

RESOLUTION NO. R19-44

**A RESOLUTION APPROVING THE FINAL PLAN AND ANNEXATION OF
REGAL COMMUNITY PARK, LEGALLY DESCRIBED AS NUTTING BROS. 2ND
FILING, S10, T02S, R24E. LOTS 7&8, AN ADDITION TO
THE CITY OF LAUREL, MONTANA**

WHEREAS, the City Council of the City of Laurel approved the preliminary plan, and annexation of Regal Community Park, as described below, An Addition to the City of Laurel, Montana on May 2, 2017 under Resolution No. R17-13 subject to conditions.

WHEREAS, such conditions for approval were as follows:

1. The property shall be annexed into the City of Laurel.
2. 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.
3. A Subdivision Improvements Agreement shall be executed with Final Plan approval.
4. A waiver of right to protest shall be executed and filed with the Clerk and Recorder at the time of annexation approval.
5. There shall be Right-of Way of 27 feet surveyed and filed under MCA exemption 76-3-201(h) for the remainder ROW dedication for Date Avenue prior to final plan.
6. There shall be Right-of Way of 40 feet surveyed and filed under MCA exemption 76-3-201(h) for the remainder ROW dedication for East Maryland Lane prior to final plan.
7. All public improvements shall be built to Montana Public Work Standards and to the specifications made in the Subdivision Improvements Agreement provided with the application for preliminary plan.
8. Water and sewer connections must be approved by the Public Works Director prior to final plan.
9. A stormwater management plan must be approved by MDEQ before final plan.
10. To minimize effects on local services, utility easements shall be provided on the final plan.
11. To minimize the effects on local services, a centralized mailbox unit shall be provided as coordinated by the U.S. Postal Service along the north side of East 8th Street. There shall also be a concrete pad.
12. To minimize the effects on local services, as requested from the Laurel Fire Department, no parking signs shall be provided by the developer and installed in front of all fire hydrants.
13. Minor changes may be made in the SIA and final documents, as requested by the Planning, Legal or Public Works Department to clarify the documents and bring them into the standard acceptable format.
14. To minimize the effects on the natural environment, a weed management plan and property inspection shall be approved by the County Weed Department, prior to final plan approval.
15. Cash in lieu of parkland shall be received with final plan approval.
16. If City of Laurel solid waste services are used, a plan must be approved by the Public Works Director.
17. The final plan shall comply with all requirements of the Laurel-Yellowstone City-County Planning Area Subdivision Regulations, rules, policies, and resolutions of the City of Laurel, and the law and Administrative Rules of the State of Montana.

WHEREAS, the final plan and annexation is in the best interest of the City of Laurel since all the conditions listed herein have been satisfied.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Laurel, Montana that the final plan and concurrent annexation of Regal Community Park, An Addition to the City of Laurel, is hereby approved and is subject with the following:

Section 1: After the final plan and supporting documentation have been reviewed for compliance and signed off on by City staff, and after the Resolution approving the final plan and annexation have been approved by the City Council, the City Clerk-Treasurer shall file a certified copy of this resolution and official minutes of the City Council with the Yellowstone County Clerk and Recorder.

Section 2: The city hereby annexes the land described as follows:

Nutting Bros. 2nd Filing, being Lot 7 and 8 of, Nutting Bros 2nd Filing, S10, T02 S, R24 E, Yellowstone County, Montana.

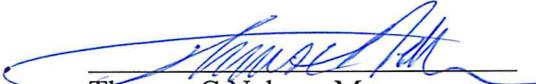
Section 3: Pursuant to MCA §7-2-4211, the annexation specifically includes the full width of any public streets or roads, including the rights-of-way, that are adjacent to the property being annexed.

Introduced at a regular meeting of the City Council on August 20, 2019 by Council Member Herr.

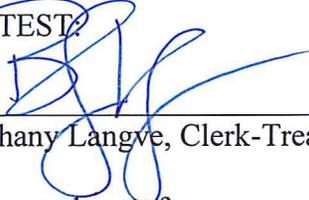
PASSED and APPROVED by the City Council of the City of Laurel this 20th day of August 2019.

APPROVED by the Mayor this 20th day of August 2019.

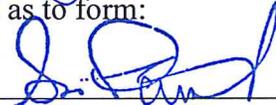
CITY OF LAUREL


Thomas C Nelson, Mayor

ATTEST:


Bethany Langve, Clerk-Treasurer

Approved as to form:


Sam Painter, Legal Counsel

In Site Engineering, P.C.

4118 Woodcreek Dr
Billings, MT 59106

ph. 406.591.4355
fax. 406.867.9090

July 29, 2019

Mr. Nicholas Altonaga
City of Laurel Planner
115 W 1st Street
Laurel, MT 59044

RE: Regal Community Park – Response to Final Plan Review Comments

Dear Mr. Altonaga,

With this letter, I am submitting Final Plans for Regal Community Park. I have also responded to each of the sufficiency review comments from your May 24 letter below:

A.

