan. A seeding recommendation can be obtained from the Yellowstone County Weed Department pursuant to Section 7-22-2152, MCA. The Yellowstone County Weed Department reserves the right to revise these recommendations based on the required site inspection.

X. SOILS/GEOTECHNICAL STUDY

Lot owners should be aware that soil characteristics within the area of this subdivision, as described in 1972 Yellowstone County Soil Survey, indicate that there could be potential limitations for proposed construction on the lots, which may require a geotechnical survey prior to construction.

XI. FINANCIAL GUARANTEES

Except as otherwise provided, Subdivider shall install and construct said required improvements by private contracts secured by bonds, irrevocable letters of credit, sequential development, or any other method that may be acceptable to the Planning Board and Board of County Commissioners. All engineering and legal work in connection with such improvements shall be paid by the contracting parties pursuant to said special improvement district or private contract, and the improvements shall be designed by and constructed under the supervision of a professional engineer competent in civil engineering, licensed in the state of Montana. Upon completion of the improvements, the consulting Engineer shall file with the Public Works Department, a statement certifying that the improvements have been completed in accordance with approved, seal stamped, record drawings, along with all required post-construction certification per Section 4.6.C. of the Yellowstone County Subdivision Regulations.

(In the event that all required improvements are not installed and constructed prior to final plat approval, the Subdivider shall provide a monetary security guarantee in the amount of 125% of the estimated total cost by one (1) of the methods listed in Chapter 5 of the Yellowstone County Subdivision Regulations. If using a security, describe the method in this section)

XII. LEGAL PROVISIONS

- A. Subdivider agrees to guarantee all public improvements for a period of one year from the date of final acceptance by Yellowstone County.
- B. The owners of the properties involved in this proposed Subdivision by signature subscribed herein below agree, consent, and shall be bound by the provisions of this Agreement.

- C. The covenants, agreements, and all statements in this Agreement apply to and shall be binding on the heirs, personal representatives, successors and assigns of the respective parties.
- D. In the event it becomes necessary for either party to this Agreement to retain an attorney to enforce any of the terms or conditions of this Agreement or to give any notice required herein, then the prevailing party or the party giving notice shall be entitled to reasonable attorney fees and costs.
- E. Any amendments or modifications of this Agreement or any provisions herein shall be made in writing and executed in the same manner as this original document and shall after execution become a part of this Agreement.
- F. Subdivider shall comply with all applicable federal, state, and local statutes, ordinances, and administrative regulations during the performance and discharge of its obligations. Subdivider acknowledges and agrees that nothing contained herein shall relieve or exempt it from such compliance.
- G. Subdivider agrees to create any required (or expansion of existing) RSID(s) for future maintenance of all public (or common) constructed improvements prior to final plat approval.

IN WITNESS WHEREOF, the parties hereto have set their hands and official seals on the date first above written.

“SUBDIVIDER”

Cherryl Ann Kramer Revocable Trust

By: _____

Its: _____

STATE OF MONTANA)
 : ss
County of Yellowstone)

On this ____ day of _____, 20____, before me, a Notary Public in and for the State of Montana, personally appeared _____, known to me to be the _____ of *Cherryl Ann Kramer Revocable Trust*, who executed the foregoing instrument and acknowledged to me that he/she executed the same.

Notary Public in and for the State of Montana
Printed Name: _____
Residing at: _____
My commission expires: _____

This agreement is hereby approved and accepted by Yellowstone County, this ____ day of _____, 20 ____.

“COUNTY”

COUNTY OF YELLOWSTONE MONTANA

County of Yellowstone
Board of County Commissioners

By: _____
Chairman

Commissioner

Commissioner

Attest: _____
County Clerk and Recorder

STATE OF MONTANA)
 : ss
County of Yellowstone)

On this ____ day of _____, 20____, before me, a Notary Public in and for the State of Montana, personally appeared _____, and _____, known to me to be the Board of County Commissioners and the County Clerk and Recorder, respectively, of Yellowstone County, Montana, whose names are subscribed to the foregoing instrument in such capacity and acknowledged to me that they executed the same on behalf of Yellowstone County, Montana.

Notary Public in and for the State of Montana
Printed Name: _____
Residing at: _____
My commission expires: _____

Waiver of Right to Protest

FOR VALUABLE CONSIDERATION, the undersigned, being the Subdivider and all of the owners of the hereinafter described real property, do hereby waive the right to protest the formation of one or more Rural Special Improvement Districts (RSID's), for a period of no more than twenty years from the recording of this waiver, which Yellowstone County may require.

This Waiver and Agreement is independent from all other agreements and is supported by sufficient independent consideration to which the undersigned are parties, and shall run with the land and shall be binding upon the undersigned, their successors and assigns, and the same shall be recorded in the office of the County Clerk and Recorder of Yellowstone County, Montana.

The real property hereinabove mentioned is more particularly described as follows:

LAZY KU SUBDIVISION

Signed and dated this ____ day of _____, 20____ .

Cherryl Ann Kramer Revocable Trust

By: _____

Its: _____

STATE OF MONTANA)
 : ss
County of Yellowstone)

On this ____ day of _____, 20____, before me, a Notary Public in and for the State of Montana, personally appeared _____, known to me to be *Cherryl Ann Kramer Revocable Trust*, the person who executed the forgoing instrument and acknowledged to me that he/she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year hereinabove written.

Notary Public in and for the State of Montana
Printed name: _____
Residing in: _____
My commission expires: _____

Environmental Assessment for Lazy KU Subdivision

Prepared for:

Yellowstone County

On behalf of:

Cherryl Kramer



January 2021

ENVIRONMENTAL ASSESSMENT FOR THE LAZY KU SUBDIVISION

Prepared for: Yellowstone County, Montana

On behalf of: Cherryl Kramer

Prepared by: WWC Engineering
51 North 15th Street, Suite No. 1
Billings, MT 59101
(406) 894-2210

Principal Author: Aaron Redland, Project Manager

Reviewed by: Greg Reid, P.E., Billings Branch Manager

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Introduction

This Environmental Assessment (EA) has been prepared for Lazy KU Subdivision (the Project) and is required per Section 76-3-603 in the Montana Code Annotated (MCA). This EA addresses the undeveloped portion of the Subdivision and has been prepared per Chapter 9 of the 2019 Amended Yellowstone County Subdivision Regulations. The EA will be provided with the submittal of the applicable preliminary plat and has been prepared per the Yellowstone County Subdivision Regulations and follows the general format of Chapter 9 within the Regulations.

Location

The Project is situated in the southeast quarter of Section 25, Township 1S, Range 24E in Yellowstone County, Montana. The site is generally located approximately 4 miles west of the Billings city limits. The Project is generally bound by unplatted property to the north; with 72nd Street east of the Project; Burlington Northern and Santa Fe (BNSF) Railroad tracks to the west; and Danford Road to the south.

Description of Property

The total Project area is approximately 47.146 acres. Approximately 6.77 acres is proposed to be dedicated as right-of-way and the remaining 40.376 acres will be developed into 13 lots with a minimum size of 1.00 acre and a maximum size of 10.90 acres.

Environmental Description

A. Surface Water

1 - 4. The Danford Ditch is the only surface water located on the Project and has been identified on the plat. The Danford Ditch is an irrigation canal that is approximately four feet deep and 15 feet wide. It generally flows seasonally between April and October of each year. The canal will be protected by an existing easement. No bank alterations are proposed with this subdivision.

5. The following water quality permits will be required: SWPPP

B. Groundwater

1. Based on test pit data and groundwater monitoring performed in 2020, shallow groundwater has been identified on portions of the Project.

Shallow groundwater is present in areas of the property lots requiring alteration of MDEQ drainfield designs.

Monitoring wells were installed on October 15, 2020 and were monitored from October 15, 2020 to December 2, 2020. Groundwater monitoring showed the seasonal high groundwater to be between 4.5 and 5.2 feet below the ground surface across the subdivision.

Water for domestic use will be via individual wells. A beneficial water use permit will be obtained from DNRC for water use within this subdivision.

2. The proposed subdivision will be designed as required, to avoid the degradation of groundwater and groundwater recharge areas.

C. Geology/Soils/Slopes

1 - 4.

According to the USGA National Geologic Map Database, <https://ngmdb.usgs.gov>, this subdivision area is within the gravel geology which means there are variable deposits that range from pebble to boulder size and include sand, silt, and clay. Dominantly alluvial terrace, abandoned channel and floodplain, remnant alluvial fan, and local glacial outwash.

There are no geologic hazards, such as rock falls or slides; land, mud, or snow slides; high water table, unstable or expansive soil conditions, or slopes greater than twenty-five percent (25%) within the area of this subdivision.

Table 1 includes a review of the Web Soil Survey (WSS) information from the United States Department of Agriculture (USDA), Natural Resource and Conservation Service (NRCS) on January 27, 2021 for the Project which includes the soil limitations for sanitary facilities (septic tank absorption fields), building site development (dwellings with basements), roads (local roads and streets), and water features (hydrologic group) for each soil type.

D. Vegetation

1 - 2. According to the Natural Heritage Map Viewer (<http://mtnhp.org/>, accessed November 16, 2020), most of the project is located in an agricultural cultivated area. There are some trees and other vegetation located along portions of Danford Ditch. A Dryland Prairie seed mix may be used in the park area and applied by either broadcast or drill method.

E. Wildlife

1 - 3. According to the Natural Heritage Map Viewer (<http://mtnhp.org/>, accessed November 16, 2020), there were no species of concern documented in or adjacent to the Project area. The Montana Sage Grouse Habitat Conservation Map (<https://sagegrouse.mt.gov/ProgramMap>) was consulted on January 27, 2021 and the Project is not located in or adjacent to a sage grouse conservation area.

The United States Fish and Wildlife (USFWS) Information for Planning and Consultation (IPaC) website (<https://ecos.fws.gov/ipac/>) was consulted on November 16, 2020 and identified that “there are no endangered species expected to occur at this location.”

Table 1 Soil Limitations (USDA, NRCS Web Soil Survey information, January 27, 2021)

Map Symbol and Soil Name	Dwellings with basements	Local Roads and Streets	Septic tank absorption fields	Hydrologic Group
Bm – Bew	Very limited Shrink-swell	Very limited shrink-swell low strength	Very limited slow water movement	C (slow infiltration rate when thoroughly wet)
Ke - Keiser	Not limited	Very limited Low strength Frost action	Very limited slow water movement	C (slow infiltration rate when thoroughly wet)
Kl - Kyle	Very limited Shrink-swell	Very limited shrink-swell low strength	Very limited slow water movement	D (very slow infiltration rate; high runoff potential; when thoroughly wet)
Lr - Lohmiller	Somewhat limited shrink-swell	Very limited shrink-swell Low strength	Very limited Slow water movement	C (slow infiltration rate when thoroughly wet)
Ls - Lomiller	Very limited, flooding shrink-swell depth to saturated zone	Very limited shrink-swell Low strength Flooding	Very limited slow water movement Depth to saturated zone Flooding	C (slow infiltration rate when thoroughly wet)
Te - Toluca	Not limited	Somewhat limited Frost action	Somewhat limited Slow water movement	B (moderate infiltration rate when thoroughly wet)
Va – Vananda	Very limited Shrink-swell	Very limited Shrink-swell	Very limited Slow water	D (very slow infiltration rate; high runoff potential; when thoroughly wet)

Map Symbol and Soil Name	Dwellings with basements	Local Roads and Streets	Septic tank absorption fields	Hydrologic Group
		Low strength	movement	

Community Impact

A. Impact on Agriculture / Agricultural Water User Facilities

1 - 4. The property is currently being used for crop production. Land uses within the immediate vicinity of the proposed subdivision include agricultural and residential uses.

Danford Ditch is located in this portion of the Subdivision and appropriate easements will be maintained. The ditch company will be communicated with regarding this Project.

B. Impact on Local Services and Public Health and Safety

Water Supply

A – F. Connection to an existing public system is not proposed at this time. Individual wells are proposed on each lot and these will be installed at the expense of the individual homeowner. The homeowner will be responsible for operation and maintenance of their individual well.

Water for fire protection will be provided in accordance with the Laurel Fire Service Area (Laurel FSA) requirements. There is currently a labeled cistern dedicated for fire use within the subdivision.

This subdivision will require approximately 180 gallons per day per three-bedroom home based on statistics from the 2000 census and the American Water Works Association (AWWA). There are 10 lots proposed under the coverage of this EA. Therefore, approximately 1,800 gallons per day will be required the subdivision for domestic uses, not including irrigation usage. As each lot will be on a well, water supply is on a per-lot basis.

Sewage Disposal

A - E. The proposed method of sewage disposal is through septic systems (individual systems). Per the MDEQ Circular DEQ 4, Montana Standards for Subsurface Wastewater Treatment Systems, 300 gallons per day of effluent will be produced by each three-bedroom home. There are 10 lots proposed as part of this EA, therefore assuming a three-bedroom home is built on each lot; approximately 3,000 gallons of effluent will be produced by this portion of the subdivision each day.

These systems will be designed in accordance with applicable rules and regulations. The on-site wastewater systems will require approval by the Montana Department of

Environmental Quality (MDEQ) and the local health department prior to approval of the final plat. The site plan indicates the location and specifications of proposed septic systems.

Solid Waste Disposal

A – C. Republic Services and MacKenzie Disposal, Inc. currently offer waste collection services in the area. Solid waste is disposed of at the Billings Regional Landfill operated by the City of Billings. According to the Billings Regional Landfill website (<http://ci.billings.mt.us/2551/Landfill>), if the landfill continues to receive the same amount of waste it will be full in approximately 50 years. The MDEQ recognizes the Billings Regional Landfill as a permitted solid waste disposal facility.

Storm water

A – B. The amount of stormwater run-off that will be generated by the Project would range from pre-development discharge is 3.05 cfs, post-development discharge is 4.58 cfs before detention, 2.85 after detention. The proposed storm water collection and drainage systems have been designed to satisfy the standards set forth by DEQ.

Roads

A – J. The portion of the subdivision covered by this EA will require the construction of roads that will be paved to county standards. The design and construction of new roads will be reviewed and approved by the Yellowstone County Public Works Department. Roads will be designed to prevent water pollution and erosion. Dust control will be provided as needed during construction.

Utilities

A – C. There is currently an overhead power line and a fiber optic line near the eastern border of the subdivision. Utility easements would be maintained as required. The preliminary plat will be submitted to affected utilities for review.

The following utilities will serve the subdivision and currently offer services on the developed portion of the subdivision:

- NorthWestern Energy for electricity

- Montana Dakota Utilities for gas

Utility installation will progress as required by development and would be installed prior to surface implementation.

Emergency Services

A – E. Emergency services available to the subdivision include the following:

- Laurel Volunteer Fire Department (subdivision is located within the Laurel Fire Service Area according to the Yellowstone County Interactive Mapping)

- Yellowstone County Sheriff's Department

- Ambulance service will be provided by the City of Laurel. American Medical Response (AMR) in Billings is the secondary response in the event that the City of Laurel cannot respond. Transports are made to Billings Hospitals.

According to the Bureau of Justice, in 2011, an estimated 1 in 8 U.S. residents age 16 or older, or 31.4 million persons, requested assistance from police at least once, most commonly to report a crime, suspicious activity, or neighborhood disturbance (<https://www.bjs.gov/index.cfm?ty=pbdetail&iid=4780>).

According to the National Fire Protection Agency (NFPA), in 2018 there were 36,746,500 calls made to fire department in the United States (<https://www.nfpa.org/News-and-Research/Data-research-and-tools/Emergency-Responders/Fire-department-calls>).

According to the National Association of State EMS Officials (NASEMSO), in 2009 there were an estimated 36,698,670 EMS events (responses) in the U.S., resulting in approximately 28,004,624 transports (<https://www.ems.gov/pdf/811723-National-EMS-Assessment-2011.pdf>.)

Based on the previous data it would be conservative to estimate that 25% of the proposed households (10 lots) will require one emergency response per year; resulting in approximately 3 responses per year.

Roads will be designed and constructed to the Yellowstone County Public Works Standards and plans will be provided to the County Public Works Department for review prior to construction.

As identified on a December 2011 Montana Department of Natural Resources & Conservation (MDNRC) Wildland Urban Interface (WUI) Map of Yellowstone County the proposed subdivision is located in a WUI area (<https://leg.mt.gov/content/Services%20Division/Lepo/statereports/wildland-urban-parcels/2012-wildland-urban-parcels.pdf>).

Schools

A – C. According to the Yellowstone County Interactive Mapping tool, the subdivision is served by Laurel for elementary, middle school, high school.

Census data from 2014-2018 indicates that there were 2.39 persons per household in Montana. Population estimates in July, 2016, indicate that Montana had a population of 1,068,778 with 21.4% under 18 years. A conservative estimate would be 0.5 child per

household or approximately 21 total children. The previous 2006 EA used similar 2000 Census data and estimated 53 students with 106 lots proposed.

Parks and Recreation Facilities

A – B. A 4.47 acre park will be dedicated with this subdivision. The required dedication for this subdivision is 3.54 acres which will leave surplus 0.93 acre to be used towards future development.

C. Land Use

1 – 4. The proposed subdivision is located in an unzoned area within Yellowstone County.

The subdivision is not anticipated to impact access to public lands and complements existing adjacent land uses (agricultural and residential subdivisions). Based on existing and known proposed land uses, nuisances such as unpleasant odors, dust, and smoke are not expected. The use of an adjacent BNSF line is expected to generate noise when being used.

