

Motion failed
2-6

RESOLUTION NO. R17-02

**RESOLUTION OF ANNEXATION AND APPROVAL OF ZONE CHANGE FOR
LOTS 19-25, NUTTING BROTHERS SUBDIVISION, 3RD FILING, TO THE
CITY OF LAUREL, YELLOWSTONE COUNTY, MONTANA.**

WHEREAS, a Petition has been filed with the City of Laurel by and through an authorized agent of the owner of Lots 19-25, Nutting Brothers Subdivision 3rd Filing, hereinafter ("petitioner") seeking annexation to the City of Laurel and a zone change from Residential Tracts to Residential Manufactured Homes as provided by the Laurel Municipal Code; and

WHEREAS, Petitioner constitutes the owner of the entire property proposed to be annexed, as described below; and

WHEREAS, the Laurel City-County Planning Board reviewed the Petition for Annexation and request for a zone change at a duly advertised public hearing that was held on December 1, 2016; and

WHEREAS, the Laurel City-County Planning Board heard testimony from Petitioner and his Agents who spoke as proponents of the requests and testimony from individuals who resided near the proposed annexation area; and

WHEREAS, based on the evidence and testimony provided at the hearing the Laurel City-County Planning Board approved a motion to recommend a conditional approval of annexation and zone change to the Laurel City Council by a 3-0 vote with 2 members recusing themselves from the vote; and

WHEREAS, the City Council of the City of Laurel has determined that it is in the best interest of the City and the inhabitants thereof, and of Petitioner, that the following described territory be annexed to the corporate limits of the City of Laurel, with the requested zone change, only if an Annexation Agreement that contains all the conditions and requirements for future development is negotiated, executed and approved by the City and Property Owner.

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

1. Pursuant to MCA Section 7-2-4601 et. seq. the incorporated boundaries of the City of Laurel shall be and the same hereby is extended and/or expanded to include the territory described herein.
2. Petitioner has executed a petition seeking annexation of the property described herein.
3. The following described territory is hereby annexed to the City of Laurel:

Nutting Bros 3rd Filing, S10, T02 S., R24 E, Lots 19-25 according to the records on file and of record in the office of the Clerk and Recorder of Yellowstone County.

4. That the zoning designation of the above-described property shall change from Residential Tracts to Residential Manufactured Homes upon recording of this Resolution and the Zoning Map for the City of Laurel shall be modified to reflect the zone change.
5. The Owner of the Property shall provide the City of Laurel a signed Annexation Agreement that contains all the terms, conditions and obligations required for the herein described property's annexation into the City of Laurel.
6. Upon receipt of the executed Annexation Agreement, this Resolution shall be incorporated into the official minutes of the City Council, and upon said incorporation, the City Clerk-Treasurer shall file a true and correct, certified copy of this Resolution and of said minutes with the Yellowstone County Clerk and Recorder.
7. From and after the date that the City Clerk-Treasurer files such certified copy of this Resolution and of the Council minutes in the office of the Yellowstone County Clerk and Recorder, this annexation of the above-described territory to the City of Laurel shall be deemed complete and final.

Introduced at a regular meeting of the City Council on January 3, 2017, by Council Member Nelson.

PASSED and APPROVED by the City Council of the City of Laurel this 3rd day of January, 2017.

APPROVED by the Mayor this 3rd day of January, 2017.

CITY OF LAUREL

Mark A. Mace, Mayor

ATTEST:

Bethany Keeler, Clerk/Treasurer

Approved as to form:

Sam S. Painter, Civil City Attorney



LAUREL CITY-COUNTY PLANNING DEPARTMENT

STAFF REPORT

TO: Laurel City Council
FROM: Noel Eaton, City Planner
RE: Application for Annexation and Zone Change
HEARING
DATE: January 3, 2017

INTRODUCTION:

In August 2016, Propriedad, LLC submitted a petition for the annexation of lots 19-25, Nutting Bros 3rd Filing. The subject property is located north of Eleanor Roosevelt Drive and west of Yard Office Road. The property is adjacent to the City of Laurel.