8. *All manufactured homes shall be separated by a minimum of fifteen feet. Spot 53 and 54 are separated by 10' of space. Please verify this and provide documentation of why this decision was made and how it may be addressed.* – The manufactured home on spot 54 was moved 5 feet farther north so that spots 53 and 54 are now fifteen feet apart (the required minimum). This is reflected on the final site plan.
12. *One guest parking space must be provided for each five manufactured home spaces. There are currently only 6 guest parking spaces delineated on the final plan drawing. As per code, the minimum necessary guest parking spaces is 11. Please provide documentation as to your reasoning and how this will be addressed.* – There is a group of 4 guest parking spaces on the south end, a group of 2 guest parking spaces on the north end, and a group of 2 guest parking spaces (parallel in a pullout) near the water meter housing. That makes 8, so 3 more were needed. A 10' wide gravel shoulder will be constructed along the edges of asphalt of the private roads such that it serves to provide one guest parallel parking space in front of each unit. Three have been designated specifically for meeting the required 11 spaces. These are in front of Unit 1, Unit 2, and Unit 53 and are shown on the final site plan.

- D. *Please provide documentation that the owner of Regal Community Park has met the minimum standards of the Montana Department of Public Health and Human Services (MDPHHS) and the requirements of the Montana Department of Environmental Quality (MDEQ).* – The owner has received plan approval for operational licensing from the MDPHHS. A copy of their approval letter is submitted herewith (this also takes care of the review comment in your sufficiency review letter item E. "Additional Provisions"). The owner has also received DEQ approval under EQ # 18-1613 (Certificate of Subdivision Approval) and EQ # 18-1614 (Water and Sewer plans and specifications). These MDEQ approval letters are also submitted herewith.

Other

City staff further noted on an in-person survey of the Regal Community Park Site that the water and sewer connections for Spot 54 were not installed as per the Final Plan drawing. The layout appeared to support a manufactured home installed at an angle, versus the parallel orientation

In Site Engineering, P.C.

*4118 Woodcreek Dr
Billings, MT 59106*

*ph. 406.591.4355
fax. 406.867.9090*

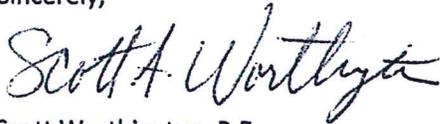
presented in the final plan. This angled installation for a trailer on Spot 54 was noted in a previous version of the Regal Community Park Plan. Please verify the layout and submit updated Final Plan sheets or documentation reflecting this change. – The parallel installation orientation was preferred to the angled installation. The water and sewer services will be extended with risers installed that will accommodate the parallel orientation as show on the final site plan.

The Laurel Annexation Policy stipulates that: "If 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 the improvements." A Letter of Credit was provided with the Final Plan totaling 100% of the engineering costs at \$59,371.00. Please provide the city of Laurel with a Letter of Credit of \$74,213.75 in order to meet this requirement. – A new Letter of Credit in the amount requested is submitted herewith.

The Public Works Director noted that the water and sewer trenches along East 8th Street have not yet been resotred with a non-porous pavement. Improvements must meet city standards. – The water and sewer trenches have now been restored and paved to city standards.

This takes care of all review comments. We look forward to being able to go before the City Council for Final Plan approval as soon as possible.

Sincerely,



Scott Worthington, P.E.

YELLOWSTONE BANK

1511 SHILOH ROAD
BILLINGS, MONTANA 59106

IRREVOCABLE LETTER OF CREDIT

July 9, 2019

Laurel Public Works
115 W 1st St
Laurel, MT 59044

Subject: Irrevocable Standby Letter of Credit No. 1330
Customer: Regal Community Park
Amount: \$74,213.75
Expiration: 10/15/2019

To Whom It May Concern:

We hereby establish our Irrevocable Letter of Credit No. 1330 in your favor for the account of the above subject customer in U.S. Dollars, up to an aggregate amount of Seventy Four Thousand Two Hundred Thirteen and 75/100 (\$74,213.75). Drafts, if any, drawn on Yellowstone Bank, Billings, Montana, must bear the clause "Drawn under Letter of Credit No. 1330" and be accompanied by a statement signed by you or your authorized representative stating that you are entitled to draw under this Letter of Credit. The amount of each draft negotiated, together with the date of negotiation, must be endorsed on the reverse side of this Letter of Credit.

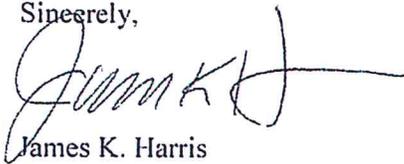
Funds can be drawn upon failure of Regal Community Park to complete funding for public street improvements. The amount of this Letter of Credit will decrease as City approved advances are made for the improvements to Regal Community Park.

We hereby agree with the drawers, endorsers and bona fide holders of drafts drawn and negotiated under and in compliance with the terms of this credit that the same shall be duly honored on due presentation to the drawee. Drafts must be drawn and presented at this office on or before the expiration of this letter.

