

**RESOLUTION NO. R17-14**

**RESOLUTION OF ANNEXATION AND APPROVAL OF ZONE CHANGE  
FOR THE PROPERTY LOCATED AT 202 8<sup>TH</sup> AVENUE, CITY OF LAUREL,  
YELLOWSTONE COUNTY, MONTANA.**

WHEREAS, the property owner ("Petitioner") submitted a Petition with the City of Laurel seeking annexation to the City of Laurel and a zone change from Residential Tracts to Residential Multi-Family 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 requested zone change at a duly advertised public hearing that was held on April 6, 2017; and

WHEREAS, the Laurel City-County Planning Board conducted the public hearing and no opposition was presented to the annexation request. One letter of opposition to the zone change was submitted into the record; and

WHEREAS, based on the evidence and testimony provided at the hearing the Laurel City-County Planning Board unanimously approved recommending approval of the annexation request as well as the requested zone change, subject to the conditions contained in the Staff Report to the Laurel City Council

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 the conditions contained in the Staff Report dated May 2, 2017, attached hereto and incorporated herein, are satisfied by the 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-Part 46 the incorporated boundaries of the City of Laurel shall be and the same hereby is extended and/or expanded to include the territory described in the petition for annexation as additionally described below.
2. The owner of record of the territory annexed to the City of Laurel has executed a petition seeking such annexation.
3. The following described territory is hereby annexed to the City of Laurel:

That part of the SE1/4 of Section 8, Township 2 South, Range 24 East, M.P.M., Yellowstone County, Montana, described as follows:

From the East end of the Center line of Section 8, Township 2 South, Range 24 East, thence West 60 feet, thence South 1,509 feet to the point of beginning, thence West 288 ½ feet,

thence South 377 feet, thence East 288 ½ feet, thence North 377 feet to the point of beginning.

EXCEPTING therefrom the following:

Parcel No. 17 on Montana Department of Transportation Project STPU 6905 (5), as shown on the Right-of-Way plan for said project recorded in the office of the County Clerk and Recorder of Yellowstone County, Montana. Said Parcel is also described as a tract of land in the SE1/4SE1/4 of Section 8, Township 2 South, Range 24 East, P.M.M., Yellowstone County, Montana, as shown by the shaded area on the plat, consisting of 2 sheets, attached to the Bargain and Sale Deed recorded July 10, 2009, under Document No. 3515722.

4. That the requested zone change from Residential Tracts to Residential Multi-Family of the above-described property is hereby approved. The Official Zoning Map for the City of Laurel shall be amended to reflect such change.
5. The Petitioner shall complete and satisfy all of the conditions contained in the Staff Report dated May 2, 2017, attached hereto and incorporated herein, before the annexation is finalized by recording the Resolution.
6. 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 so long as the conditions of approval are satisfied.
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.


PASSED and APPROVED by the City Council of the City of Laurel this 2<sup>nd</sup> day of May, 2017.

APPROVED by the Mayor this 2<sup>nd</sup> day of May, 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: May 2<sup>nd</sup> 2017

#### INTRODUCTION:

Mark Allen submitted a petition for the annexation of 202 8<sup>th</sup> Avenue legally described as Sec 8, T25, R24 E, SENESESE4 less .15ac HWY. The subject property is located on the west side of 8<sup>th</sup> Avenue between W 2<sup>nd</sup> Street and W 3<sup>rd</sup> Street. The property is adjacent to the City of Laurel.

#### HISTORY:

- In February 2017 the applicants agent and staff had a pre-application meeting
- Notices were sent to the Laurel Outlook and adjacent property owners 15 days prior to the public hearing.
- The Planning Board held a public hearing on April 6<sup>th</sup> 2017. There were no opponents and one written letter of opposition for the zoning classification of Residential Multi Family.
- The Planning Board recommended unanimously to approve the application for annexation and request for zoning of Residential Multi Family, staff report, staff findings, and recommended conditions of approval.

#### STAFF FINDINGS:

1. Mark Allen is requesting the annexation of the property identified above. The property is zoned Residential Tracts. The applicant is requesting a zoning change to Residential Multi-Family.
2. The property is approximately 2.35 acres.
3. The lot is currently vacant with a vacant single family residence located in the SE corner of the parcel.
4. The proposed use would be approximately 18 townhomes created by master site plan and deceleration of unit ownership.
5. The property is located along 8<sup>th</sup> Avenue which is classified by MDT as an Urban Route

6. Adjacent Zoning:
  - a. North= R-6,000 (City)
  - b. South=Residential Multi-Family (City)
  - c. East= R-6,000 (City)
  - d. West= Residential Tracts (County)
7. This is the final remaining parcel along 8<sup>th</sup> Avenue that still remains within Yellowstone County. Annexation of this property will create City limits along the entire length of 8<sup>th</sup> Avenue.
8. 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. A vote was taken on the motion to approve the annexation request for 202 8<sup>th</sup> Avenue with staff report, staff findings and staff suggested conditions of approval. The motion carried by a vote of 5 – 0.

## 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.

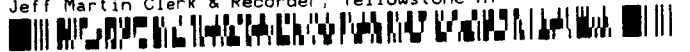
B: The City Council may decide to either condition the approval of the annexation in order to meet the criteria listed in Section A herein or require an annexation agreement. The conditions of approval must be clearly stated in the resolution of annexation or if required, the annexation agreement. If 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. An exempt lot line adjustment survey must be submitted to the Planning Department to ensure ROW dedication on W 3<sup>rd</sup> Street, 8<sup>th</sup> Avenue, and W 2<sup>nd</sup> Street.



CERTIFICATE

Office of the City Clerk-Treasurer  
Laurel, Montana

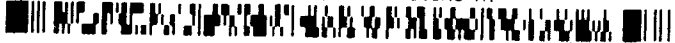
State of Montana )  
County of Yellowstone ) ss.  
Laurel, Montana

I, Bethany Keeler, duly appointed and qualified City Clerk/Treasurer of the City of Laurel, Yellowstone County, do hereby certify that the foregoing is a true and correct copy of the original Resolution No. R17-14, passed by the City Council of the City of Laurel, and approved by the Mayor on the 2<sup>nd</sup> day of May, 2017, which said Resolution is on file in the office of the Laurel City Clerk-Treasurer.

  
\_\_\_\_\_  
City Clerk-Treasurer

(SEAL)



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CITY OF LAUREL

  
Mark A. Mace, Mayor

ATTEST

  
Bethany Keeler, Clerk/Treasurer

Approved as to form

  
Sam S. Painter, Civil City Attorney