D. Historical Features

WWC contacted Mr. Murdo on January 28, 2021 and requested a file search. Mr. Murdo conducted a cultural resource file search on January 28, 2021 and identified “Site 24YL0664”, the Historic Irrigation System, Danford Ditch, within the proposed project area. He states that it is SHPO’s position that any structure over fifty years of age is considered historic and is potentially eligible for listing on the National Register of Historic Places. If structures are to be altered and are over fifty years old, we would recommend that they be recorded and a determination of their eligibility be made. Mr. Murdo stated that the “absence” of cultural properties in the area does not mean that they do not exist but rather may reflect the absence of any previous cultural resource inventory in the area, as our records indicated none. Based on the lack of previous inventory and the ground disturbance required by this undertaking Mr. Murdo feels that this project has the potential to impact cultural properties and therefore, recommends that a cultural resource inventory be conducted in order to determine whether or not sites exist and if they will be impacted; and stated that it is ultimately up to the County whether or not a cultural resource inventory needs to be conducted or not.

E. Visual Impact

1 - 3. The land being developed for this subdivision has been used for agricultural purposes for many years. With the growth of Yellowstone County consistently moving west, this subdivision will stay with the trend of the direction of the growth.

Summary of Probable Impacts

A. Description of Project Effects

1. Agriculture

The land in the proposed subdivision is being utilized for agricultural use.

2. Agricultural water user facilities

There are no definitive plans for connecting to Danford Ditch for agricultural irrigation.

3. Local Services

There appears to be adequate available local services to service the proposed subdivision (increase in lots/residences).

4. The natural environment

The high-water table was considered during siting and design. Proper siting and design is believed to adequately protect water quality.

5. Wildlife and wildlife habitat

There are no known protected species or special status habitats within the proposed subdivision.

6. Public health and safety

Proper siting and design is believed to adequately protect public health and safety.

B. Description of Compliance

Survey Requirements Provided in Part 4 of the Montana Subdivision and Plating Act (MSPA)

The application submittal process is consistent with the MSPA and a review is required.

Subdivision Regulations

This EA and associated plat have been prepared per the Yellowstone County subdivision regulations.

Subdivision Review Process as described in Chapter 3 of the Subdivision Regulations

This EA is to be provided with the "Preliminary Plat Application". The proposed subdivision is believed to be consistent with the adopted Growth Policy, Transportation Plan, and the Heritage Trail Plan (where applicable), as it provides for pedestrian and bike access along Cove Ditch and is consistent with the adjacent land uses.

C. Description of Utilities and Related Easements

Fiber optic and overhead power lines are located at the eastern border of the subdivision and will be protected in an easement. Natural gas and electric lines are located at the western and northwestern border of the subdivision. Storm drainage easements are also provided in multiple places throughout the subdivision. The plat identifies utility easements.

D. Description of Legal and Physical Lot Access (Notation of Access Required on Plat)

Each lot has been provided with legal and physical access as identified on the plat.

References

Billings School District. <https://www.croppermap.com/billings/>, accessed 11/16/2020.

Bureau of Justice Statistics. <https://www.bjs.gov/>, accessed on 11/16/2020.

City of Billings. 2018. Landfill webpage, <https://www.billingsmtpublicworks.gov/236/Billings-Regional-Landfill>, accessed on 11/16/2020.

Engineering, Inc. 2006. Environmental Assessment for West Meadows Subdivision.

Montana Department of Environmental Quality. 2013. Circular DEQ 4, Montana Standards for Subsurface Wastewater Treatment Systems.

Montana Department of Natural Resources & Conservation. 2011. <https://leg.mt.gov/content/Services%20Division/Lepo/statreports/wildland-urban-parcels/2012-wildland-urban-parcels.pdf>

National Fire Protection Agency. 2015. <https://www.nfpa.org/News-and-Research/Data-research-and-tools/Emergency-Responders/Fire-department-calls>, accessed 11/16/2020.

Q2 KTVQ News. 2017. "Voters approve \$14.9 million bond for Elder Grove School District west of Billings" <http://www.ktvq.com/story/37053640/voters-approve-149-million-bond-for-elder-grove-school-district-west-of-billings>, accessed 1/22/2018.

Yellowstone County Interactive Mapping database. <https://maps.co.yellowstone.mt.gov/mapping/index.html>, accessed on 11/16/2020.

United States Census Bureau. 2019 <https://www.census.gov/quickfacts/MT>, accessed on 11/16/2020.

Proposed DECLARATION OF RESTRICTIONS

Lazy KU Subdivision

The Undersigned, Cheryl Ann Kramer Revocable Trust, hereinafter called "Subdivider" and being the sole owner of real property as follows:

Legal Description: Lazy KU Subdivision, in the County of Yellowstone, Montana according to the official plat on file in the office of the Clerk and Recorder of said county under documents one.

Know therefore, that the undersigned Subdivider and Owner intends that said property be developed, sold and improved pursuant to a common plan of development, and desires to place covenants and restrictions upon said property for the benefit of the owners of the above described lots in Lazy KU Subdivision; and

Whereas, the undersigned Subdivider and Owner hereby declares that all of the above described property shall be held, sold and conveyed subject to the following covenants, restrictions and conditions, which are for the purpose of protecting the value and desirability of the above described and named real property.

The covenants, restrictions and conditions herein contained shall run with the land and shall be binding on all parties and persons claiming under them.

The Grantees of any lot, by acceptance of a conveyance, covenant and agree faithfully to observe and abide by all or said conditions, covenants, and restrictions.

1. No lot shall be used or improved for anything other than private residential purposed.
2. No building or other structure shall be located less than 30 feet from the front lot line, nor less than 20 feet from any side lot line, nor less than 10 feet from the rear lot line.
3. No building may exceed two stories in height, above ground level. Any residence erected on any lot shall have a ground floor area of not less than 1200 sq. ft. on the main floor structure within the perimeter of the exterior walls, exclusive of open porches and garages. Each residence shall have a minimum of two or three car attached, enclosed garage.
4. All residences, buildings, and structures erected on said property shall be of new construction and no old buildings shall be moved upon any lot. Newly constructed modular or factory-built residences or other buildings are prohibited in Lazy KU Subdivision. Any building erected on any lot shall be completed within one hundred eighty (180) days after equipment and/or materials to be used in construction have been moved on to the location, and all construction shall be pursued with reasonable diligence. No excavation shall be permitted on any lot until such time as the actual construction of the building is to begin, except that the owner's may test the supply of water under said lands and may drill and excavate for the that purpose, as well as to test for subsoil conditions, provided that such test sites are replaced to their original condition.
5. Fences shall not be erected in the front yard. No fence or hedge shall exceed six (6) feet in height at any point within thirty (30) feet from any presently platted or future street. No barbed wire shall be used on fences strung above woven wire. All fences shall be maintained by their owner so that they are not unsightly in their appearance. Plans and specifications

for fences must be approved by the Architectural Review Committee before the fence is erected.

6. A maximum of two outbuildings shall be permitted on each lot. No outbuilding shall exceed 2,000 sq. feet of ground floor area. All outbuildings or structures, including garages and storage sheds must be constructed to be in harmony with other improvements located on said premises, with the same color of siding and roof as used on the main residential structure; all outbuildings shall be kept in a good state of repair and shall not be allowed to become rundown or an eyesore to the neighbors. Partially enclosed carports shall not be permitted in Block one.
7. All utility lines and pipes shall be placed underground; no overhead lines shall be permitted.
8. The following must be reviewed and approved by an Architectural Review Committee, consisting of 3 or more persons appointed by the majority of lot owners in Block one prior to installation or construction:
 - a. Plans for construction of new buildings, including homes, garages, and outbuildings.
 - b. Plans for additions to or modifications of the exterior of any building.
 - c. Plans for erection of fences.
 - d. Plans for exterior enclosures for animals.

The committee shall review plans and specifications for new buildings and for modification or additions to existing buildings to determine if such plans conform to these restrictions, including size, color, and placement upon the lot. Review of exterior enclosures for animals, such as dog kennels or runs shall include consideration of the impact of such enclosure on neighboring properties as, including consideration of noise and odor created by the animals to be enclosed. Consent of the Architectural Review Committee shall not be required for interior remodeling which does not affect the exterior of a building, or for construction of new homes and outbuildings.

9. No residence shall be occupied prior to completion of the exterior of the building.
10. None of the lots subject to these restrictions, nor any building or improvement erected thereon shall at any time be used for the purpose of any trade, profession, manufacturing, or business of any description, except as follows:
 - a. Model homes and a sales office for homes
 - b. In-home trades, professions and businesses shall be permitted provided that the owner has no outside employees working in the home and provided that the business or trade does not increase vehicle traffic to the home by more than three (3) vehicles per day.
11. No vehicles used in a trade or business shall be stored outside on any vacant lot or on the public streets except vehicles used by building contractors during construction.
12. No trailer, tent, or outbuilding shall at any time be used as a residence, temporarily or permanently, nor shall any structure, of whatsoever nature, of a temporary character, be used as a residence. Attached casitas may be prohibited upon review and approval by Architectural Review Committee.
13. Vacation-type trailers, motor homes, recreational vehicles of all types, and boats may be parked behind fence garages. In addition, except for construction work within the lots, no commercial vehicles will be allowed to be parked on any lot, except in an enclosed garage.

14. No swine, goats, sheep, cows, livestock and/or poultry of any nature shall be kept or permitted on any of said premises. All dogs and cats shall be kept on the lot owned or leased by the occupant, under the control of the occupant. No animals, including dogs and cats shall be raised or cared for on a commercial basis. No resident shall keep a pet which is a nuisance to other residents.
15. No junk, trash, debris, or organic or inorganic waste shall be permitted to accumulate on any lot or in any street in all junk shall be promptly and effectively disposed of, and no lot shall be used as a dumping ground or burial pit. Garbage containers shall be concealed from view by fences, hedges, or other means. Equipment and building materials shall not be stored on any lot, unless enclosed, except during construction of a residence or outbuilding.
16. No inoperable or unlicensed vehicle shall be parked on any lot or on any public street for a period of more than 7 days unless located inside an enclosed garage.
17. No signs, posters, political signs, larger than 24 x 18 excepting subdivision promotion signs, signs displayed to identify the occupants of a dwelling, Realtors' for sale signs, and contractors' construction signs.
18. No clothes lines, wires, or devices for hanging clothes shall be erected in the front yard. Clothes lines shall be permitted in rear and side yards only.
19. No television or satellite dishes shall be permitted on any lot unless the dish is no larger than 3 feet in diameter and placed in an inconspicuous location on the roof of the residence.
20. All owners shall be obligated to maintain their homes, garages, outbuildings, and yards so that they are clean, tidy, and in good repair. Owners shall not permit peeling paint, broken sidewalks or driveways, broken shingles, or any other unsightly condition on their property. Lawns must be kept mowed and dead or dying trees and shrubs must be removed so that all properties reflect a high pride of ownership.
21. Owners must control all noxious weeds on their lot and in the right-of-way adjoining their lot; each year, every owner must file, for that owner's lot, an update to the Noxious Weed Plan filed with the Yellowstone County Weed Board and obtain the Board's approval of the update. Owners shall keep all weeds and grasses of all kinds cut so that they do not violate county ordinances.
22. Any septic tank or sewage or waste disposal system, and any private water supply systems, including wells, shall be located, installed and maintained at all times in compliance with standards established by the Montana Department of Health and Environmental Sciences and by any other governmental agency having jurisdiction, and all of the above described lots are subject to the sanitary restrictions and requirements of the state of Montana as prescribed in Title 76, chapter 4, Part 1, Montana Codes Annotated, as amended, and regulations pertaining thereto.
23. None of the lots described above may be subdivided or split to create additional lots; however, lot lines may be moved, or removed, as provided by Montana law, so long as such it does not increase the number of lots in the subdivision.

RIGHT TO ENFORCE

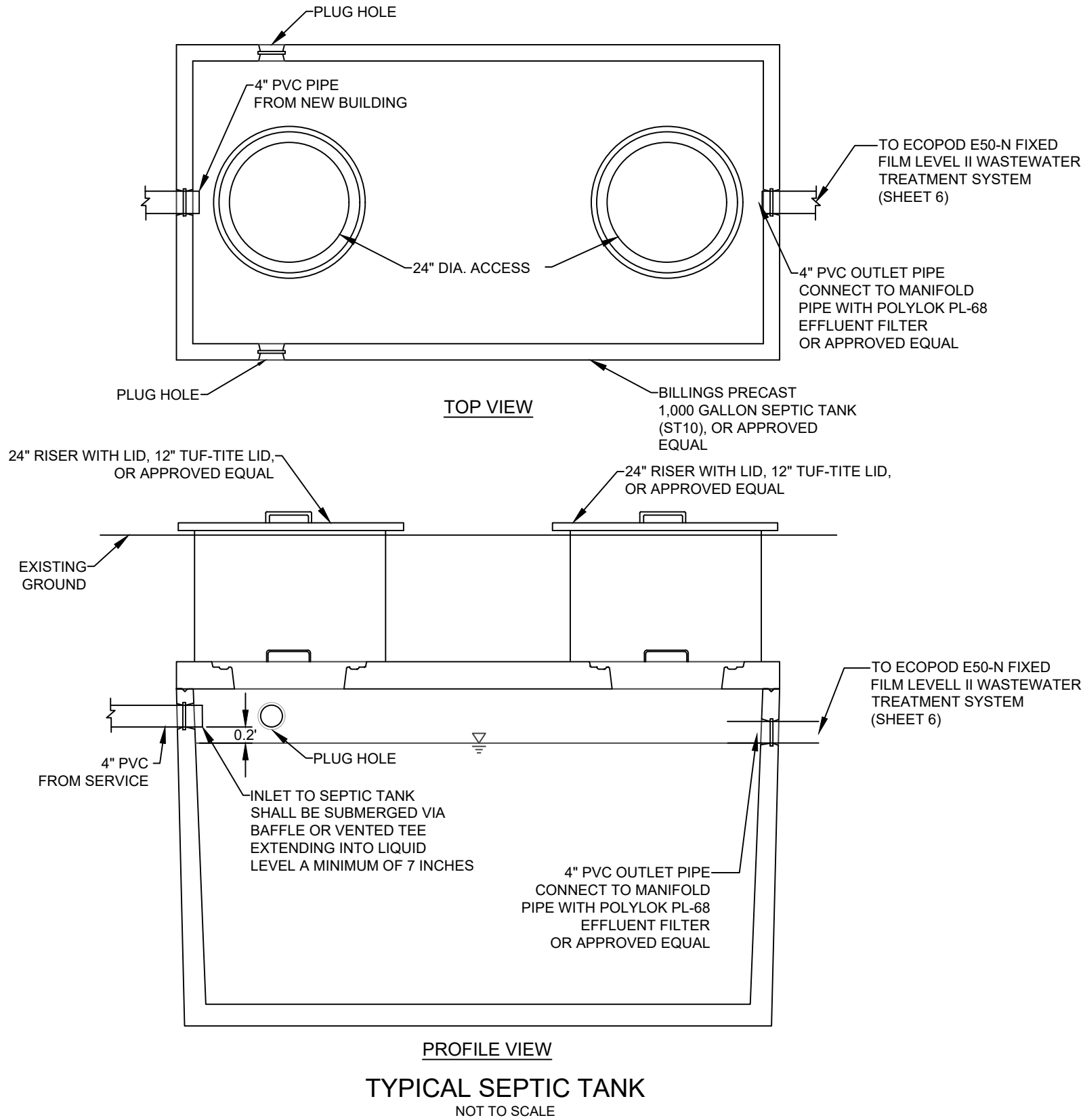
The restrictions herein set forth shall run with the land and bind the present owners, their heirs, devisees, trustees, and assigns; and any and all parties claiming by, through, or under them, shall be

taken to hold, agree and covenant with the owners of said lots, their heirs, devisees, trustees, and assigns, and with each of the owners of said lots, to conform to and observe said restrictions as to the use of said lots and the construction of improvements thereon; but no restrictions herein set forth shall be personally binding upon any corporation or person except in respect to breaches committed during its or his ownership of or interest in said land. The owner or owners of any of the above lots shall have the right to sue for and obtain an injunction, prohibitive or mandatory, to prevent the breach of, or to enforce the observance of the restrictions set forth above, in addition to the ordinary legal action for damages; and the failure of the present owners, or the owner or owners of any lot in this subdivision to enforce the restrictions herein set forth at the time of any violation thereof shall not be construed as a waiver of the right to do so. In the event of a suit to enforce these restrictions, the losing party shall be obligated to pay all costs and attorney fees incurred by the prevailing party.

These restrictions may be amended or rescinded, in whole or in part, only with written consent of the owners of at least eighty (80%) percent of the lots subject to these restrictions. Until such time as its assigns, have completed construction of residences on all lots subject to these restrictions, such amendment or restriction must also be approved, in writing. The right to refuse to consent to amendment or rescission of these restrictions may be assigned to another owner of multiple vacant lots such assignment shall not be presumed but must be specifically set forth in writing, filed and recorded in the office of the Yellowstone County Clerk and Recorder. Upon recordation of such assignment. No amendment or revocation of these restrictions shall be effective unless it is signed by the requisite owners and filed of record in the office of the Clerk and Recorder of Yellowstone County, Montana.

DESIGNED BY:	SMT
DRAWN BY:	CIG
CHECKED BY:	SMT
DATE:	2/9/2021
PROJECT NO.	2020-292

K:\Billings\Cherry\Kramer\2020292 Kramer Subdivision 1st Filing\05CAD\Sheets\PLAN SET\DETAILS\2020292_SSWR_DTL.dwg 11X17 PP 2/9/2021 11:19:46 AM



NOTES:

1. MINIMUM VOLUME FOR SEPTIC TANKS SHALL BE 1000-GALLON, BASED ON A RESIDENCE SIZE OF 3 BEDROOMS. SHOULD THE RESIDENCE SIZE INCREASE, THE PROPOSED SEPTIC TANK SIZE SHALL BE APPROVED BY THE LOCAL SANITARIAN PRIOR TO INSTALLATION.
2. SEPTIC TANK SHALL BE BILLINGS PRECAST ST10, OR APPROVED EQUIVALENT.
3. SEPTIC TANKS SHALL MEET ALL REQUIREMENTS IN MDEQ CIRCULAR 4, SECTION 5.1.
4. EFFLUENT FILTER IN SEPTIC TANK SHALL MEET THE REQUIREMENTS OF MDEQ CIRCULAR 4, SECTION 5.1.5.
5. EFFLUENT LEAVING THE SEPTIC TANK SHALL BE DIRECTED TO A DISTRIBUTION BOX/MANIFOLD MEETING THE REQUIREMENTS OF MDEQ CIRCULAR 4, SECTION 4.3.3.