Communications to us under this Letter of Credit should be addressed to Yellowstone Bank of Billings, PO Box 81027, Billings, MT 59108; Attention: Kevin L. Kraft, President.

This Letter of Credit is subject to the Uniform Customs and Practices for Documentary Credits, 1993 Revision, International Chamber of Commerce (Publication No. 500), and to the Uniform Commercial Code.

Sincerely,

A handwritten signature in black ink, appearing to read "JKH", with a long horizontal flourish extending to the right.

James K. Harris
Executive Vice President
Yellowstone Bank

JKH:tb



Department of Public Health and Human Services

Public Health & Safety Division ♦ Communicable Disease Control & Prevention Bureau
Food & Consumer Safety ♦ PO Box 202951 ♦ 1400 Broadway ♦ Helena, MT 59602-2951
Phone: (406) 444-2408 ♦ Fax: (406) 444-5055

Steve Bullock, Governor

Sheila Hogan, Director

July 26, 2019

Dan Wells
Regal Community Park
PO Box 80445
Billings MT 59108-0445

Subject: Regal Community Park, Laurel

Dear Mr. Wells:

The review of the plans for the Regal Community Mobile Home Park is complete. The plans are in compliance with the Administrative Rules of Montana, Title 37, Chapter 111, subchapter 2, and your plan review is approved for the following:

Fifty-five (55) mobile home spaces each with water and sewer connections as specified in the Montana Department of Environmental Quality Certificate of Subdivision Approval EQ#18-1613.

The approval to construct is for a period not to exceed 2 years, after which, if construction has not begun, plans and specifications must be submitted for re-evaluation under rules in effect at the time of resubmittal. Inspection and approval by Riverstone Health is required as part of the final licensing process.

Please let me know if I may be of further assistance.

Sincerely,

Staci Evangeline, RS, REHS
Montana DPHHS-Food and Consumer Safety Section
Staci.evangelina@mt.gov
406-444-2089

cc: Adam Harris, Riverstone Health



Scott Worthington, PE
In Site Engineering, PC
4118 Woodcreek Drive
Billings, Montana 59106

September 5, 2018

Re: Regal Community Park

Laurel/Yellowstone EQ# 18-1613

Dear Consultant:

The plans and supplemental information relating to the water supply, sewage, solid waste disposal, and storm drainage (if any) for the above referenced division of land have been reviewed as required by ARM Title 17 Chapter 36 (101-805) and have been found to be in compliance with those rules.

Two copies of the Certificate of Subdivision Plat Approval are enclosed. The original is to be filed at the office of the county clerk and recorder.

Development of the approved subdivision may require coverage under the Department's General Permit for Storm Water Discharges Associated with Construction Activity, if your development has construction-related disturbance of one or more acre. If so, please contact the Storm Water Program at (406) 444-3080 for more information or visit the Department's storm water construction website at <http://www.deq.state.mt.us/wqinfo/MPDES/StormwaterConstruction.asp>. Failure to obtain this permit (if required) prior to development can result in significant penalties.

Your copy is to inform you of the conditions of the approval. Please note that you have specific responsibilities according to the plat approval statement primarily with regard to informing any new owner as to any conditions that have been imposed.

If you wish to challenge the conditions of this Certificate of Subdivision Plat Approval, you may request a hearing before the Board of Environmental Review or the Department, pursuant to Section 76-4-126, MCA and the Montana Administrative Procedures Act.

If you have any questions, please contact this office.

Sincerely,

For Rachel Clark, PE, Supervisor
Public Water and Subdivision Section

cc: County Sanitarian
County Planning
Wells, Owner
File

STATE OF MONTANA
DEPARTMENT OF ENVIRONMENTAL QUALITY
CERTIFICATE OF SUBDIVISION PLAT APPROVAL
(Section 76-4-101 et seq., MCA)

TO: County Clerk and Recorder
Yellowstone County
Laurel, Montana

EQ # 18-1613

THIS IS TO CERTIFY THAT the plans and supplemental information relating to the subdivision known as **Regal Community Park, situated on Lots 7 and 8, Nutting Brothers Subdivision, 2nd Filing,**:

A tract of land located in the northwest $\frac{1}{4}$ of Section 10, Township 2 South, Range 24 East, PMM, Yellowstone County, Montana

consisting of two (2) existing lots, have been reviewed by personnel of the Water Quality Division, and,

THAT the documents and data required by ARM Title 17, Chapter 36 have been submitted and found to be in compliance therewith, and,

THAT the approval of the application is made with the understanding that the following conditions shall be met:

THAT the lot as indicated on the plat filed with the county clerk and recorder will not be further altered without approval, and,

THAT Lots 7 and 8 shall be used for a total of 55 mobile home living units, and,

THAT water supply and wastewater collection and treatment will be provided by extension of and service connection to the **City of Laurel Public Water Supply and Wastewater Treatment System (PWSID MT0000270)**, as shown on the plans approved by the Department under EQ 18-1614 on September 5, 2018, and,

THAT ownership, maintenance, and repair of the water distribution, sewage collection, and stormwater detention systems shall be the responsibility of the Regal Community Park Association with responsibilities as described in the recorded Articles of Incorporation and Protective Covenants for the Regal Community Park, and,