HISTORY:

- April 7th 2016 Rob Morehead and Propriedad LLC went before the Planning Board for approval of a zone change from Residential Tracts to Residential Manufactured Homes.
- The Planning Board recommended approval with a 3-1 vote with 1 abstention
- May 17th 2016 the Yellowstone County Commissioners held a public hearing to approve the zone change.
- The Commission voted to deny the zone change with a 3-0 vote.
- December 1, 2016 the application for Annexation and Zone Request went before the Planning Board at a public hearing. The Board voted to approve the application with staff report and suggested conditions of approval with a 3-0 vote with two abstentions.

STAFF FINDINGS:

1. Propriedad LLC is requesting the annexation of the property identified above. The property is zoned Residential Tracts. The applicant is requesting a zoning change to Residential Manufactured Homes.
2. The property is approximately 30 acres.
3. The property owner, Carl Brenden, has provided a letter to the Planning Board and City Council.
4. The lot is currently vacant and the proposed use would be a mobile home park (Development for Rent or Lease).

5. The property is located along Yard Office Road which is classified by MDT as a Primary and Urban Route
6. The property is in close proximity to E Maryland, classified as an Urban Route.
7. Adjacent to the property to the north is an 80 foot County Park dedicated by the Nutting Bros subdivision.
8. North of the property and County Park land is the Nutting Drain.
9. The City of Laurel Growth Management Plan describes the area of town where this property is located as “**East Side:** This portion of the City is currently developed and holds much of the older housing stock. It is mostly developed with single-family homes with pockets of manufactured homes.”
10. The City of Laurel, Montana Projected Population and Demand for Housing shows that with a .75% population increase the population would increase 521 people and require an addition 221 units by 2020
11. With a 1.0% population increase by 2020, there would be an additional 703 people and a demand for 299 units.
12. As per the annexation policy requirements adopted by Ordinance No. O08-02, the planning board shall conduct a public hearing and forward a recommendation to the City Council.

ANNEXATION CRITERIA AND REQUIREMENTS

A: The City Council shall consider the following criteria when it receives a written petition for annexation:

- The property must be located within an area identified by city staff as a location for future city annexation or annexation of the property will promote orderly growth of the city to protect the health, safety and welfare in areas intensely utilized for residential, commercial, institutional and governmental purposes.
- The city must be able to provide adequate city services within a time period mutually agreed to by the property owner requesting annexation and the city;
- Existing or proposed public improvements within the area to be annex must meet all city standards. If the public improvements are not constructed at the time of annexation, the property owner shall provide the city a bond or letter of credit that equals 125% of the estimated engineering costs for the construction of improvements. If the property owner fails to construct the improvements or to obtain the agreed upon engineering, the city shall utilize the bond or letter of credit to pay for the construction, including engineering; In accordance with GASB-34, the Developer of Landowner shall provide the city the total cost and/or value of the improvements including, but not limited to, parks, sidewalks, curb and gutter, lift stations, and sewer and water lines, that are conveyed to the city;
- All property owners within the area to be annexed must sign a Waiver of Right to Protest the creation of Special Improvement Districts for engineering and construction of improvements including, but not limited to, streets, sidewalks, curb and gutter and the creation of a Park Maintenance District, in a form acceptable and approved by the city;
- Residential densities within the area to be annexed must be rezoned at a minimum density of R-7500; and
- The proposed land use within the area to be annexed must conform to the goals of the Laurel Yellowstone City-County Planning Board Growth Policy.

B: The City Council may decide to either condition the approval of the annexation in order to meet the criteria listed in Section A herein or require an annexation agreement. The conditions of approval must be clearly stated in the resolution of annexation or if required, the annexation agreement. If the property to be annexed is not developed, the conditions of approval or annexation agreement shall include a requirement for:

- A development agreement prior to the issuance of a building permit;
- A subdivision improvements agreement at the time of final plat approval, if applicable and
- An executed Waiver of Right to Protest creation of Special Improvement Districts for engineering and construction of improvements including, but not limited, streets, sidewalks, curb and gutter and the creation of a Park Maintenance District, in a form acceptable and approved by the City.