PREPARED BY
WWC ENGINEERING
550 S. 24TH ST. W., SUITE 201
BILLINGS, MT 59101
(406) 894-2210
www.wwcengineering.com

CHERRYL KRAMER
LAZY KU SUBDIVISION EQ #21-1854
SANITARY SEWER SEPTIC TANK DETAIL
YELLOWSTONE COUNTY, MT

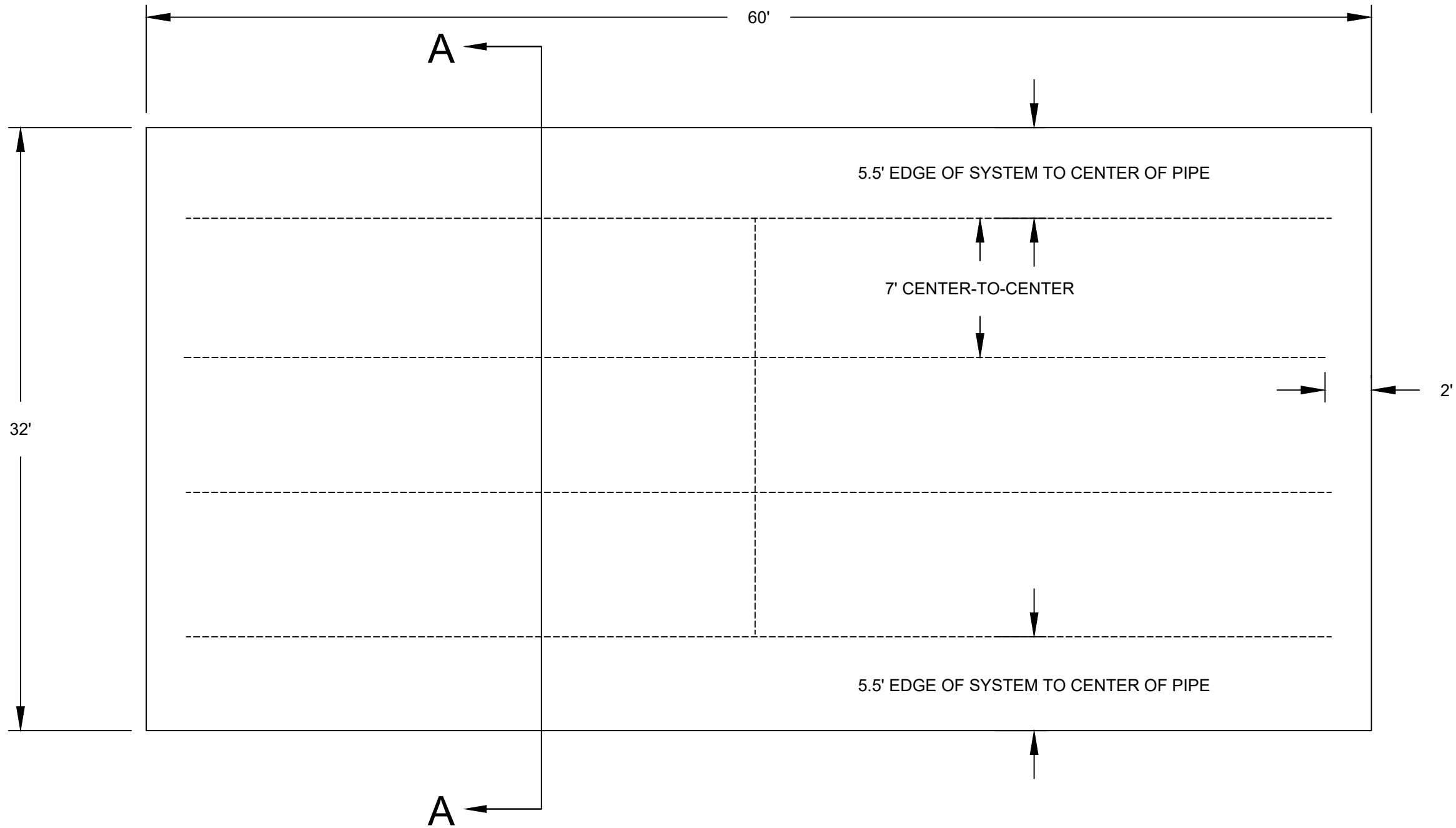
DESIGNED BY: SMT
DRAWN BY: CIG
CHECKED BY: SMT
DATE: 2/9/2021

SHEET
3 50

NO.	REVISION	BY	DATE
PROJECT NO. 2020-292			

DEQ SUBMITTAL

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ETA BED DESIGN
PLAN VIEW

NOT TO SCALE

NOTE:
ETA SYSTEMS MUST BE INSTALLED WITH THE LONG
DIMENSION PARALLEL TO THE LAND CONTOURS.

DEQ SUBMITTAL

DESIGNED BY: <u>SMT</u>		NO.		REVISION		BY	DATE
DRAWN BY: <u>CIG</u>							
CHECKED BY: <u>SMT</u>							
DATE: <u>2/9/2021</u>							
SHEET		PROJECT NO. 2020-292					
4							
51							


CHERRYL KRAMER

LAZY KU SUBDIVISION EQ #21-1854

SANITARY SEWER ETA BED DETAIL

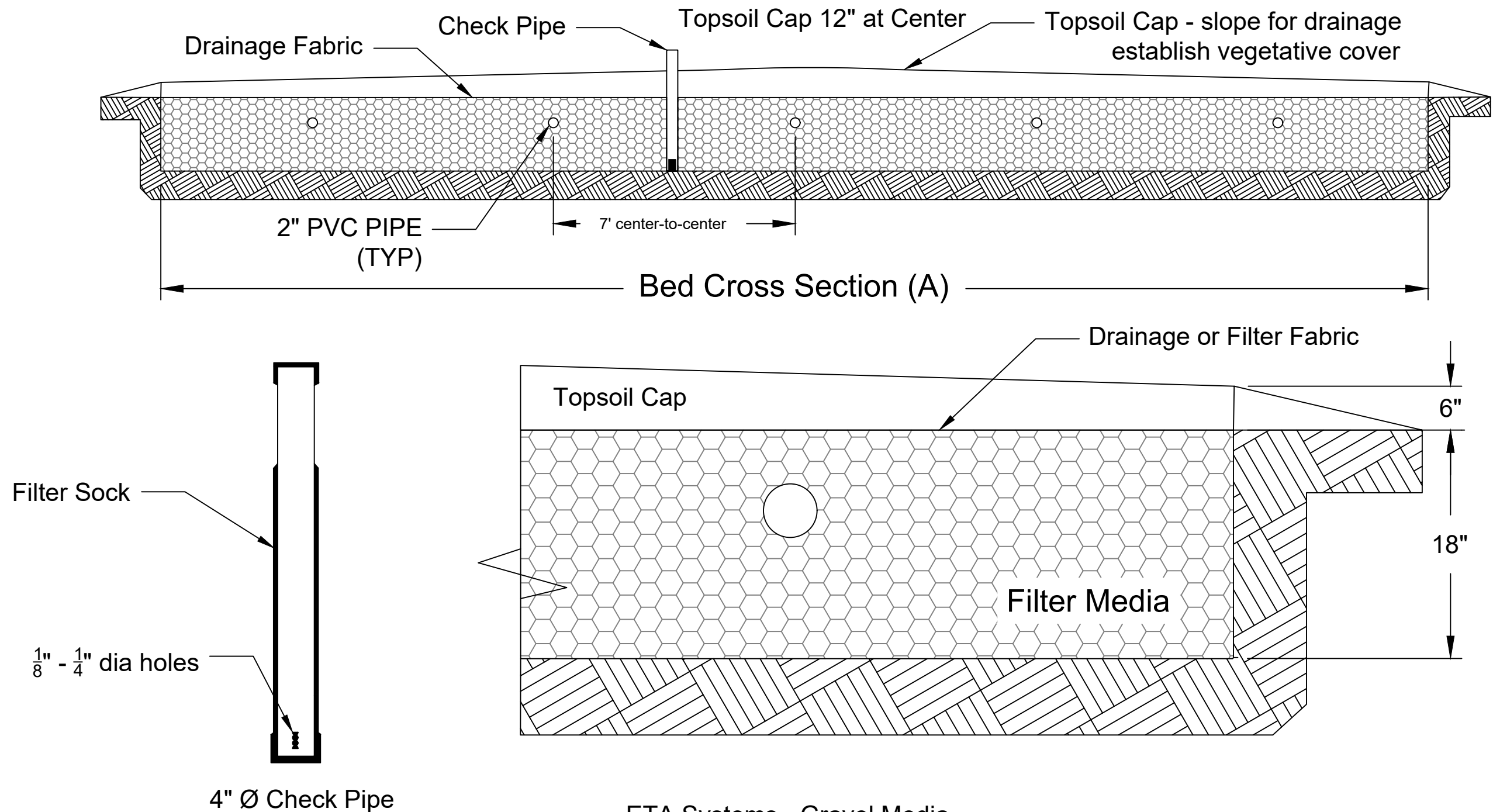
YELLOWSTONE COUNTY, MT

PREPARED BY

 WWC ENGINEERING

550 S. 24TH ST. W., SUITE 201
BILLINGS, MT 59101
(406) 894-2210
www.wwcengineering.com

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ETA Systems - Gravel Media
Section View

NOT TO SCALE

NOTE:

FILTER MEDIA SHALL BE WASHED 2.5" MINUS MATERIAL WITH LESS THAN 2% PASSING THE NO. 8 SIEVE.

ETA BEDS ON LOTS 9, 10, AND 11 SHALL BE EXCAVATED DOWN 0.5' INTO THE EXISTING GROUND. MATERIAL FROM THE LOT SHALL BE BUILT UP TO A HEIGHT OF 18" ABOVE THE BOTTOM OF THE ETA BED.

ETA SYSTEM CONSTRUCTION SPECIFICATIONS:

1. Excavation for ETA systems may proceed only when the moisture content is below the soil's plastic limit. If a sample of soil taken at the depth of the proposed bottom of the system forms a ribbon, instead of crumbling, when one attempts to roll it between the hands, the soil is too wet to excavate.
2. ETA construction must be completed in such a manner to prevent compaction. The fill material must be covered completely with an appropriate geotextile fabric, untreated building paper, or 2 inches of straw to prevent the soil cover from entering the media.
3. A 4-inch diameter standing check pipe with both ends capped (only the bottom cap should be glued) must be installed. Several 1/8-inch to 1/4-inch diameter holes should be drilled in the bottom half of the pipe and covered with a filter cloth sock. The check pipe should be anchored in fill material to prevent the pipe from being pulled out of the system.
4. The ETA system must be covered with a minimum of 12 inches at the center of the system and 6 inches at the edge of the system of a suitable medium, such as sandy loam, loamy sand, or silt loam to provide drainage and aeration. These depths are measured after settling. The topsoil cap must be immediately vegetated after construction with sod or other appropriate method.

DEQ SUBMITTAL

NO.	REVISION	BY	DATE
PROJECT NO. 2020-292			

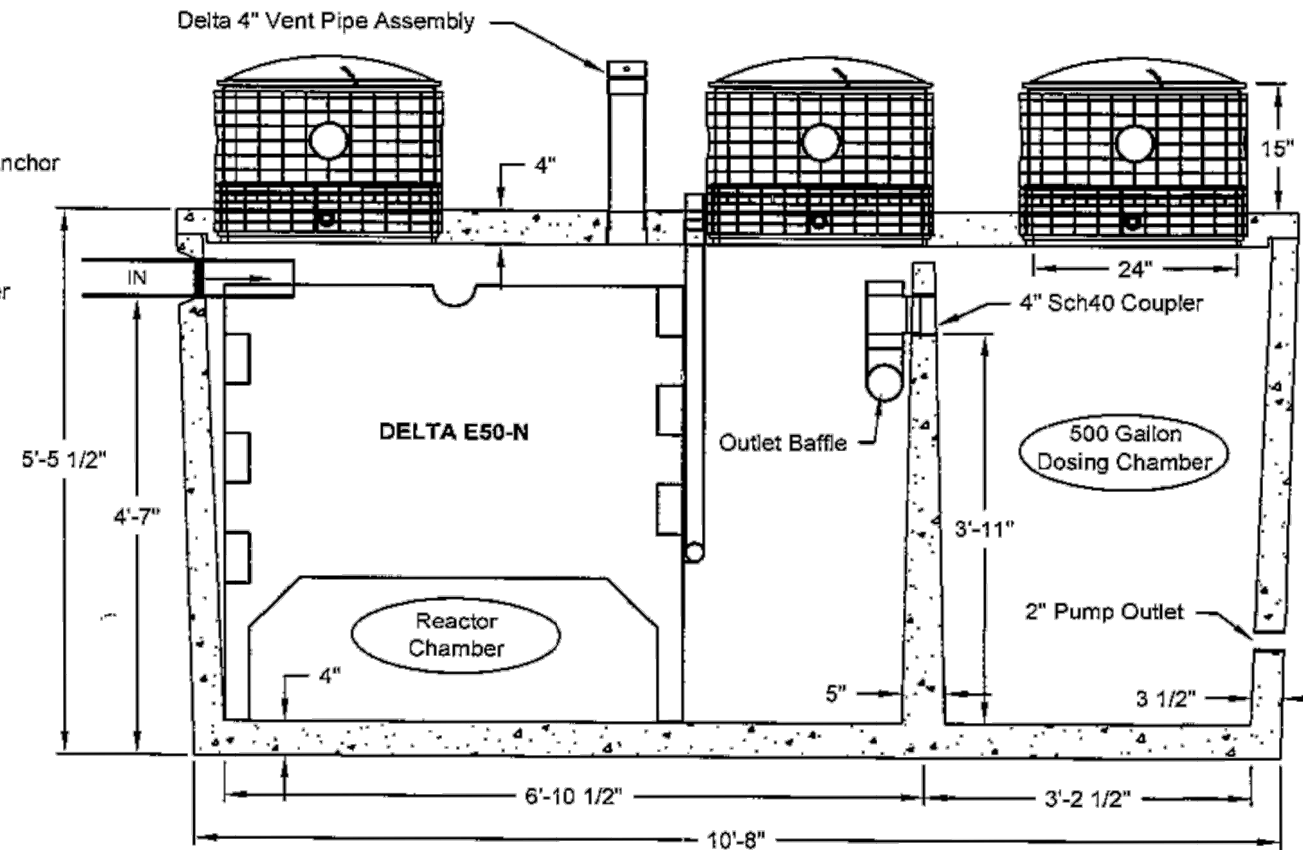
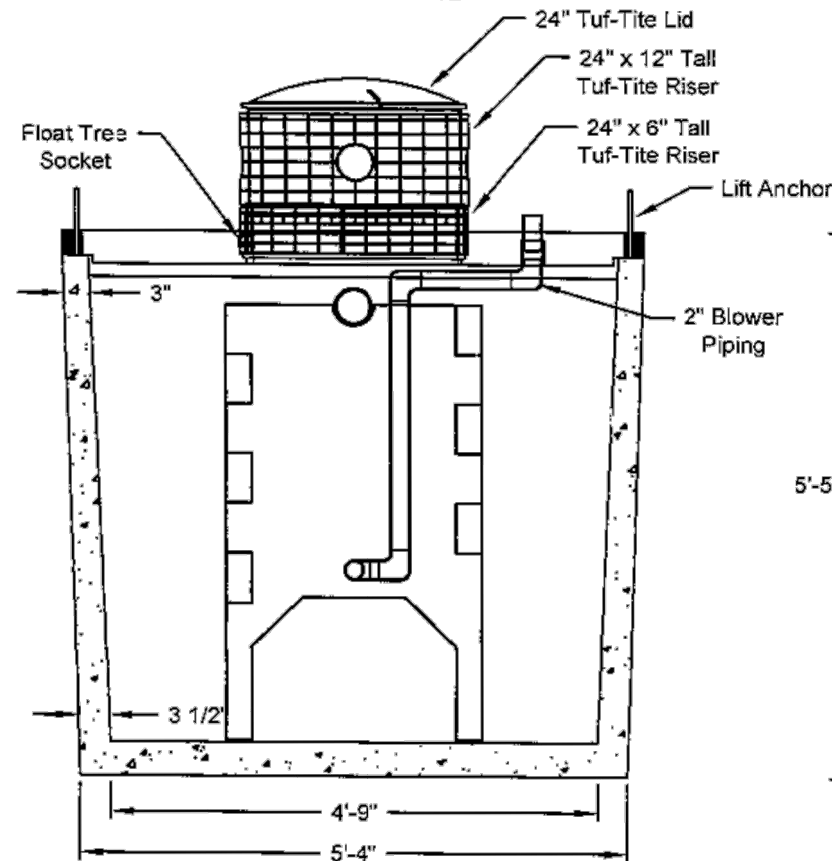
PREPARED BY
WWC ENGINEERING
550 S. 24TH ST. W., SUITE 201
BILLINGS, MT 59101
(406) 894-2210
www.wwcengineering.com