THAT construction of the storm drainage system will be completed within three years of the date of this approval; if more than three years pass before completing construction, it shall be necessary to resubmit the plans and specifications for review and approval, and,

THAT prior to placing the storm drainage system into service, a professional engineer shall certify by letter to the Department that the construction was completed in accordance with the plans and specifications approved by the Department, and,

THAT within 90 days after construction of the storm drainage system is completed, a professional engineer shall provide to the Department a complete set of "as-built" drawings bearing the signature and seal of the professional engineer, and,

Page 2 of 2
Regal Community Park
Yellowstone County
EQ # 18-1613

THAT the storm water runoff collection system for Lots 7 and 8 will consist of site grading, landscaping, curb & gutter, storm drain piping, and two storm water retention ponds with minimum volumes of 3,440 cubic feet (Area "1") and 9,256 cubic feet (Area "2") and an outlet restricting discharge to pre-development flow as shown on the approved storm drainage plans prepared by **Scott A. Worthington, 28963PE**, and,

THAT water supply systems, sewage collection and treatment systems and storm drainage systems will be located as shown on the approved plans, and,

THAT all sanitary facilities must be located as shown on the attached lot layout, and,

THAT the developer and/or owner of record shall provide the purchaser of property with a copy of the plat, approved location of water supply and sewage treatment system as shown on the attached lot layout, and a copy of this document, and,

THAT instruments of transfer for this property shall contain reference to these conditions, and,

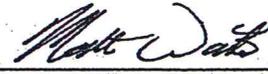
THAT departure from any criteria set forth in the approved plans and specifications and ARM Title 17, Chapter 36, Subchapters 1, 3, and 6 when erecting a structure and appurtenant facilities in said subdivision without Department approval, is grounds for injunction by the Department of Environmental Quality.

THAT pursuant to Section 76-4-122 (2)(a), MCA, a person must obtain the approval of both the reviewing authority under Title 76, Chapter 4, MCA, and local health officer having jurisdiction, before filing a subdivision plat with the county clerk and recorder.

YOU ARE REQUESTED to record this certificate by attaching it to the plat filed in your office as required by law.

DATED this 5th day of September, 2018.

Tom Livers
Director

By: 
for Rachel Clark, PE, Supervisor
Public Water and Subdivision Section
Water Quality Division
Department of Environmental Quality

Owner's Name: Wells, Regal Land Development



Scott Worthington, PE
In Site Engineering, PC
4118 Woodcreek Drive
Billings, Montana 59106

September 5, 2018

Re: Regal Community Park Water & Sewer

Laurel/Yellowstone EQ# 18-1614

Dear Mr. Worthington:

Plans and specifications for the subject project have been reviewed by personnel of the Public Water Supply Plan Review Section and were found to be satisfactory. Approval of these plans is hereby given; a copy of the plans bearing the approval stamp of the Department is enclosed. Approval is based on the design report and plans received December 26, 2017 and on additional information and revised plans received March 1, 2018, April 16, 2018, and August 16, 2018 under the seal of **Scott A. Worthington, 28963PE**. The plans were reviewed in accordance with Department design standards DEQ-1 and DEQ-2. This project approval includes the extension of 6-inch and 8-inch water and 8-inch sanitary sewer to serve the 56-unit Regal Community Park mobile home development in Laurel.

Approval is given with the understanding that any deviation from the approved plans and specifications will be submitted to the Department for reappraisal and approval. Prior to operation of the public water system, certification must be submitted to the Department that the system, or portion of the system constructed, altered, or extended to that date, was completed in substantial accordance with plans and specifications approved by the department and there are no deviations from the design standards of the applicable circulars other than those previously approved by the Department. Within 90 days following completion of the project, a complete set of "as-built" record drawings must be signed, stamped and submitted to the Department. For a system or any portion of a system designed by a professional engineer, an engineer shall sign and submit the certification letter and "as-built" drawings to the Department. It is further understood that construction will be completed within three years of this date. If more than three years elapse before completing construction, plans and specifications must be resubmitted and approved before construction begins. This three-year expiration period does not extend any compliance schedule requirements pursuant to a Department enforcement action against a public water or sewage system.

Failure to abide by the above conditions is considered a significant violation of the Montana Public Water Supply Laws (PWSL), and the administrative rules promulgated there under. The applicant is responsible for compliance with all other applicable federal, state, local, and tribal law, regulations, and ordinances, including but not limited to, the Montana Water Use Act, Mont. Code Ann. Title 85, Chapter 2.

The applicant is responsible for compliance with all applicable federal, state, local, and tribal law, regulations, and ordinances. Approval in this document is limited solely to the matters therein specifically contained and does not constitute approval, implied or otherwise, for the purposes of any other law, regulation, or ordinance.