SUGGESTED CONDITIONS OF APPROVAL

1. In the event public improvements have not been completed at the time a building permit is applied for, the applicant shall provide a development agreement.
2. If the public improvements are not constructed at the time of annexation, the property owner shall provide the city a bond or letter of credit that equals 125% of the estimated engineering costs for the construction of improvements. If the property owner fails to construct the improvements or to obtain the agreed upon engineering, the city shall utilize the bond or letter of credit to pay for the construction, including engineering; In accordance with GASB-34, the Developer of Landowner shall provide the city the total cost and/or value of the improvements including, but not limited to, parks, sidewalks, curb and gutter, lift stations, and sewer and water lines, that are conveyed to the city.
3. A waiver of right to protest shall be executed and filed with the Clerk and Recorder at the time of annexation approval.
4. A major preliminary plat application shall be submitted.
5. A Subdivision Improvements Agreement shall be executed with Preliminary and Final Plat approval.

PLANNING BOARD RECOMMENDATION & STAFF UPDATE

The Laurel City Council Planning Board held a public hearing on December 1st, 2016. The Board recommended to approve the Annexation and Zone Change of Residential Manufactured Homes with a 3-0 vote with 2 abstentions.

There were 2 proponents including the developer and his agents and 7 opponents.

- There were several people from the public that were concerned about the water and sewer capacity and if the plants the City has are able to handle a development of this size.
 - Kurt Markegard, Public Works Director spoke regarding the proposed development. There are sufficient water and sewer lines in the area. There is no problem with the sewer plant as have the capacity since recently undergoing a \$6 million dollar upgrade. A 4th lift station will have to be installed to be able to serve the new development.
 - The Water Plant is in the middle of an update to the intake pier and there will be no problem supplying the development with water.

- There are concerns about the traffic on East 8th Street, Eleanor Roosevelt, Yard Office, and E Maryland Lane.
 - Noel stated that there will be an entire traffic study done with the subdivision application. At this time, traffic concerns cannot be answered until we are able to move forward with reviewing the detailed studies within the subdivision application.
- Concerns regarding emergency services, their response and their capacity as well as overall safety concerns regarding the nature of this development.
 - Laurel Police Chief Rick Musson came forward to speak on the issue of public safety for this development. He talked with the developer and this is a private property like Sunhaven Trailer Court. The Police Department cannot do parking or traffic control inside the development unless it's a DUI or reckless driving. But they can do criminal cases. Any change to number of city resident's makes an impact on the Laurel Police Department.
 - Rick went on to say he has been in Alder Ridge many times and sees the messes people make of their property. They have calls in Alder Ridge from time to time. But they are not dealing with Alder Ridge all of the time. And when they are dealing with Alder Ridge it is just certain people. Every neighborhood can pinpoint a particular person or people that are problem children. This happens in every part of Laurel whether it is in the high or lower end of the community. This happens in all communities because human nature causes it. There is no way to know what the impact will be in 20 years or in a year. Adding one residence can make an impact on his already small department. He can say that he knows they won't be at all 220 units (in this development) each day. But it will make an impact on the roads and traffic control. Twenty years ago no one would have ever thought there would be traffic jams in the city of laurel but we have them happening now. The higher traffic is the result from new developments both inside and outside of the city limits. Whether the homes are stick built or manufactured homes they are going to make an impact on public services. He went on to say that Laurel will grow and he understands that it causes impact.
 - Laurel Fire Chief Brent Peters spoke. He stated that 220 units could be 220 fire calls, CO2 calls, 220 ambulance calls. He doesn't know what the impact will be. Alder Ridge has not created any substantial statistics on the fire side of services in the past years. On the ambulance side of services there is a large amount of calls but he feels it is due to the quality of living. He doesn't see that happening in this development if it is designed like the developers have said it will be.
- Does the Laurel School District have the capacity to handle a development of this size?
 - Noel stated that she is not able to say much regarding the school system. She is aware that the district does have an Educational Facilities Planning committee that is looking at what the school system already has, what is needed, and what they can do to accommodate the amount of students they have. She will be in contact with Linda the school district Superintendent.





(County Park Land)