CHERRYL KRAMER
LAZY KU SUBDIVISION EQ #21-1854
SANITARY SEWER ETA BED DETAIL
YELLOWSTONE COUNTY, MT

DESIGNED BY: SMT
DRAWN BY: CIG
CHECKED BY: SMT
DATE: 2/9/2021

SHEET
5 52

Cross Section B--B



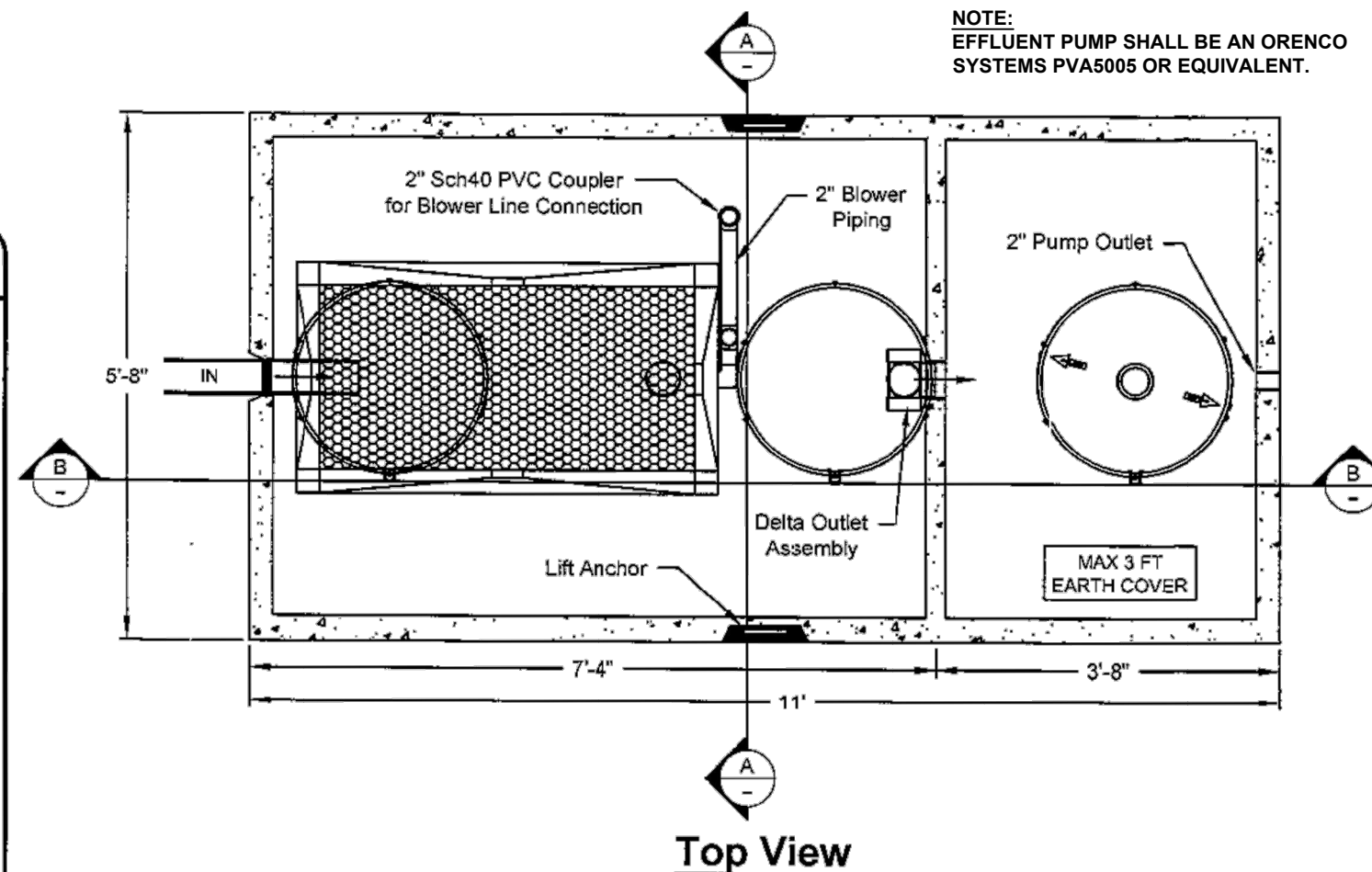
NOTE:
EFFLUENT PUMP SHALL BE AN ORENCO
SYSTEMS PVA5005 OR EQUIVALENT.

SPECIFICATIONS

TANK: Manufactured per Montana Circular DEQ-4 Chapter 5 design standards for septic tanks, 1 EA Tuf-Tite TS-4Pro pipe seal for inlet pipe penetration, 1 EA 4" Sch40 PVC slip coupler cast into compartment wall for reactor chamber outlet, 1 EA 2" Sch40 PVC coupler cast into tank end wall for pump outlet connection, 3 EA 24" dia. x 6" tall Tuf-Tite access risers with float tree sockets cast into tank lid.

STANDARD COMPONENTS: 3 EA 24" dia. x 12" tall Tuf-Tite access riser extensions, 3 EA 24" dia. Tuf-Tite lids, 3 RL ConSeal CS-102 butyl mastic joint sealant to seal tank lid, Delta 4" PVC outlet pipe baffle assembly, Delta 4" PVC vent pipe assembly.

DELTA ECOPOD: Delta E50-N residential wastewater treatment package includes: fixed film treatment unit, air compressor / blower, alarm panel with pump circuit and pump lockout controls.



WEIGHTS: Tank - 10,300 lb.; Lid - 2650 lb.; Delta E50-N - 200 lb.; Appurtenances - 75 lb.



5815 Interstate Ave
Billings, MT 59101
Phone (406) 656-6098
Fax (406) 656-4942
www.billingsprecast.com

SDCE50N - Delta Ecopod Combination Tank

Delta EcoPod E50-N Residential Treatment System Combination Reactor / Dosing Tank

Drawing No.

DATE: 1/10/2020

SCALE: NONE

REV:		
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	1000000000	1000000000
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	2000-2001	2001-2002
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CAD: WDB

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EQ SUBMIT

CHERRYL KRAMER

LAZY KU SUBDIVISION EQ #21-1854

LEVEL II TREATMENT SYSTEM DETAIL

YELLOWSTONE COUNTY, MT

PREPARED BY  WWC ENGINEERING

5550 S. 24TH ST. W., SUITE 201
BILLINGS, MT 59101
(406) 894-2210

PROJECT NO. 2020-292

DATE _____

BY

REVISION

No.	
-----	--

PREPARED BY

1

1

MER

2014

CHE

1

1

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DR
CH
DA

1

SH

5

DEQ SUBMITTAL



YELLOWSTONE COUNTY WEED DISTRICT WEED MANAGEMENT PLAN

Date: 4/16/2021

Contact person & Phone number: Cherryl Kramer

Name of project: Lazy KU Subdivision

Land Description (Legal & Descriptive): Within SE 1/4 of Section 25, T01S, R24E

Number of acres involved: 57.19 acres

Noxious Weed Species found on site if any:

None Found

Type of control to be used:

- ☐ Cultivation- (must include an attached Revegetation plan)
- ☒ Herbicide- (must include what kind, application rate and time & method)
- ☐ Grazing- (must complete enclosed grazing plan)
- ☐ Hand pulling/Mowing- (please include method of disposal)

Specific control measures: _____

Weed control to be completed by: _____ Self ☒ Commercial Firm
If a commercial firm is to be used, please give name and address when hired.

Dates weed control will be implemented: Spring and Fall

Is there live or open water on the property? If so please outline on your map. No

This plan if implemented by said contractor, will be in effect for two years from the date of project completion. The responsibility for weed control will revert back to the landowner after this period.

Dated this 19th day of April, 2021.

I acknowledge and agree to the foregoing provisions.

Signature

Cherryl A. Kramer

Name and Address

Cherryl Kramer

Please print

3116 S 72nd Street W

Billings, MT 59106

406-690-4537

Weed Management Approval: (Yes) (No)

Date

4/19/2021

Weed District Representative

Joe Ashwood

County Weed District Recommendations:

None at this time.

Attach additional information if needed

YELLOWSTONE COUNTY WEED DISTRICT REVEGETATION PLAN

Should you decide to use cultivation as a control method on a rangeland, non crop site, or other disturbed sites (reference section 7-22-2152, Montana Code Annotated) please complete the following plan. If you have a revegetation plan already in place, please attach a copy to your Yellowstone County Weed Management Plan.

(a) Please describe the site to be revegetated.
Undeveloped farmland

(b) Outline what method(s) will be used to accomplish revegetation of the disturbed areas (seeding, planting, sod, etc.)

_____The developed lots within the subdivision will be landscaped as per the Declarations of _____
Covenants and Restrictions. The roadsides will be reseeded with a roadside grass mix _____
_____as per the Yellowstone County Public road standards. _____

(c) If applicable list the type and amount of seed/sod to be used for revegetation. N/A

Type	_____	Rate	_____	On	_____	Acres
Type	_____	Rate	_____	On	_____	Acres
Type	_____	Rate	_____	On	_____	Acres
Type	_____	Rate	_____	On	_____	Acres

(d) If applicable list the type and amount of fertilizer to be used: N/A

Type	_____	Rate	_____	On	_____	Acres
Type	_____	Rate	_____	On	_____	Acres
Type	_____	Rate	_____	On	_____	Acres
Type	_____	Rate	_____	On	_____	Acres

(e) Timing of revegetation practices: N/A

Approximate cultivation date(s)

Approximate seeding / sod date(s)

Approximate fertilizer date(s)

Attach additional information if needed

YELLOWSTONE COUNTY WEED DISTRICT NOXIOUS WEED GRAZING MANAGEMENT PLAN

IS THERE A CURRENT GRAZING SYSTEM USED? No
PLEASE EXPLAIN

NOXIOUS WEED TO BE GRAZED?

TYPE OF ANIMAL TO BE USED?

A.U.M.'S PER ACRE?

TURN IN DATE _____ TURN OUT DATE _____

SEASON OF GRAZING?

STAGE OF PLANT GROWTH?

WERE ANIMALS HELD IN AN AREA TO LET INFESTED FORAGE PASS BEFORE ANIMALS WERE
MOVED INTO UNINFESTED AREA?

WILL THIS METHOD BE USED ALONG WITH HERBICIDE CONTROL?

WHAT KIND OF MONITORING OR FOLLOW UP WILL BE DONE TO INSURE THAT GRAZING IS
WORKING AS A WEED CONTROL MEASURE AND THE LAND IS NOT BEING OVER-GRAZED?

DATE INSPECTED BY WEED DEPT. 4/19/2021

NOTES _____

Attach additional information if needed

CITY HALL
115 W. 1ST ST.
PLANNING: 628-4796, ext. 5
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

March 21, 2021

Aaron Redland
Project Manager
WWC Engineering
550 S. 24th Street W, Suite 201
Billings, MT 59102

Regarding the Element Review of the submitted documents for the Lazy KU Subdivision Application

Ms. Redland,

Below are listed the results of the element review by city staff on the Major Subdivision submitted by your office on **February 23, 2021** as per LMC. Chapter 16, Appendix F: Required Supporting Documents for Major Preliminary Plat Applications.

1. Names and Addresses of Immediately Adjoining Property Owners typed or neatly printed on Address Labels – *Included.*
2. Draft Subdivision Improvements Agreement – *Included.*
3. Environmental Assessment or Summary of Probably Impacts, when applicable. – *Included.*
4. Traffic Accessibility Study (TAS) when applicable. – *Not Included, Not Applicable*
5. Preliminary Water and Sanitation Information – *Included in Environmental Assessment.*
6. Geotechnical Report – *Not Included. Not Applicable.*
7. Draft Protective and restrictive covenants, if any. – *Included.*
8. Draft Articles of Incorporation when Homeowner's Association is proposed. – *Not Included. Will Articles of Incorporation for an HOA be submitted? Not noted in any of the submitted documents.*
9. When a tract of land is to be subdivided in separate filings, a Master Plan of the Entire area to be developed. – *Not Included. Not Applicable.*

Please let me know if you have any questions or comments about the items in this letter. Thank you for your time and I look forward to your response.

Regards,

Nicholas Altonaga, CFM
Planning Director

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

March 21, 2021

Aaron Redland
Project Manager
WWC Engineering
550 S. 24th Street W, Suite 201
Billings, MT 59102

Regarding of the Sufficiency of the Application for the Lazy KU Subdivision

Ms. Redland,

The subdivision application for the Lazy KU Subdivision is deemed insufficient. I suggest that we meet to fully discuss the subdivision application and some of the concerns I have noted below.

Major Comments

1. The supporting documents reference the Billings Subdivision Code. This subdivision is located within the Laurel Planning Jurisdiction and as such must conform and refer to the Laurel Subdivision Code (LMC Chapter 16).
2. Mention of required and/or planned RSIDs.
 - a. Is there a template and/or currently drafted RSID to be submitted for review?
 - b. Multiple RSIDs are mentioned but no drafts of these documents have been submitted.
3. Lack of a draft Weed Management Plan
4. Mention of an Architectural Review Committee in the Restrictions assumes that this may have an HOA established.
 - a. HOA documents will need to be submitted if they are planned.
 - b. Bylaws and/or a description of the establishment of the Architectural Review Committee will need to be submitted.

Preliminary Plat

1. The Subdivision has one circumferential looping roadway with three separate names.
 - a. Please clarify this situation.
2. RG Kramer Drive and a portion of Farmstead Lane are platted as gravel.
 - a. Please confirm with the Laurel Subdivision regulations that a paved surface is not required when connecting to an existing paved roadway (72nd St.)
3. Lot 1 is listed as a separate Certificate of Survey.
 - a. Is this lot to be considered both within a Certificate of Survey as well as the Lazy KU Subdivision?
 - b. How does this delineation work?
4. Ensure that the 1ft No Access Easement covers the full perimeter of the Subdivision.
 - a. Please note where Lot 12 will have access to the public Right-of-Way.

5. Residential Local Access Street Right-of-Ways are required to have 67ft widths. Please confirm this and amend the plat as necessary.

Subdivision Improvement Agreement

1. The Laurel City-County Planning Board will be reviewing this subdivision, not the Board of Planning. Laurel Subdivision regulations must be referenced and followed.
2. Please provide additional information regarding the nature of the Floodplain present on the proposed subdivision.
3. "Future maintenance of all public (or common) improvements shall be done through one (1) or more RSID(s) created as part of the SIA for this subdivision."
 - a. Are there any drafted RSIDs prepared for this subdivision at this time?
 - b. How will they be created "as part of the SIA..."?
4. Please provide a copy of the RSID that will state the maintenance of Farmstead Lane and Sugar Beet Circle.
5. Why is RG Kramer Drive only a public road easement and not full right-of-way?
6. Please check the Laurel Subdivision standards (LMC 16.04.060)
7. Please provide the designs for stormwater management that will be submitted to MDEQ.
8. Power, Telephone, Gas, and Cable Television – "8-foot-wide utility easements..."
 - a. Plat specifies 10-foot utility easements.
9. Please provide an RSID for Parkland Maintenance.
10. Please provide a copy of the Weed Management Plan
11. Please provide a copy of the revegetation plan and/or a template for such a plan.
12. Waiver of Right to Protest
 - a. What will the possible RSIDs cover?
 - b. Add language such as: "...for the installation and or improvement of streets, curb, gutter, parkland facilities..."

Water, Sewer and Stormwater

1. Please provide clear estimates for subdivision for water and septic, and stormwater.
2. Please provide details on stormwater management facilities.

Declaration of Restrictions

1. Please provide details regarding the Architectural Review Committee.
2. Point 6 mentions Block One. Is this subdivision the first part of a larger subdivision?
 - a. If so, we will require a master plan of the proposed phases and/or filings.
3. Block One is not mentioned on the current Plat.
4. Signage (point 17) does not make sense. Please clarify what is allowed or not allowed.

Environmental Assessment

1. Environmental Assessment and Summary of Probable Impacts is sufficient.
2. Ensure that the recommendations presented in the Environmental Assessment and Summary of Probable Impacts are utilized in the Development of the subdivision.

Please contact me if you have any questions or comments about these items. Thank you for your time and I look forward to your response,

Nicholas Altonaga



Planning Director

PUBLIC HEARING NOTICE

The Laurel City-County Planning Board and Zoning Commission will conduct a public hearing on the Lazy KU Subdivision. The hearing is scheduled for **5:35 P.M., in the City Council Chambers at City Hall, 115 West 1st Street, Laurel, Montana, on Wednesday, April 21st, 2021.**

Public comment is encouraged and can be provided in person at the public hearing on April 21st. Public comment can also be made via email to the Planning Director, or via letter to the Planning Department office at 115 West 1st Street Laurel, MT 59044. A copy of the Subdivision documentation is available for review upon request at the Planning Department office. Questions regarding this public hearing may be directed to the Planning Director at 628.4796 ext. 5302, or via email at cityplanner@laurel.mt.gov.

04/02, 04/09, 04/16 2021
MNAXLP

1. It seems to me there is a lot in the NW corner that has no number attached to it.
2. The 1 foot no access strip needs to continue along Proposed Lots 1 and 12
3. Why is there no connection to adjoining properties?
4. The corner of Farmstead Lane and Lazy KU Drive seems a bit sharp. See 4.6.B.11 Sub Regs
5. Why is a portion of Farmstead Land and RG Kramer Drive hatched?
6. Why are curves 1 and 2 missing from the curve table?
7. Where's the fire protection? Show on plat.
8. The LEGAL DESCRIPTION states "...the lands designated as public right-of-way and are hereby granted and dedicated to the use of the public forever." Which roads are labeled as "public right-of-way"?
9. The SIA makes it sound like a portion of RG Kramer Dr will be in a public easement. If that is the case, lot lines for lots 12 and 13 need to go to the center of the road. If this is dedicated, it can remain the way it is.
10. In the intro for the SIA and other docs it says "The purpose of this subdivision is to" Is to what?
11. Section II of the Subdivision Improvements Agreement (SIA) states that portions of the property lie within the floodplain. Please show the floodplain on the plat.
12. I don't believe you can mix gravel and paved roads in a subdivision. RG Kramer Drive connects to South 72nd Street West (which is paved) so it will need to be paved as well.
13. Why the name change SE of Sugar Beet Circle? Why not just continue the name Farmstead Lane out to 72nd? Where will the street name sign go to show that the street name has changed?
14. Should there be a stop sign at sugar beet circle and Farmstead lane?