Department approval of this project covers only those portions of the plans and specifications that are subject to the Department's review authority under the Public Water Supply Laws (MCA 75-6) and the Administrative Rules promulgated thereunder (ARM 17.38). This approval does not cover items found within the plans and specifications that are outside of the Department's review authority, including but not limited to, electrical work, architecture, site grading or water and sewer service connections.

If I can offer any further information or assistance, please feel free to contact me at (406) 247-4455 or mwaite@mt.gov.

Sincerely,

Matthew Waite, PE
Water Quality Division
Billings Regional Office

cc: Wells, Owner
Yellowstone County Sanitarian
Kurt Markegard, City of Laurel
File



Montana Department
of Environmental Quality

Scott Worthington, PE
In Site Engineering
41118 Woodcreek Drive
Billings, MT 59106

September 25, 2018

Re: Regal Community Park Water and Sewer (Sewer Revisions) Laurel/Yellowstone EQ# 18-1614

Dear Mr. Worthington:

The revised plan sheets and additional information for the subject project have been reviewed by personnel of the Public Water Supply Plan Review Section and were found to be satisfactory. Approval of these revised plans is hereby given; a copy of the plans bearing the approval stamp of the Department is enclosed. Approval is based on the revised plans received September 20 and September 25, 2018 under the seal of Scott A. Worthington, 28963PE. The plans were reviewed in accordance with Department design standard DEQ-2. This revised approval includes the construction of an additional approximately 870 linear feet of 8-inch sanitary sewer as shown on the approved plans. This revised approval supplements the Department approval issued September 5, 2018; the original approval remains valid for the other components of the system.

Approval is given with the understanding that any deviation from the approved plans and specifications will be submitted to the Department for reappraisal and approval. Prior to operation of the public water system, certification must be submitted to the Department that the system, or portion of the system constructed, altered, or extended to that date, was completed in substantial accordance with plans and specifications approved by the department and there are no deviations from the design standards of the applicable circulars other than those previously approved by the Department. Within 90 days following completion of the project, a complete set of "as-built" record drawings must be signed, stamped and submitted to the Department. For a system or any portion of a system designed by a professional engineer, an engineer shall sign and submit the certification letter and "as-built" drawings to the Department. It is further understood that construction will be completed within three years of this date. If more than three years elapse before completing construction, plans and specifications must be resubmitted and approved before construction begins. This three-year expiration period does not extend any compliance schedule requirements pursuant to a Department enforcement action against a public water or sewage system.

Failure to abide by the above conditions is considered a significant violation of the Montana Public Water Supply Laws (PWSL), and the administrative rules promulgated there under. The applicant is responsible for compliance with all other applicable federal, state, local, and tribal law, regulations, and ordinances, including but not limited to, the Montana Water Use Act, Mont. Code Ann. Title 85, Chapter 2.

The applicant is responsible for compliance with all applicable federal, state, local, and tribal law, regulations, and ordinances. Approval in this document is limited solely to the matters therein specifically contained and does not constitute approval, implied or otherwise, for the purposes of any other law, regulation, or ordinance.

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If I can offer any further information or assistance, please contact me at (406) 247-4455 or mwaite@mt.gov.

Sincerely,

Matthew Waite, PE
Water Quality Division
Billings Regional Office

cc: Wells, Owner
Yellowstone County Sanitarian
Kurt Markegard, City of Laurel
File

In Site Engineering, P.C.

4118 Woodcreek Dr
Billings, MT 59106

ph. 406.591.4355
fax. 406.867.9090

May 14, 2019

Mr. Nick Altonaga and Mr. Kurt Markegard
City of Laurel Planner & Public Works Director
115 W 1st Street
Laurel, MT 59044



RE: Regal Community Park Final Site Plan Drawings

Dear Mr. Altonaga and Mr. Markegard,

With this letter, I am submitting Final Plans for Regal Community Park. The following are the conditions of Preliminary Approval along with a description of how each of these has been satisfied.

1. *The property shall be annexed into the City of Laurel.* – The City Council Adopted Resolution No. R17-13 to annex the property within this development. The resolution did not include the adjacent streets. A roadway dedication plat was prepared and submitted which dedicated the streets to the City of Laurel. As that plat was reviewed, I was informed that the streets needed to be dedicated to Yellowstone County and then conveyed to the City of Laurel. The plat was modified to reflect that and is ready to be recorded at the County.
2. *There shall be Right-of-Way of 27 feet surveyed and filed under MCA exemption 76-3-201(h) for the remainder R.O.W. dedication for Date Avenue prior to final plan.* –The plat whereby this R.O.W. is dedicated is ready to be recorded at the County.
3. *There shall be Right-of-Way of 40 feet surveyed and filed under MCA exemption 76-3-201(h) for the remainder R.O.W. dedication for East Maryland Lane prior to final plan.* – The plat whereby this R.O.W. is dedicated is ready to be recorded at the County.
4. *All public improvements shall be built to Montana Public Works Standards and to the specifications made in the Subdivision Improvements Agreement provided with the application for preliminary plan.* – Public water and sewer improvements have been completed in substantial accordance with plans and specifications. The only public improvements remaining to be completed are curb and gutter along Maryland Lane, Date Avenue, and 8th Street, sidewalk along Maryland Lane and 8th Street, asphalt widening on Maryland Lane and 8th Street, and asphalt patches for water and sewer lines in 8th Street. Firstmark Construction is under private contract to complete these items and has resumed construction. A letter of credit is provided in the amount of the remaining work as a monetary security that the work will be completed.
5. *Water and sewer connections must be approved by the Public Works Director prior to final plan.* –This approval was granted August 27, 2018.
6. *A storm water management plan must be approved by MDEQ before final plan.* –This approval was granted September 5, 2018.
7. *To minimize the effects on local services, utility easements shall be provided on the final plan.* –Utility easements have been added to the final plan and the utility companies have installed their infrastructure within these easements (see Sheet 1 – Site Plan).
8. *To minimize the effects on local services, a centralized mailbox unit shall be provided as coordinated by the U.S. Postal Service along the north side of East 8th Street. There shall also be*