Planning & Community Services Department



MEMORANDUM

DATE: February 11, 2021

TO: WWC Engineering

FROM: Dave Green, Planner II

RE: Lazy KU Subdivision, Preliminary Plat Completeness and Sufficiency Review/Comments

Staff has reviewed the submittal for the preliminary plat of Lazy KU Subdivision, for completeness and sufficiency. We offer the following comments to consider prior to submitting the preliminary plat packets.

- Comments are attached

Feel free to submit for preliminary plat review. Please note that these are preliminary comments, and that further amendments and clarifications may be requested as this application goes through the review process.

Submit everything electronically

The next available submittal deadline is March 1, 2021 or April 1, 2021. I can be reached at 247-8666 if you have any questions. Thanks!

File Attachments for Item:

4. Sign Review: Main Street Perk

CONSTRUCTION PERMIT AND APPLICATION

CITY OF LAUREL, MONTANA

PERMIT No. _____

Job Address <u>111 E. Main Street</u>	
Owner <u>Misty Hull</u>	Telephone <u>406-598-6202</u>
Contractor <u>Self</u>	Subdivision _____
Address _____	Lot _____ Block _____ Tract _____ Zoning _____
Telephone _____	Valuation of Project \$ <u>890.00</u>
City License _____	Description of Work: _____
Special Conditions _____	<u>Installing new Wall Sign</u>
<u>Lighting must meet LMC §17.26.052 A.8</u>	<u>Externally lit with existing light fixtures</u>
Occupancy _____ Type of Construction _____ Number of Units _____ Total Square Feet <u>64</u> Rated Walls _____	

BUILDING Approved To Issue By _____	Date _____
--	------------

Application is hereby made to the City of Laurel Building Code Official for a permit subject to the conditions and restrictions set forth. All provisions of laws and ordinances governing this work will be complied with whether specified herein or not. Each person upon whose behalf this application pertains, at whose request and for whose benefit work is performed under or pursuant to any permit issued as a result of this application agrees to, and shall indemnify and hold harmless the City of Laurel, it's officers, agents and employees.

The granting of this permit does not give authority to cancel or violate the provisions of any state or local law regulating construction or the performance of construction.

"Compliance with the requirements of the state building code for physical accessibility to persons with disabilities does not necessarily guarantee compliance with Americans With Disabilities Act of 1990, the Rehabilitation Act of 1978, the Fair Housing Amendments Act of 1988, Title 49, chapter 2, commonly known as the Montana Human Rights Act, or other similar federal, state, or local laws that mandate accessibility to commercial construction or multifamily housing."

Any permit issued as a result of this application becomes null and void if work is not commenced within 180 days of issuance of such permit, unless a written request to extend this time is submitted to the City of Laurel Building Department and approved.

The applicant is responsible for calling to obtain underground line locations 1-800-424-5555 two days before digging.

All general contractors shall have a current City of Laurel business license.

The permit holder is responsible for giving 24 hour notice for required inspections.

I hereby certify I have read this application and the information provided is true and correct to the best of my knowledge.

FEES AND CHARGES

1000-323011 building	\$ _____
1000-323014 plan review	\$ <u>12.60</u>
1000-323011 fence	\$ _____
1000-323011 roof	\$ _____
1000-323053 sign	\$ <u>36.00</u>
1000-323011 mh install	\$ _____
1000-323011 investigation	\$ _____
1000-323011 re-inspection	\$ _____
1000-322022 utility hook up	\$ _____
5210-343033 SDF water	\$ _____
5310-343033 SDF sewer	\$ _____
other	\$ _____
Total Amount due	\$ <u>48.60</u>
Amount Paid	\$ _____

Signature of Applicant _____ Date _____

ARTWORK APPROVAL

STANDARD PRODUCTION TIME DOES NOT BEGIN UNTIL APPROVAL IS RECEIVED

Item: 3551 full color performance vinyl

Item color: white

Imprint color: Full color imprint-as shown

Actual Imprint size: 282.5"W BY 27.25"H

Imprint Location: On existing sign board provided

Some lettering may be hand typed
please check all spelling and let
us know if there are any errors

Actual Sign Board- 288" X 32"- 3 pieces 64 sq ft



\$890.00

Office use

Print colors:

Print order:

(For Your Reference) **Don't forget to check for typographical errors
or any missing type/copy.**

**PLEASE REPLY TO E-MAIL OR CALL
WITH APPROVAL OR ANY QUESTIONS/CHANGES**

Dynamic Designs

phone: (406) 628-4718
fax: (406) 628-7537

Laurels MAIN ST. PERK



 MAURER
CHIROPRACTIC
A Family Health & Wellness Center
628-9322

OPEN



Chapter 17.25 - DOWNTOWN OVERLAY DISTRICT

17.25.010 - Intent.

The city of Laurel hereinafter ("city"), in collaboration with the Laurel Urban Renewal Agency, prepared the following set of regulations to preserve and protect the unique nature of the Downtown core of the city of Laurel. These regulations are intended to promote, preserve, and enhance the character of the built environment while encouraging a cohesive identity.

In addition to building construction, further elements include, but are not limited to parking and pedestrian connectivity requirements, landscaping, and signage.

This district's requirements are in addition to the existing zoning ordinances found in Title 17 of the Laurel Municipal Code (LMC). Single-family and two-family residential uses in the district are exempt from the provisions herein.

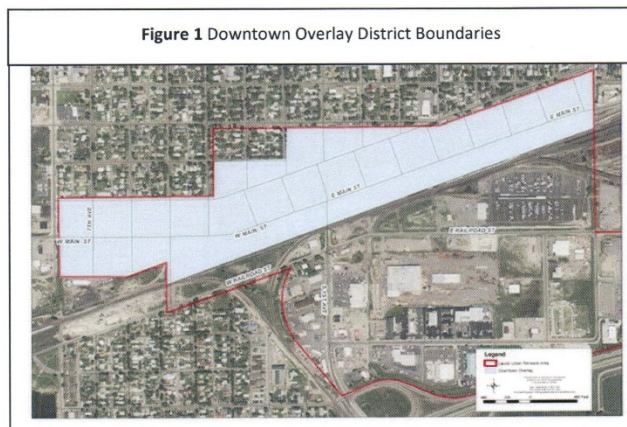
The intent of this section is to:

- A. Promote a physical landscape to make the District an attractive place to live and work;
- B. Encourage creativity in design and quality site planning;
- C. Promote development patterns in coordination with the goals and objectives of the city's growth management plan;
- D. Provide consistency to land uses and design that will protect the investment of property owners in the district.

(Ord. No. O15-01, 3-17-2015)

17.25.020 - District boundaries.

The boundaries of the district are identified in Figure 1.



(Ord. No. O15-01, 3-17-2015)

17.25.030 Application and Approval Process

- A. All building permit applications shall be submitted to the city's building official. All permit applications must be submitted and signed by the property owner or the authorized agent of the property owner. An approved building permit is required prior to any construction activity.
- B. Each building permit application must include, but not be limited to, the following information:

1. The name and address of the property owner;
 2. The name and address of the applicant;
 3. The legal description of the parcel;
 4. A map drawn to scale showing the dimensions, acreage, location of the parcel, north arrow, streets and adjacent land uses;
 5. A complete site plan drawn to a scale of no less than 1"=40' showing the dimensions and height of the structure;
 6. A complete elevation drawings drawn to the scale 1"=40' including the dimensions and height of the structure;
 7. If applicable, signage plan specifications, location and ground lighting pattern; and
 8. Payment of application review fee.
- C. Within fifteen working days following the submittal of a complete application, the planning director, designee, or the public works department (in the case of signs) shall issue approval for development or a denial of the application, unless the applicant consents in writing to an extension of the review period. Should the application be denied, the applicant shall be notified in writing specifying the reasons for the denial. (Ord. No. 002-31, 2002)

(Ord. No. O15-01, 3-17-2015)

17.25.040 - Nonconformance.

- A. Any lawful characteristic of the properties existing prior to the effective date of the ordinance that would not be a permitted characteristic under these regulations is declared to constitute a nonconforming characteristic.
- B. Nonconforming structures shall not be enlarged, extended, reconstructed, or structurally altered in an amount greater than fifty percent of its assessed valuation, unless the characteristics of the building are changed to comply with the appropriate regulations.
- C. If any nonconforming structure is damaged by an event including, but not limited to, fire, flood, explosion, wind, or war, in an amount equal to or greater than fifty percent of its assessed valuation, reconstruction must comply with the appropriate regulations. In addition, repair and maintenance may be carried out each year in an amount not to exceed twenty-five percent of the assessed valuation of the structure for that year.
- D. A nonconforming structure may continue pursuant to these regulations, but it shall not be changed in any way except to conform to the regulations herein.

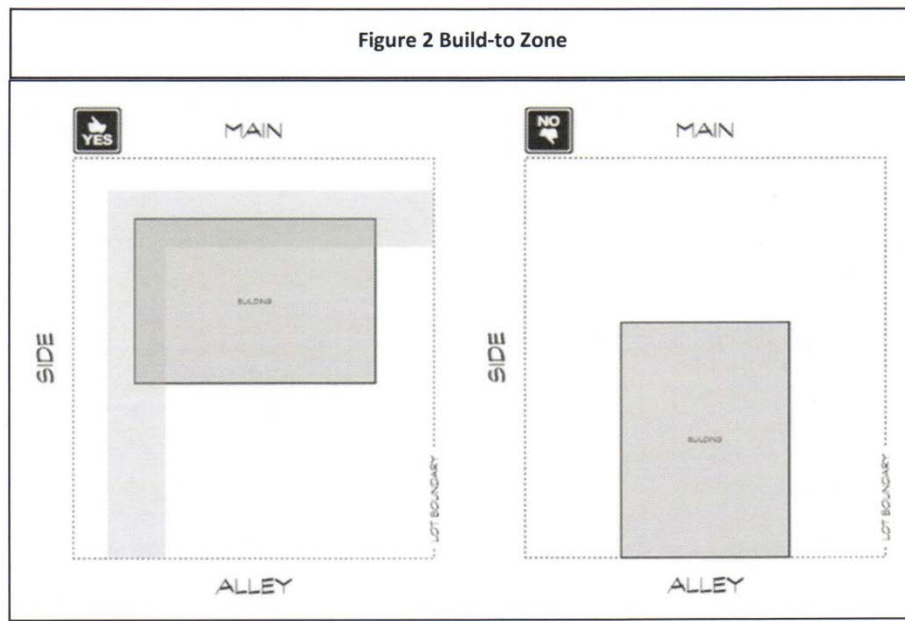
(Ord. No. O15-01, 3-17-2015)

17.25.050 - Definitions.

All terms shall have the same meanings as defined elsewhere in the city zoning ordinance or city signage regulations. For purposes of this title, certain words and terms used herein are defined in this chapter.

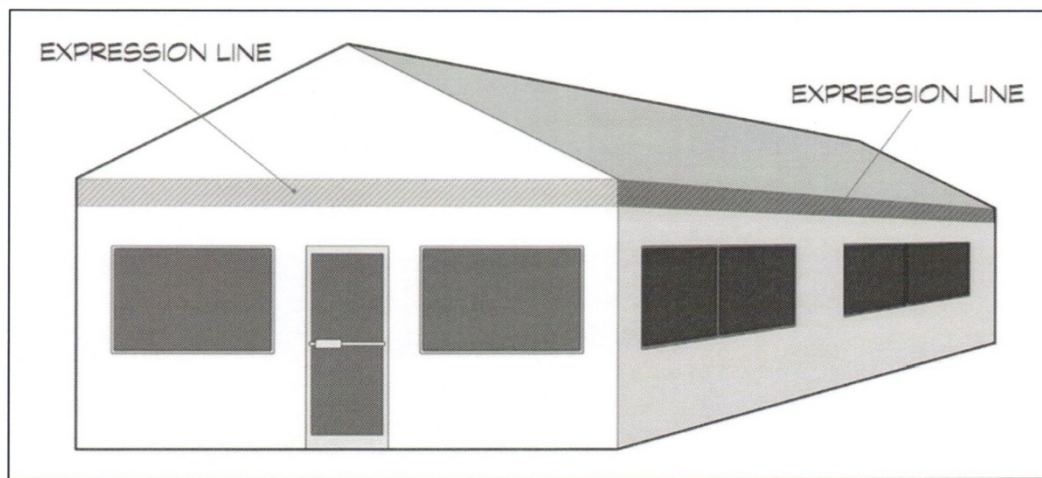
- A. "Architectural design elements" means an architectural feature consisting of a decorative, three dimensional element, horizontal or vertical, protruding or indented at least two inches from the exterior façade of a building typically utilized to provide additional aesthetic relief to a façade.

- B. "Build-to zone means" an area of a lot designated for placement of a building façade along a street, located parallel to a front property line or a front and side property line in the case of a corner lot. The build-to zone defines an area in which the locations of building fronts can vary within a specified range. See Figure 2.



- C. "Expression line" means an architectural feature consisting of a decorative, three dimensional, linear element, horizontal or vertical, protruding or indented at least two inches from the exterior façade of a building typically utilized to delineate the top or bottom of floors or stories of a building or provide additional aesthetic relief to a façade. See Figure 3.

Figure 2 Expression Line



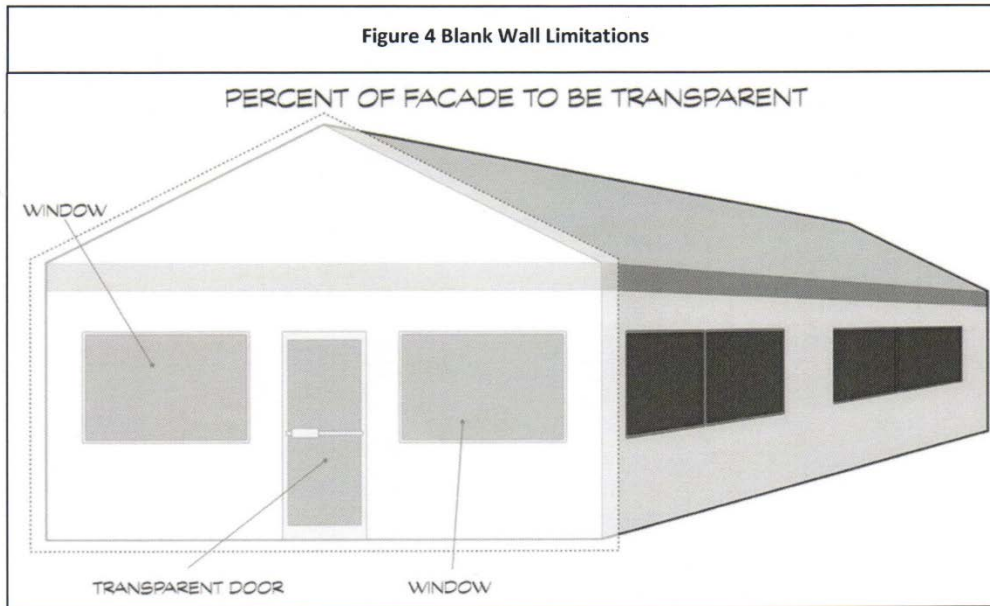


- D. "Façade" means the exterior face of a building, including but not limited to the wall, windows, windowsills, doorways, and design elements such as expression lines.
- E. "Front façade" means any building face adjacent to the street. In the case of a corner lot, the front façade is the face that the building is addressed.
- F. "Lot line, front" means the boundary abutting a right-of-way, other than an alley, from which the required setback or build-to zone is measured. The front lot line shall be to the street to which the building is addressed.
- G. "Lot line, side" means the boundary line adjacent to the front lot line and may or may not abut a right-of-way depending on lot location from which the required setback or build-to zone is measured.

(Ord. No. O15-01, 3-17-2015)

17.25.060 - Building design requirements.

- A. Exterior materials shall be sufficiently durable to ensure stability, maintainability, and long life. The use of natural and natural looking materials indigenous to the area signifying permanence, such as stone, stucco and masonry are encouraged.
 - 1. Buildings shall be finished with one or more of the following materials. Brick, fluted block, colored textured block, glass, stucco, or stone. Exposed seam metal buildings are prohibited unless covered with an acceptable finishing material.
 - 2. All front façades and sides adjacent to streets shall have a minimum of twenty-five percent masonry composed of natural materials such as stone, brick, brick veneer, or cast stone.
 - 3. Exterior cladding materials shall be of colors that compliment neighboring structures.
- B. Roof top mechanical equipment shall be screened from view with parapet walls, articulated roof designs or other architectural components.
- C. Expression lines are required on the front façade of all buildings.
- D. Blank walls on front facades or façades adjacent to street are not permitted. The amount of windowless or non-transparent area allowed on a front façade is measured per façade. No rectangular area greater than fifty percent of a front façade may be windowless. All other façades are encouraged to have transparent elements. See Figure 4.

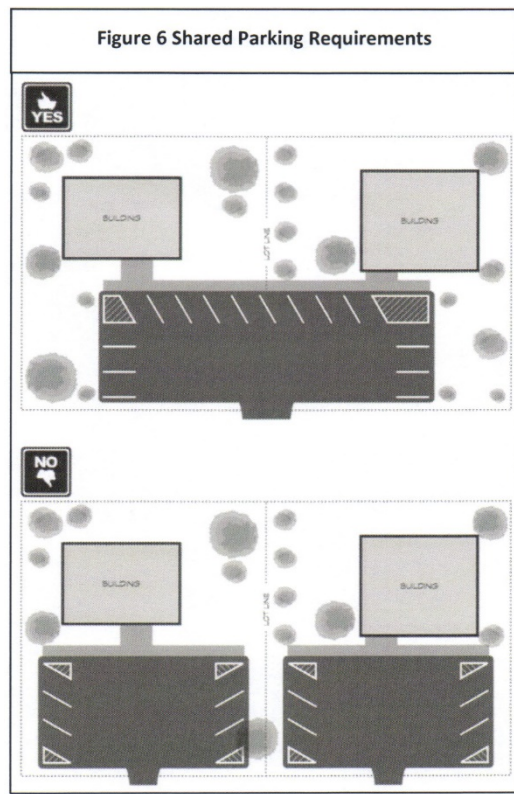
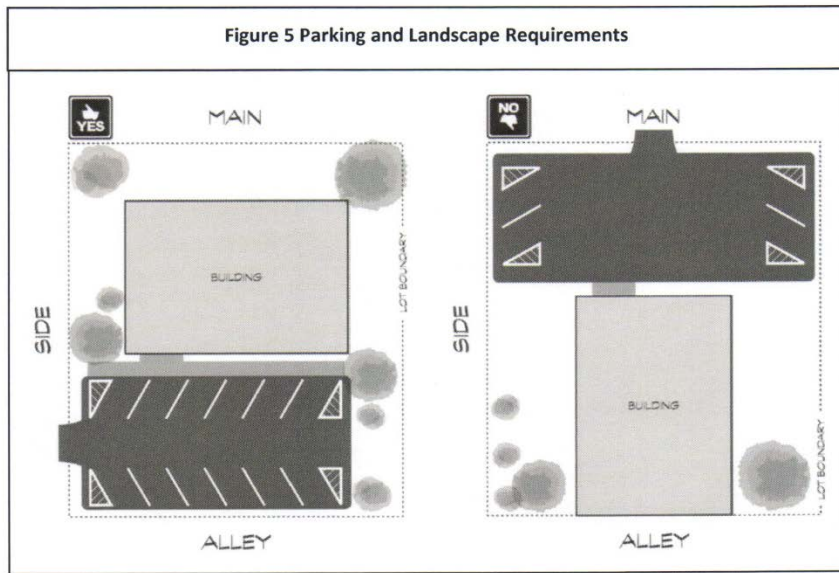


E. All front facades shall have a minimum of one entry door.

(Ord. No. O15-01, 3-17-2015)

17.25.070 - Site design requirements.

- A. When a building does not have one hundred percent lot coverage a build-to zone of at least five feet is required at the front lot line or a side adjacent to street. Exceptions to this include properties in the district that are zoned light industrial, heavy industrial, and highway commercial.
- B. If off-street parking is proposed it shall be located at the rear of the building. When parking cannot be located in the rear, the planning board shall make a recommendation. See Figure 5. Shared parking is encouraged when property owners have a written agreement. This agreement is not subject to approval by the city but should be presented if it is applicable to meeting off-street parking requirements. See Figure 6.
- C. Landscape islands are required at the terminal ends of all parking rows.
- D. If a property is located in this district and the entry way zoning district, parking and landscape requirements of the downtown overlay district shall apply.



(Ord. No. O15-01, 3-17-2015; Ord. No. O-15-06, 11-3-2015)

17.25.080 - Landscape requirements.

Landscaping in the form of trees, shrubs and groundcover serve several purposes: The softening of harsh building forms and paved areas, the absorption of groundwater, the reflection of seasonal color change, the provision of sound barriers, and urban wildlife habitat. If a property is located in this district

and the entryway zoning district, parking and landscape requirements of the downtown overlay district shall apply.

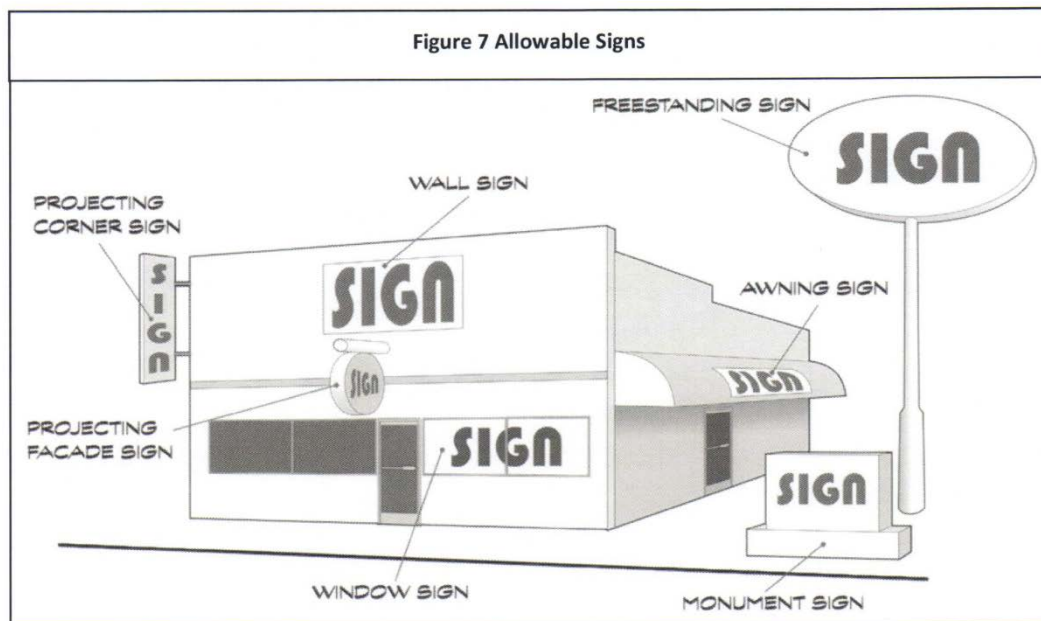
- A. Any site development where the building and parking area does not occupy one hundred percent of the parcel, the remaining property must be landscaped.
- B. Landscaping should be of an indigenous species or species that are acclimated to the city's climate.
- C. Landscaping shall include a mix of plants, shrubs, sod and trees. A minimum of fifty percent of the trees shall be at least 2.5 inch in caliper size.
- D. Landscaping shall not interfere with clear vision requirements.

(Ord. No. O15-01, 3-17-2015)

17.25.090 - Signage requirements.

Laurel Municipal Code Chapter 17.42 governs signage within the city of Laurel. Exceptions to LMC 17.42 occur only when a property is located in a special zoning district. If a property is located in this district and the entryway zoning district, signage requirements of the entryway zoning district shall apply.

- A. Allowable sign types include wall signs, window signs, awning signs, corner projecting signs, and projecting signs. See Figure 7.



- B. Illumination is encouraged to be internal. When external illumination is used, it must be focused only upon the sign face and must have cut off shields to prevent light spillage.
- C. Any projecting or corner projecting sign shall not extend above the roofline of the attached building.
- D. Any wall sign shall not exceed 30 percent of the area of any building façade.
- E. Electronic message boards are not permitted in this district.



Corner Projecting signs are allowable in this district. These two photos show examples of corner projecting signs. Similar signs are also allowable on any portion of the façade.

(Ord. No. O15-01, 3-17-2015)

File Attachments for Item:

5. Sign Review: Cloudz Vape

CONSTRUCTION PERMIT AND APPLICATION

CITY OF LAUREL, MONTANA

PERMIT No. _____

Job Address <u>413 SE 4th St Suite D, Laurel, MT 59044</u>	
Owner <u>Cloudz Vape LLC</u>	Telephone <u>406.794.5275</u>
Contractor <u>Billings Sign Service</u>	Subdivision <u>Canyon Creek</u> Lot <u>2D-1A/2D-1B</u>
Address <u>2003 Main St, Billings, MT 59105</u>	Block _____ Tract _____ Zoning _____
Telephone <u>406.373.9500</u>	Valuation of Project \$ <u>4500</u> Description of Work: <u>New acrylic "Cloudz Vape" sign with 2 sides on existing monument sign. New wall "Cloudz Vape" sign to be placed at matching height to neighboring signs and to be of similar size/style. Glass door and window decals depicting logo and hours of operation as well as products sold there within.</u>
City License _____	
Special Conditions _____	
Occupancy _____	Type of Construction _____ Number of Units _____ Total Square Feet _____ Rated Walls _____

BUILDING Approved To Issue By _____ Date _____

Application is hereby made to the City of Laurel Building Code Official for a permit subject to the conditions and restrictions set forth. All provisions of laws and ordinances governing this work will be complied with whether specified herein or not. Each person upon whose behalf this application pertains, at whose request and for whose benefit work is performed under or pursuant to any permit issued as a result of this application agrees to, and shall indemnify and hold harmless the City of Laurel, it's officers, agents and employees.

The granting of this permit does not give authority to cancel or violate the provisions of any state or local law regulating construction or the performance of construction.

"Compliance with the requirements of the state building code for physical accessibility to persons with disabilities does not necessarily guarantee compliance with Americans With Disabilities Act of 1990, the Rehabilitation Act of 1978, the Fair Housing Amendments Act of 1988, Title 49, chapter 2, commonly known as the Montana Human Rights Act, or other similar federal, state, or local laws that mandate accessibility to commercial construction or multifamily housing."

Any permit issued as a result of this application becomes null and void if work is not commenced within 180 days of issuance of such permit, unless a written request to extend this time is submitted to the City of Laurel Building Department and approved.

The applicant is responsible for calling to obtain underground line locations 1-800-424-5555 two days before digging.

All general contractors shall have a current City of Laurel business license.

The permit holder is responsible for giving 24 hour notice for required inspections.

I hereby certify I have read this application and the information provided is true and correct to the best of my knowledge.

FEES AND CHARGES

1000-323011 building	\$ _____
1000-323014 plan review	\$ _____
1000-323011 fence	\$ _____
1000-323011 roof	\$ _____
1000-323053 sign	\$ _____
1000-323011 mh install	\$ _____
1000-323011 investigation	\$ _____
1000-323011 re-inspection	\$ _____
1000-322022 utility hook up	\$ _____
5210-343033 SDF water	\$ _____
5310-343033 SDF sewer	\$ _____
other	\$ _____
Total Amount due	\$ _____
Amount Paid	\$ _____

Signature of Applicant

Date 4-19-21

Cloudz Vape LLC
413 SE 4th St Suite D
Laurel, MT 59044

Dear City/County Planning Board,

Firstly, I would like to apologize for our violation of Laurel Municipal Code in that we had added our sign to the monument sign located on the boulevard of the property we lease as well as the signage we had put on our door depicting our hours and business name. Please note that we respect the standards put into place to promote a clean and approachable shopping center. This letter is intended to serve as a request for signage at our location in Laurel, Montana at 413 SE 4th St Suite D. We are thankful that Karen Courtney with local Code Enforcement has given us an opportunity to request approval for the signage we put on our door and had added to the monument sign. While we hope that our existing and proposed signage is approved as is, we are happy to make any adjustments requested. All of our signage is a very simple black and white color scheme that shows our company name "Cloudz Vape" with Philly Sans font. The signage proposed on the wall above our door would show as black with a white border during the day and in the evening it would show as white. The lighting would be internal. The sign will be roughly the same size as our neighbor's signs and in similar design with a similarly personalized font. The sign would be made of plexi glass and we would absolutely intend to keep it in working order so as to maintain the current customer experience in the Canyon Creek Station Subdivision. Please review the additional sheets for photos and examples of proposed signs along with the size of the proposed sign and the construction permit application. I would be happy to attend the next meeting and answer any questions or address any concerns. Alternatively, please reach out to me on my cell phone at 406.794.5275 with any questions or concerns.

Thank you for your time,

Dustin Polak
Cloudz Vape LLC
Owner and Chief of Operations



Proposed sign intended to be installed over entrance is approximately 16' wide and 2' tall. We estimate the surface area to be about 22'.



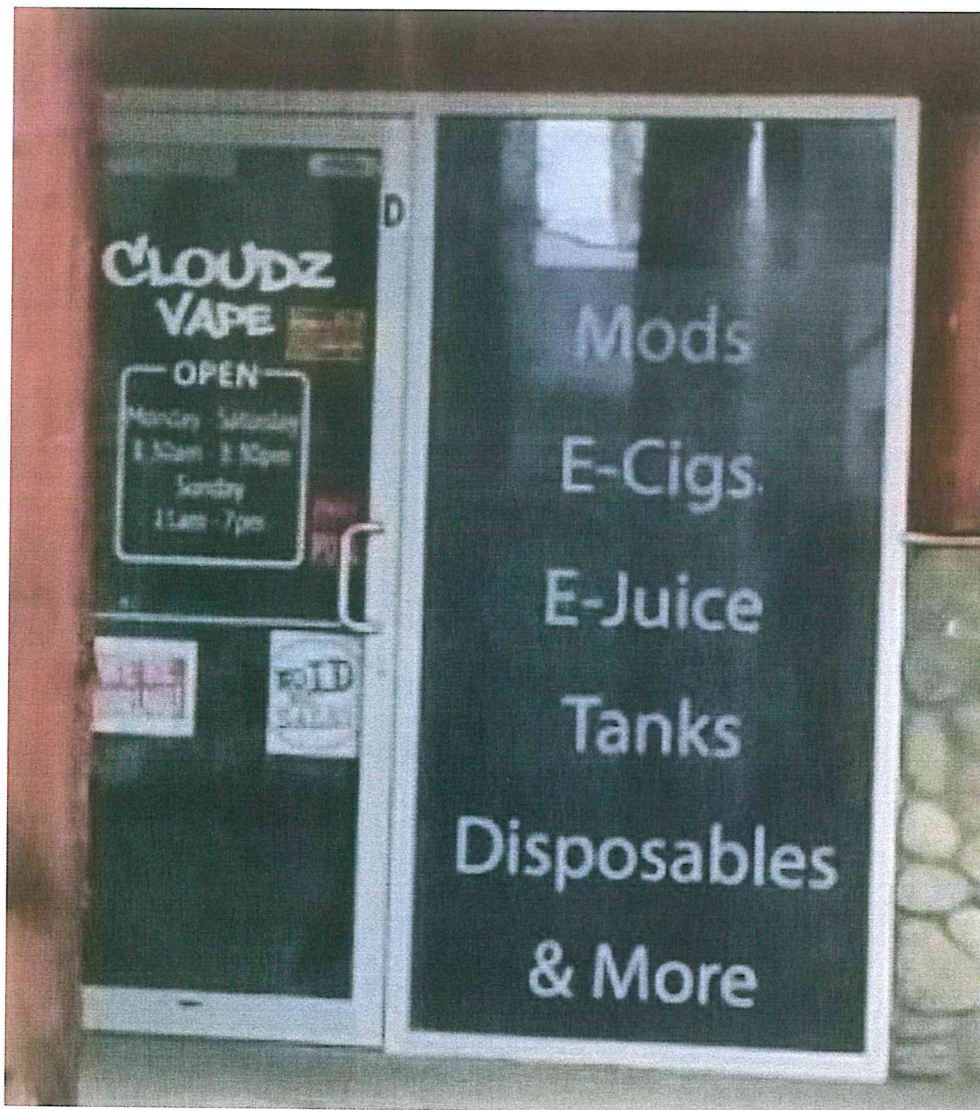
NIGHT VIEW

CLOUDZ VAPE

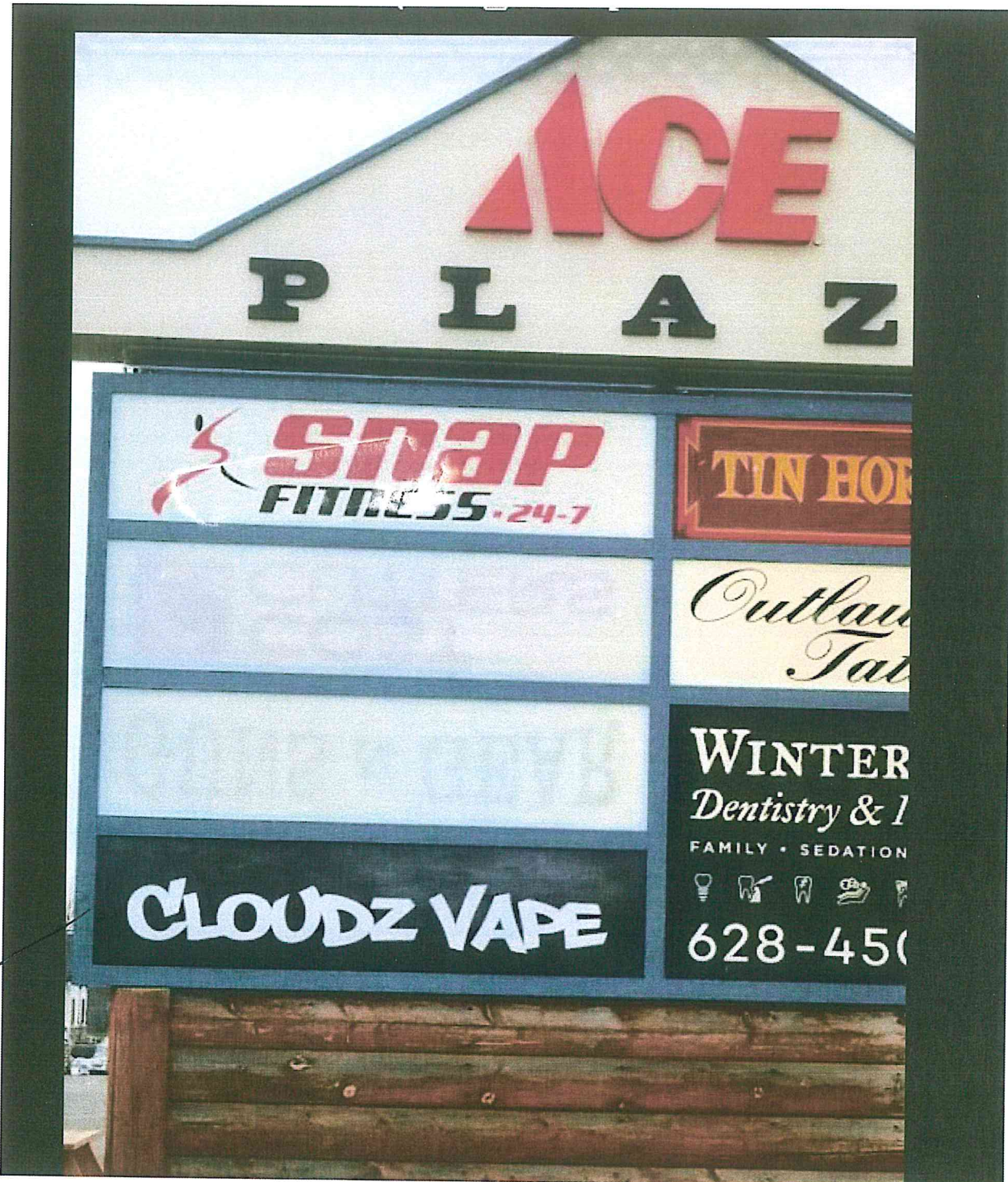


DOOR SIGNAGE AND ADJOINING WINDOW SHOWN BELOW.