In Site Engineering, P.C.

*4118 Woodcreek Dr
Billings, MT 59106*

*ph. 406.591.4355
fax. 406.867.9090*

a concrete pad.—The centralized mailbox location as shown on the final plan was approved by the USPS Post Master that oversees new developments in Laurel.

9. *To minimize the effects on local services, as requested by the Laurel Fire Department, no parking signs shall be provided by the developer and installed in front of all fire hydrants.*—"No Parking-Fire Hydrant" signs were added to the Final Plan drawings.

10. *Minor changes may be made in the SIA and final documents, as requested by the Planning, Legal or Public Works Department to clarify the documents and bring them into the standard acceptable format.* – Noted

11. *To minimize the effects on the natural environment, a weed management plan and property inspection shall be approved by the County Weed Department, prior to final plan approval.* – Lee Hanson with Regal Land Development met with Joe Lockwood for the site inspection in the summer of 2018, and Mr. Lockwood prepared a weed management plan.

12. *Cash in lieu of parkland shall be received with final plan approval.* – The required parkland is 4,000 square feet plus 100 square feet per site x 55 sites = 9,500 square feet. A check is submitted with the final plan in the amount of \$4,360.50, which is the undeveloped land cost of \$0.459 per square foot (\$20,000/acre) multiplied by 9,500 square feet.

13. *If City of Laurel solid waste services are used, a plan must be approved by the Public Works Director.* – Regal Land Development has requested City of Laurel solid waste services with individual containers for this development. This plan has been approved by Public Works because the private roads are adequate to accommodate the City's garbage trucks. The individual containers will be applied for at the time of development of the manufactured home sites.

14. *The final plan shall comply with all requirements of the Laurel-Yellowstone City-County Planning Area Subdivision Regulations, rules, policies, and resolutions of the City of Laurel, and the law and Administrative Rules of the State of Montana.* – The final plan is in compliance with all of the above.

Two copies of the stamped plans, two copies of the 8th Street Utility As-Builts, and two copies of the SIA are submitted with this letter, along with other documents as mentioned in the numbered outline within this letter above. We look forward to receiving final plan approval from the City of Laurel.

Sincerely,



Scott Worthington, P.E.

YELLOWSTONE BANK

1511 SHILOH ROAD
BILLINGS, MONTANA 59106

IRREVOCABLE LETTER OF CREDIT

May 13, 2019

Laurel Public Works
115 W 1st St
Laurel, MT 59044

Subject: Irrevocable Standby Letter of Credit No. 1330
Customer: Regal Community Park
Amount: \$59,371
Expiration: 10/15/2019

To Whom It May Concern:

We hereby establish our Irrevocable Letter of Credit No. 1330 in your favor for the account of the above subject customer in U.S. Dollars, up to an aggregate amount of Fifty-Nine Thousand Three Hundred Seventy-One and 00/100 (\$59,371.00). Drafts, if any, drawn on Yellowstone Bank, Billings, Montana, must bear the clause "Drawn under Letter of Credit No. 1330" and be accompanied by a statement signed by you or your authorized representative stating that you are entitled to draw under this Letter of Credit. The amount of each draft negotiated, together with the date of negotiation, must be endorsed on the reverse side of this Letter of Credit.

Funds can be drawn upon failure of Regal Community Park to complete funding for public street improvements. The amount of this Letter of Credit will decrease as City approved advances are made for the improvements to Regal Community Park.

We hereby agree with the drawers, endorsers and bona fide holders of drafts drawn and negotiated under and in compliance with the terms of this credit that the same shall be duly honored on due presentation to the drawee. Drafts must be drawn and presented at this office on or before the expiration of this letter.

Communications to us under this Letter of Credit should be addressed to Yellowstone Bank of Billings, PO Box 81027, Billings, MT 59108; Attention: Kevin L. Kraft, President.

This Letter of Credit is subject to the Uniform Customs and Practices for Documentary Credits, 1993 Revision, International Chamber of Commerce (Publication No. 500), and to the Uniform Commercial Code.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim K. Harris", with a long horizontal stroke extending to the right.