DOOR SIGNAGE COVERS APROXIMATELY 20% OF ENTRANCE DOOR. WINDOW SIGNAGE IS A PERFORATED COVERING SIMILAR TO A WINDOW TINT



Signage currently in place on existing monument sign.



Chapter 17.26 - COMMUNITY ENTRYWAY ZONING DISTRICT

Sections:

17.26.010 - Intent.

The purpose of the Laurel Entryway Zoning District is to regulate outdoor advertising, outdoor advertising signs, and outdoor signs of all types, to provide fair and comprehensive regulations that will foster a good visual environment for Laurel, enhancing the area in which we live, and creating an aesthetic and enjoyable appearance for our visitors and our residents.

The natural landscape in the Yellowstone Valley is a major influence on the form and character of Laurel. Residents appreciate being able to see the Beartooth Range, the river's corridor of trees, and the large expanse of sky. The intent of the Community Entryway Zoning District (EZD) is to promote attractive, high quality development and to provide an appealing image of the city of Laurel to the traveling public and the people of the community and region. Further, it is the intent of this district to maintain a sensitivity toward existing development while preserving scenic vistas and the pastoral ambience and protecting environmentally sensitive areas. Creativity in meeting these requirements is encouraged with the overall intent of all development representing the image and economy of the Laurel area—and not just a reflection of the same commercial buildings, signage, and parking lots that are seen alongside the interstate across the nation.

Projects in the vicinity of large natural areas/corridors shall be designed to compliment the visual context of the natural area. Techniques include architectural design, site design, use of native landscaping, and choices of colors and building materials shall be utilized in such manner that scenic views across or through the site are protected and man-made facilities are screened from off-site observers and blend with the natural visual character of the area.

This overlay district provides requirements that are in addition to the existing, underlying zoning districts in the jurisdictional area of the city of Laurel and are in addition to the signage standards of the city of Laurel Municipal Sign Code. Except for signage applications, residential uses in the Entryway Zoning District are exempt from the provisions herein.

The intent of this section is to:

- A. Promote a physical landscape that will assist in making Laurel an attractive place to live and work and be inviting to new industries;
- B. Encourage creativity in design and quality in site planning and development;
- C. Reduce the level of adverse impacts from the transportation system on adjoining lands;
- D. Promote development patterns in harmony with the goals and objectives of Laurel's Growth Management Plan;
- H. Promote compatible land use transitions with a sensitivity toward existing residential uses.

Non-commercial/industrial uses falling within the EZD are exempt from the requirements of the EZD except as such requirements pertain to signage.

(Ord. 02-31, 2002)

17.26.030 - Location of district.

The Community Entryway Zoning District (EZD) shall extend three hundred feet on either side of Interstate 90 right-of way as it extends through the Laurel Zoning Jurisdiction Area, an area that extends outside the city municipal limits one mile. Specifically, along the interstate the EZD shall extend as described from the east limit of the extra-territorial zoning boundary west to the limit of the west extra-territorial boundary. The district shall also include that area three hundred feet on either side of the north extra-territorial boundary on Buffalo Trail Road south through Laurel on First Avenue to where First Avenue turns into US Highway 212-310

(Ord. 02-31, 2002)

(Ord. No. O15-03, 5-5-2015)

17.26.040 - Application and approval process.

- A. All plans and applications for development shall be submitted to the city-county planning board. All applications involving signs shall be submitted to the public works department which shall provide a copy thereof to the planning board. All applications must be submitted and signed by the property owner, lessee, the contract purchaser, or the authorized agent of the property owner. Approval is required prior to any construction activity.
- B. Each application shall include, but not be limited to, the following information:
 - 1. The name and address of the property owner;
 - 2. The name and address of the applicant;
 - 3. The legal description of the parcel;
 - 4. A map drawn to scale showing the dimensions, acreage, location of the parcel, north arrow, streets and adjacent land uses;
 - 5. A complete site plan drawn to a scale of no less than 1" = 40' showing the dimensions and locations of all structures, streets, paving, parking, landscaping, signage, waterways or other significant features of the development;
 - 6. Complete elevation drawings drawn to scale including the dimensions and height of the structure;
 - 7. Signage Plan specifications, location, and ground lighting pattern (applications for signs only—see Section 17.26.050); and
 - 8. Application review fee.
- C. Within fifteen working days following the submittal of a complete application, the planning director, other city designee, or the public works department (in the case of signs) shall issue approval for development or sign or a denial of the application, unless the applicant consents in writing to an extension of the review period. Should the application be denied, the applicant shall be notified in writing specifying the reasons for the denial.

(Ord. 02-31, 2002)

17.26.050 - Definitions.

All terms shall have the same meanings as defined elsewhere in the city zoning ordinance or city signage regulations. The standard dictionary meaning shall be applied to terms not otherwise defined.

(Ord. 02-31, 2002)

17.26.052 - Development standards.

A. Signage.

1. Review Consideration. Signage in the EZD needs to recognize the relationship between adjacent land uses and the natural features of the location such as existing views and proximity to residences. Although signs perform a function in providing information concerning services, products, and business, a profusion of signs produces a cumulative effect that cancels out individual effectiveness and detracts from the appearance of the community as a whole. All signage shall be reviewed with the following considerations and criteria:
 - a. Use of subdued, low-key colors;
 - b. Location, size, and height that do not obstruct views of the community, the river corridor, traditional open spaces, or the mountains;
 - c. Sign is built of permanent, durable materials;
 - d. Size and location avoids or minimizes the sense of clutter with nearby signs;
 - e. The sign is professionally prepared and finished on both sides;
 - f. The location and placement of the sign will not endanger motorists or pedestrians and does not interfere with the clear vision triangle at street, railroad, or street driveway intersections;
 - g. The sign will not cover or blanket any prominent view of a structure or façade of historical or architectural significance;
 - h. The sign will not obstruct views of users of adjacent buildings to side yards, yards or to nearby open space;
 - i. The sign will not negatively impact the visual quality of a public open space such as a recreation facilities, square, plaza, court yard and the like;
 - j. The sign cannot be seen from the Yellowstone River or any city, county or state park or—if it can be seen—it must be located one thousand feet from the boundaries of such spaces.
2. Only one sign is allowed per parcel of record and there shall be at least one thousand feet between signs.
3. A construction permit is required whenever the sign copy is changed and any alterations to the sign are made.
4. Signs shall be limited to one hundred sixty square feet in copy area.
5. Non-conforming signs are required to be brought into compliance with this section within six years from the date of adoption of this ordinance or upon the earliest occurrence of the following events.
 - a. The sign is relocated or replaced;

- b. The structure or size of the sign is altered in any way;
 - c. The sign suffers more than fifty percent appraised damage or deterioration or the sign is taken out of service for any reason, such as being knocked down by weather or other means;
 - d. If any non-conforming sign is abandoned or voluntarily discontinued for a period of one hundred eighty days, any subsequent use must be in conformity with this ordinance. An abandoned sign is a sign which no longer identifies or advertises a bona fide business, lessor, service, owner, product, or activity, and/or for which no legal owner can be found. An abandoned sign is to be removed by the owner within fifteen days of notice from the public works department.
- 6. No portable signs as described in the city signage ordinance are allowed in the EZD.
- 7. Transit Bus Benches. Transit bus benches, with or without advertising, may be placed within the city right-of-way upon application and approval of the ADA coordinator, the transit administrator and in consultation with the public work director. All benches must comply with any applicable city, state, and or/federal standards or regulations. The city may approve a bench provider, with or without advertising, pursuant to its procurement policy, as amended.
- 8. Lighting. All sign lighting must incorporate cut-off shields to direct light downward. Luminaries shall not be visible from adjacent streets or properties. A sign's lighting will not cause hazardous or unsafe driving conditions for motorists and will not glare, reflect, or spill onto adjacent business or residential areas.
- B. Building Design Standards.
 - 1. All buildings shall be completed on all sides with one of the following finishing material: brick, fluted block, colored textured block, glass, stucco, architectural concealed fastener metal panels, exterior insulation and finishing systems (i.e., Dryvit, etc.), stone or wood. Exposed seam metal buildings shall be prohibited unless covered with an acceptable finishing material.
 - 2. Roofs shall be finished with a material that is architecturally compatible in color and design with the construction of the building. Metal roofs, fascia, and mansards shall be limited to the following: standing seam, metal shakes or shingles and architectural metal treatments. All mechanical equipment placed on top of any roof shall be screened by a parapet or other similar architectural apparatus being at least the height of the mechanical equipment. Pitched roofs are encouraged whenever possible.
 - 3. Long, flat facades that front on the interstate highway, First Avenue North or First Avenue South having more than one hundred lineal feet are prohibited. Buildings over one hundred feet in length shall incorporate one of the following: recesses, off-sets, angular forms, landscaping features or other architectural features such as bell towers, clock towers, to provide a visually interesting shape. The break in the facade shall be minimum of eight feet in length. A single uninterrupted length of a facade shall not exceed one hundred lineal feet. It is encouraged that each offset area contains landscaping or other similar amenities which will complement the offset area.
- C. Additional Provisions for Commercial Uses.
 - 1. Storage of Merchandise. Any permitted storage of merchandise outside an approved building shall be within an area enclosed with a sight obscuring fence at least six feet in height that is architecturally compatible in color and design with the building. However, promotional

displays, vehicle sales lots and plant materials may be displayed outside of an approved building or enclosed area so long as they are placed appurtenant to a building wherein the business displays the bulk of its goods for sale. In addition, retail nurseries shall be exempt from the enclosure of plant materials, and displayed merchandise shall not include any used equipment. Bufferyards or required landscaping shall not be used for the displaying of merchandise.

2. Site Lighting. All outdoor lighting shall be designed, located and mounted at heights no greater than eighteen feet above grade for non-cutoff lights and thirty-five feet above grade for cutoff lights. All outdoor lighting shall be designed and located such that the maximum illumination measured in foot-candles at the property line shall not exceed three-tenths foot-candle for non-cutoff lights and three foot-candles for cutoff lights.
3. Storage of Junk. No person shall store junk, partially or completely dismantled vehicles, or salvaged materials in any commercial zone outside a building. In the case of automobile repair shops, such materials must be enclosed within a building or an area having a sight-obscuring fence at least six feet in height.
4. Solid Waste Area. All solid waste storage facilities shall be located within an area enclosed with a sight-obscuring fence or wall that is architecturally compatible in color and design with the building.

D. Cell Towers.

No wireless communication facilities are allowed in the entryway zone.

(Ord. 02-31, 2002)

(Ord. No. 011-07, 6-7-2011; Ord. No. 016-02, 2-2-2016)

17.26.054 - Landscaping standards.

Landscaping in the form of trees, shrubs, and groundcover serve several purposes: The softening of harsh building forms and paved areas, the absorption of ground water, the reflection of seasonal color change, the provision of sound barriers (such as around utility substations or industrial yards), and urban wildlife habitat.

A. Landscaping Definitions.

Canopy Tree. A species of tree which normally bears crown foliage no lower than six feet above ground level upon maturity. Minimum size of canopy trees shall be two and one half inches in caliper.

Evergreen Tree or Shrub. A tree or shrub of a species which normally retains leaves / needles throughout the year. Minimum size of evergreen trees shall be five feet in height.

B. Landscaping.

1. Bufferyard Requirements. All commercial/Industrial land uses are required to place a bufferyard (landscaping strip) adjacent to and along the length of I-90, First Avenue North, or First Avenue South on which the use fronts. Such landscaping buffer shall extend from the edge of the public right-of-way. Placement and landscaping design shall be at the discretion of the developer, and the required trees and shrubs may be clustered to enhance the view of the

property from the public right-of-way as long as such uses conform with Section 17.26.052(C) of this code. A local design professional or local nursery must be consulted for assistance with the development of the landscape design. The use of native, drought-tolerant plant material is strongly encouraged. Evergreen trees are encouraged for bufferyards, and canopy trees are encouraged for parking areas. The planting of trees should be done in such a manner as to provide maximum solar efficiency throughout the site.

- a. The developer shall have the option of one of the following three bufferyards. Bufferyard depth is measured from the property line adjacent to the public right-of-way inward. Any buffer area which overlaps another buffer area shall be subtracted from the total to avoid double counting. The number of trees and shrubs required is per one hundred feet of frontage:

- (1) Twenty-five foot wide bufferyard: five Canopy or evergreen trees, ten Shrubs
- (2) Twenty foot wide bufferyard: ten Canopy or evergreen trees, fifteen Shrubs
- (3) Fifteen foot wide bufferyard: fifteen Canopy or evergreen trees, twenty Shrubs

- b. The following criteria shall also apply to the bufferyards.

- i. The landscape strip may be contoured. Berming shall be one foot of rise to four feet of run with a minimum of three feet in height. Depressions shall be no lower than the existing grade of the site.
- ii. All landscaped areas shall contain ground cover such as sod, shrubs, flowerbeds, or organic materials. No more than ten percent of the landscaped area shall contain rock, bark chips, stepping stones, or similar material.
- iii. All landscaped areas shall be sub-irrigated, maintained, and kept free of weeds, debris, and litter. Failure to do so constitutes a zoning violation. Existing mature trees and shrubs should be preserved and will be credited toward landscaping requirements.
- iv. Depth of bufferyard shall depend on density of vegetation.
- v. All new utility lines shall be placed underground.
- vi. New tree plantings shall not be constructed so as to grow into existing overhead utility lines.

C. Off-Street Parking Lot Landscaping.

Landscaping shall be provided within all parking areas as follows:

Parking lots containing more than ten spaces shall contain internal areas of landscaping totaling at least ten percent of the parking area. Each planting area shall contain at least three hundred square feet and at least one major tree and groundcover with irrigation. There must be a clearly designated pedestrian route from the parking lot to the street or main entrance.

- 1. A minimum of twenty square feet of landscaped area shall be provided for each parking space on parking lots containing more than ten spaces.
- 2. Two canopy and/or evergreen trees and five shrubs shall be required for every ten parking spaces or component thereof over ten parking spaces.

3. All landscaped areas shall contain ground cover such as sod, shrubs, flowerbeds or organic materials. No more than twenty-five percent of the landscaped area shall contain rock, bark chips, stepping stones or similar material.
4. The minimum width and/or length of any parking lot landscaped area shall be five feet.
5. Internal parking lot landscaping provided shall be proportionately dispersed, at the developer's discretion, in order to define aisles and limit unbroken rows of parking. The maximum horizontal or vertical unbroken length shall be limited to one hundred feet. Landscaped areas provided shall be in a scale proportionate to parking lot.
6. Any development that has parking abutting a required bufferyard, may extend the width of parking landscaping plant material. The minimum bufferyard width and that bufferyard a minimum of five feet and include the additional required landscaping material is required in addition to the parking landscaping.
7. Protection of Landscaped Areas. Landscaped areas within parking lots or the along perimeter of the property must be protected from vehicular traffic through the use of continuous concrete curbs, extruded asphalt or other approved permanent barriers.
8. All new utility lines shall be placed underground.

D. Commercial Uses Abutting Residential Uses.

All commercial uses abutting residential uses shall install a bufferyard. The bufferyard shall be ten feet wide and shall contain ten evergreen and/or canopy trees and ten shrubs per one hundred lineal feet. A solid fence or wall that is architecturally compatible in color and design with the building shall be required on the property line. The fence height shall be a minimum of six feet. Chain link or other wire fencing material is prohibited.

E. Fractions in the Calculation of Number of Trees and Shrubs.

In the calculation of trees and shrubs for bufferyards or parking landscaping, all fractions shall be rounded to the nearest, highest whole number.

(Ord. 02-31, 2002)

Chapter 17.27 - SE 4TH STREET OVERLAY DISTRICT

Sections:

17.27.010 - Intent.

The city of Laurel hereinafter ("city"), in collaboration with the Laurel Urban Renewal Agency, prepared the following set of regulations to preserve and protect the unique nature of the SE 4th Street corridor of the city of Laurel. These regulations are intended to promote, preserve, and enhance the character of the built environment while encouraging a cohesive identity.

In addition to building construction, further elements include, but are not limited to parking and pedestrian connectivity requirements, landscaping, and signage.

This district's requirements are in addition to the existing zoning ordinances found in Title 17 of the Laurel Municipal Code (LMC). Single-family and two-family residential uses in the district are exempt from the provisions herein.

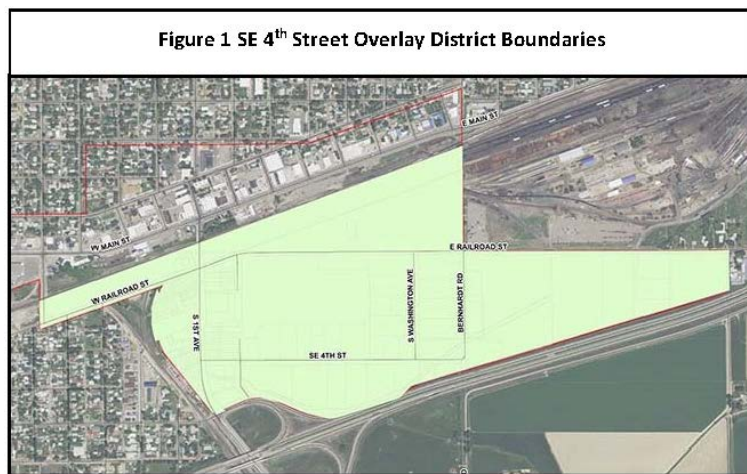
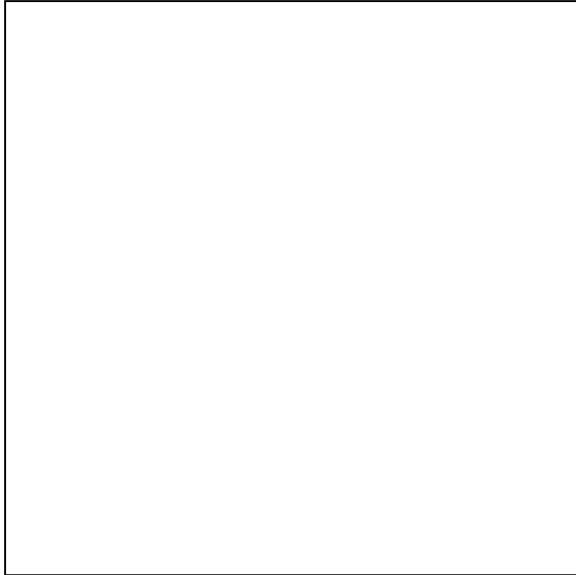
The intent of this section is to:

- A. Promote a physical landscape to make the district an attractive place to live and work;
- B. Encourage creativity in design and quality site planning;
- C. Promote development patterns in coordination with the goals and objectives of the city's growth management plan;
- D. Provide consistency to land uses and design that will protect the investment of property owners in the district.

(Ord. No. O15-04, 5-5-2015)

17.27.020 - District boundaries.

The boundaries of the District are identified in Figure 1.



(Ord. No. O15-04, 5-5-2015)

17.27.030 - Application and approval process.

- A. All building permit applications shall be submitted to the city's building official. All permit applications must be submitted and signed by the property owner or the authorized agent of the property owner. An approved building permit is required prior to any construction activity.
- B. Each building permit application must include, but not be limited to, the following information:
 - 1. The name and address of the property owner;
 - 2. The name and address of the applicant;
 - 3. The legal description of the parcel;
 - 4. A map drawn to scale showing the dimensions, acreage, location of the parcel, north arrow, streets and adjacent land uses;
 - 5. A complete site plan drawn to a scale of no less than 1"=40' showing the dimensions and height of the structure;

6. A Complete elevation drawing drawn to the scale 1"=40' including the dimensions and height of the structure;
 7. If applicable, signage plan specifications, location and ground lighting pattern; and
 8. Payment of application review fee.
- C. Within fifteen working days following the submittal of a complete application, the planning director, designee, or the public works department (in the case of signs) shall issue approval for development or a denial of the application, unless the applicant consents in writing to an extension of the review period. Should the application be denied, the applicant shall be notified in writing specifying the reasons for the denial. (Ord. No. 002-31,2002)

(Ord. No. O15-04, 5-5-2015)

17.27.040 - Nonconformance.

- A. Any lawful characteristic of the properties existing prior to the effective date of the ordinance that would not be a permitted characteristic under these regulations is declared to constitute a nonconforming characteristic.
- B. Nonconforming structures shall not be enlarged, extended, reconstructed, or structurally altered in an amount greater than fifty percent of its assessed valuation, unless the characteristics of the building are changed to comply with the appropriate regulations.
- C. If any nonconforming structure is damaged by an event including, but not limited to, fire, flood, explosion, wind, or war, in an amount equal to or greater than fifty percent of its assessed valuation, reconstruction must comply with the appropriate regulations. In addition, repair and maintenance may be carried out each year in an amount not to exceed twenty-five percent of the assessed valuation of the structure for that year.
- D. A nonconforming structure may continue pursuant to these regulations, but it shall not be changed in any way except to conform to the regulations herein.

(Ord. No. O15-04, 5-5-2015)

17.27.050 - Definitions.

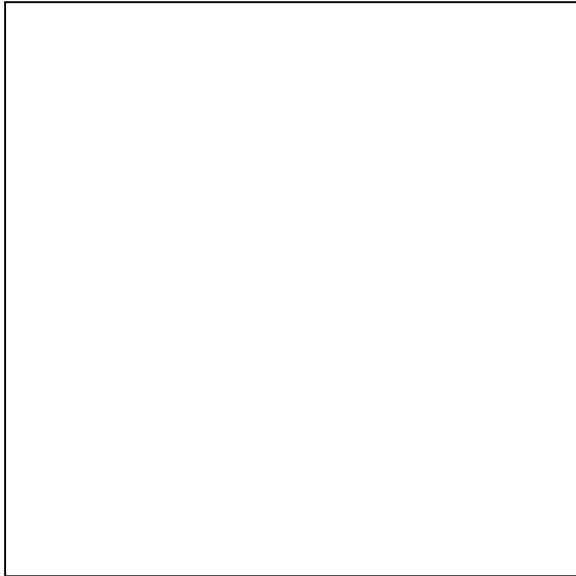
All terms shall have the same meanings as defined elsewhere in the city zoning ordinance or city signage regulations. For purposes of this title, certain words and terms used herein are defined in this chapter.

- A. "Architectural design elements" means an architectural feature consisting of a decorative, three dimensional element, horizontal or vertical, protruding or indented at least two inches from the exterior façade of a building typically utilized to provide additional aesthetic relief to a façade.
- B. "Façade" means the exterior face of a building, including but not limited to the wall, windows, windowsills, doorways, and design elements such as expression lines.
- C. "Front façade" means any building face adjacent to the street. In the case of a corner lot, the front façade is the face that the building is addressed.
- D. "Lot line, front" means the boundary abutting a right-of-way, other than an alley, from which the required setback or build-to zone is measured. The front lot line shall be to the street to which the building is addressed.
- E. "Lot line, side" means the boundary line adjacent to the front lot line and may or may not abut a right-of-way depending on lot location from which the required setback or build-to zone is measured.

(Ord. No. O15-04, 5-5-2015)

17.27.060 - Building design requirements.

- A. Exterior materials shall be sufficiently durable to ensure stability, maintainability, and long life. The materials to achieve a rustic western appearance are required. Buildings shall be finished with a minimum 40 percent half log and/or rock accents on the front façade.
- B. Structures not located along SE 4th street are excluded from the forty percent threshold.
- C. Architectural design elements are required on the front façade. Permitted design element materials include any finish of wood, wood timbers or wooden logs.



Architectural Design Element: The wooden timbers in front of the buildings are a prime *example of the required design element.*

(Ord. No. O15-04, 5-5-2015)

17.27.070 - Site design requirements.

- A. Inter-site circulation is required to provide for orderly and appropriate vehicular traffic between adjacent properties. This will also limit the number of necessary approaches on busy roadways.
- B. Parking exceeding the minimum requirement is discouraged.
- C. Landscape islands are required at the terminal ends of all parking rows.
- D. Pedestrian connectivity from parking areas to buildings shall be provided by interior sidewalks or designated, striped pedestrian crossings.
- E. Shared parking is encouraged when property owners have a written agreement as to the terms of the shared parking. The written agreement is not subject to approval by the city but should be presented if it is applicable to meeting off-street parking requirements. See Figure 2.

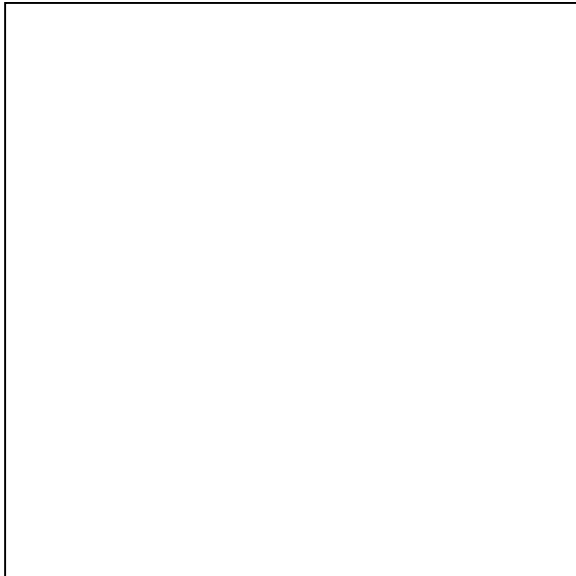
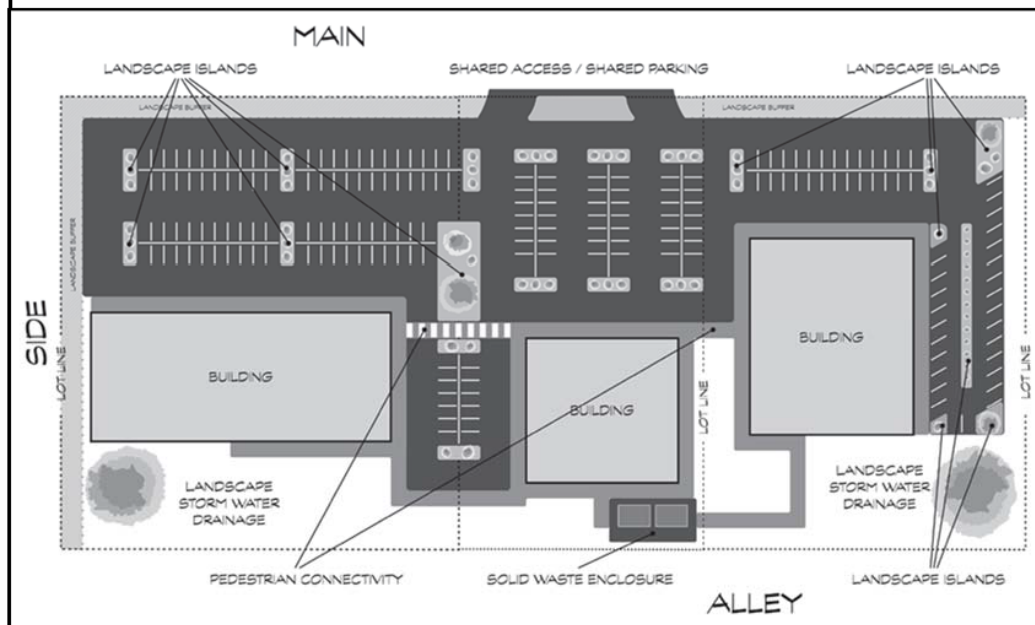
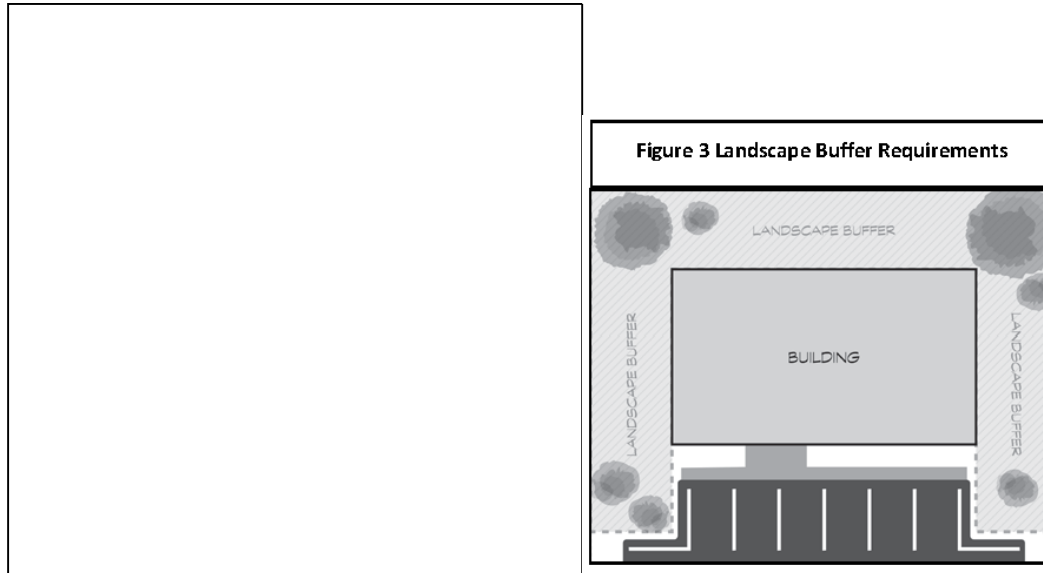


Figure 2 Parking Requirements



- F. Landscaping must be an integral part of the site design. A landscape buffer is required as part of any site development. The buffer shall be designed to provide both screening and aesthetic effect. See Figure 3.



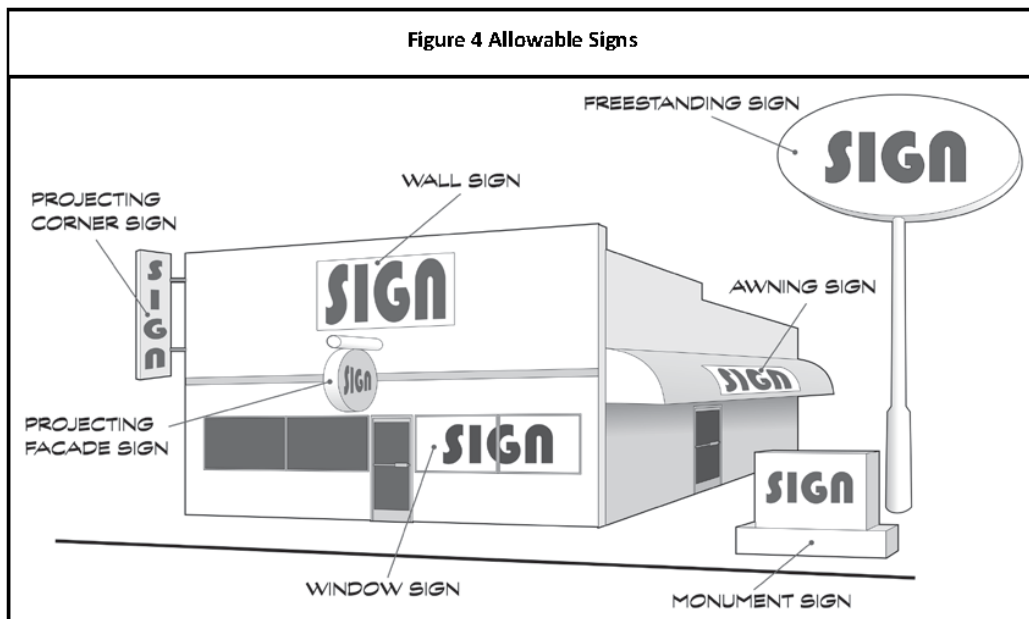
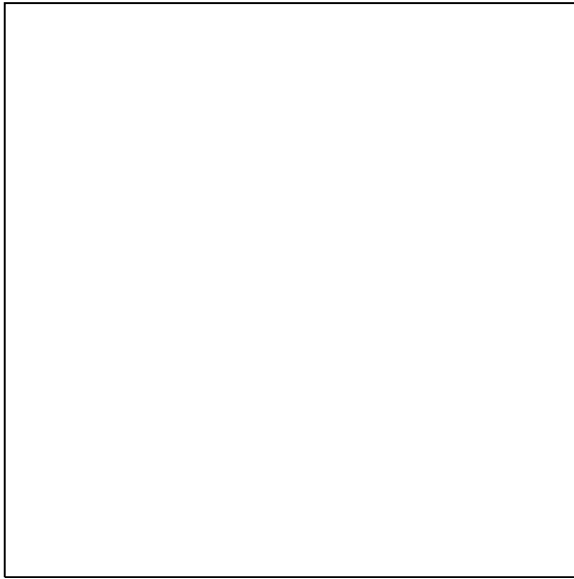
- G. Landscaping should be of an indigenous species or one that is acclimated to the city's climate.
- H. Landscaping shall include a mix of plants, shrubs, sod and trees. A minimum of fifty percent of the trees shall be at least 2.5 inch in caliper size.
- I. Landscaping shall not interfere with clear vision requirements.
- J. If a property is located in this district and the entryway zoning district, parking and landscape requirements of the entryway zoning district shall apply.

(Ord. No. O15-04, 5-5-2015)

17.27.080 - Signage requirements.

Laurel Municipal Code Chapter 17.42 governs signage within the city of Laurel. Exceptions to LMC 17.42 occur only when a property is located in a special zoning district. If a property is located in this District and the Entryway Zoning District, signage requirements of the Entryway Zoning District shall apply.

- A. Allowable sign types include wall signs, window signs, awning signs, corner projecting signs, and projecting signs. See Figure 7.



- B. Illumination is encouraged to be internal. When external illumination is used, it must be focused only upon the sign face and must have cut off shields to prevent light spillage.
- C. Any projecting or corner projecting sign shall not extend above the roofline of the attached building.
- D. Any wall sign shall not exceed 30 percent of the area of any building façade.
- E. Electronic message boards are not permitted in this district.

(Ord. No. O15-04, 5-5-2015)