James K. Harris
Executive Vice President
Yellowstone Bank

JKH:tb

In Site Engineering, P.C.
4118 Woodcreek Dr
Billings, MT 59106

Regal Community Park
Laurel, Montana

Engineer's Estimate of Probable Cost for Remaining Work in the Public Right-of-Way
5/7/2019

Item Number	Estimated Quantity	Unit	Description	Unit Price	Total Price
Maryland Lane					
101	297	LF	2-foot curb and gutter	13.00 / LF	3,861.00
102	1,032	SF	4-foot wide sidewalk (202 LF) (incl. 6-inch roadbase)	5.00 / SF	5,160.00
103	3	EA	Accessibility Ramp (63 SF each)	697.00 / EA	2,091.00
104	392	LF	Sawcut asphalt	2.00 / LF	784.00
105	928	SY	3-inch asphalt surface course	13.00 / SY	12,064.00
Subtotal					23,960.00
Date Avenue					
201	896	LF	2-foot curb and gutter	13.00 / LF	11,648.00
Subtotal					11,648.00
8th Street					
301	352	LF	2-foot curb and gutter	13.00 / LF	4,576.00
302	1,156	SF	4-foot wide sidewalk (289 LF) (incl. 6-inch roadbase)	5.00 / SF	5,780.00
303	3	EA	Accessibility Ramp	697.00 / EA	2,091.00
304	393	LF	Sawcut asphalt	2.00 / LF	786.00
305	810	SY	3-inch asphalt surface course (includes patch over utility trenches)	13.00 / SY	10,530.00
Subtotal					23,763.00
Grand Total					\$ 59,371.00



Scott Worthington

Fwd: [EXTERNAL] Regal Community Park

1 message

Lee Hanson
To: Scott Worthington

Wed, Apr 17, 2019 at 3:30 PM

Here is the approval from the post master on our location for the mailbox in Regal Community Park. Thanks!

----- Forwarded message -----

From: Mitchem, Heather B - Laurel, MT
Date: Wed, Apr 17, 2019 at 3:28 PM
Subject: RE: [EXTERNAL] Regal Community Park
To: Lee Hanson

I believe the place we discussed would have an area for the carrier to pull off and be out of the way of incoming traffic? If so, it is fine with me. Please let me know when you get addresses, so we can add them to our database.

Thank you,

Heather Mitchem

Postmaster

614 1st Ave

Laurel MT 59044-9998

O (406)

C (406)

From: Lee Hanson
Sent: Wednesday, April 17, 2019 3:25 PM
To: Mitchem, Heather B - Laurel, MT
Subject: [EXTERNAL] Regal Community Park

Hey Heather,

Thank you for your time on the phone today. Crazy how fast a year flies by. I am looking for approval from you on the location of our master mailbox that will be installed on the southeast end of the Park close to the intersection of 8th street and Date Ave. Thank you in advance for your written approval :) Have a great day!

All the best,

4/17/2019

Gmail - Fwd: [EXTERNAL] Regal Community Park

Lee Hanson

406-



Regal Land Development, Inc.
 P.O. Box 80445
 Billings, MT 59108-0445
 PH. (406) 656-1301

Yellowstone Bank
 1511 Shiloh Road
 Billings, MT 59106
 93-514/929

11704

Apr. 17, 2019

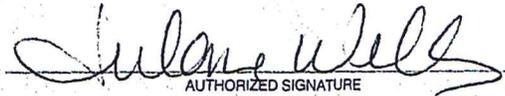
PAY TO THE
 ORDER OF

Four Thousand, Three Hundred Sixty Dollars and 50 Cents.

****\$4,360.50

DOLLARS

City of Laurel


 AUTHORIZED SIGNATURE ^{MP}

MEMO



Regal Land Development, Inc.

11704

Check amount: ****\$4,360.50
 Check paid to: City of Laurel

Date: Apr. 17, 2019

Number: 011704

Invoice: NONE-000001 04/17/19
 Job: RCOURT Regal Court

Paid: \$4,360.50

Regal Community Park - Draft Subdivision Improvements Agreement

- I. Variances
- II. Conditions that Run with the Land
- III. Transportation
 - a. Streets
 - b. Sidewalks
 - c. Street Lighting
 - d. Traffic Control Devices
 - e. Access
 - f. Heritage Trail Plan
 - g. Public Transit
- IV. Emergency Services
- V. Storm Drainage
- VI. Utilities
- VII. Parks/Open Space
- VIII. Irrigation
- IX. Soils/Geotechnical Study
- X. Phasing of Improvements
- XI. Financial Guarantees
- XII. Legal Provisions

I. **VariANCES (no variances are needed or requested)**

II. **Conditions that Run with the Land**

- a. Owners and Residents should be aware that this development 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 trees, 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. Owners and Residents should be aware that soil characteristics within the area of this development, 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 residents. 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 Developer 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 Developer 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 Developer and owner specifically agree that they are waiving valuable rights and do so voluntarily.
- e. Owners and Residents should be aware that portions of this property lie with the floodplain/floodway as depicted on the Flood Insurance Rate Maps (FIRM) for this area. Please be advised that special development restrictions may apply within these specified areas.

III. **Transportation**

a. **Streets**

- i. Maryland Lane – 40 feet of right-of-way will be dedicated for public use along the north boundary of the property. This will result in a right-of-way width for Maryland Lane of 80 feet. 2' curb & gutter is proposed on the south side of Maryland Lane along this development. Asphalt will be widened from the existing south edge of asphalt to the new lip of curb.
- ii. Date Ave – 27 feet of right-of-way will be dedicated to the City along the west boundary of the property. This will result in a right-of-way width for Date Avenue of 67 feet. 2' curb and gutter is proposed on the east side of Date Avenue along this project. Gravel will be added to the existing gravel road in Dave Avenue to provide a 20' wide gravel driving surface.
- iii. 8th Street – the existing right-of-way width of 8th Street is 70 feet. This includes an existing 10' wide irrigation easement which is shown on the roadway

dedication plat and on the site plan drawings, and in which a 1' deep swale with 4H:1V side slopes will be constructed with an 8" culvert where the approach to Bristol Way (private street) crosses the easement. No additional right-of-way dedication is required along 8th Street. Two-foot curb and gutter are proposed on the north side of 8th Street along this project. The asphalt surface will be widened from the existing north edge of asphalt to the new lip of curb.

- iv. Bristol Way – Bristol Way will be a private internal street that will be paved 24 feet wide. It will access Maryland Lane and 8th Street with 30-foot wide paved accesses.
- v. Piper Loop – Piper Loop will be a private internal street looped off of Regal Ave and will be paved 24 feet wide.

b. Sidewalks

Four-foot sidewalks with 5' boulevard strips are proposed along this development on the south side of Maryland Lane and on the north side of 8th Street.

c. Street Lighting

Currently, streetlights exist at the intersection of Date Ave and 8th Street and near the intersection of Regal Avenue and 8th Street. No new street lighting is proposed. A Special Improvements District (SID) can be created at a later date to install street lighting if desired.

d. Traffic Control Devices

Stop signs will be installed at the north end of Regal Ave where it accesses Maryland Lane and at the south end of Regal Ave where it accesses 8th Street.

e. Access

Access will be provided to all manufactured home pad sites by way of private internal streets (Bristol Way and Piper Loop). Regal Ave accesses Maryland Lane and 8th Street.

f. Bike or Pedestrian Trail Plan

There are no master planned bike or pedestrian trails in this area.

g. Public Transit

No accommodations for public transit are required or provided.

IV. Emergency Services

The project has 2 permanent public accesses. Internal private streets have been designed and will be constructed to accommodate emergency service vehicles.

V. Storm Drainage

- a. All drainage improvements shall comply with the provisions of Montana Circular DEQ-8, and a storm water management plan shall be submitted to and approved by Montana Department of Environmental Quality (MDEQ).
- b. Storm drainage for the development will be conveyed by way of the internal private streets and perimeter swales to storm drain area inlets and to two retention ponds, one of which is located in the southeast corner of the project, and the other of which is located in the southwest corner of the project. These retention ponds are designed per MDEQ requirements and will limit the post development runoff to the same volume as the pre-development runoff volume for the required design storm. Allowable post-development runoff will flow along existing flow paths, and runoff from storms in excess of the design storm will overflow to the ditch in 8th Street.

VI. Utilities

The SIA does not constitute an approval for extension of or connection to water mains and sanitary sewers. The property owner shall make application for the extension/connection of water mains and sanitary sewers to the Public Works Department. The extension/connection of/to water mains and sanitary sewers is subject to the approval of the applications and the conditions of approval. Applications shall be submitted for processing prior to the start of any construction and prior to review and approval of any final project plans and specifications. The appropriate review fees in effect shall be submitted with the applications.

Fees shall be paid for the lots in each phase as applied for in the extension application and as per the first paragraph above. The Developer/Owner acknowledges that the development shall be subject to the applicable System Development Fees in effect at the time new water and/or sanitary sewer service connections are made. The design/installation of sanitary sewers and appurtenances and water mains and appurtenances (fire hydrants, etc.) shall be in accordance with design standards, specifications, rules, regulations of and as approved by the City of Laurel Public Works Department, Fire Department, and MDEQ.

a. Water

8-inch PVC water mains will be installed in 8th Street with points of connection to the existing water mains at 8th Street's intersections with Date Avenue and Elm Avenue. An 8-inch PVC water main will also be installed with a point of connection in 8th Street and run north from the point of connection to the north right-of-way line of 8th Street, where an 8" gate valve will be placed separating the public water system from the private water system. Downstream (north) of that valve, the system is private including a private meter vault, and consists of a 6-inch water main running northward in Bristol Way and terminating at the north extent of the private project. Four new fire hydrants will be installed, one public and three private. The public fire hydrant is located on the

north side of 8th Street near the development's entrance and the 3 private fire hydrants are within the development. A 3/4-inch water service will be provided to each manufactured home site.

b. Sewer

8-inch PVC sanitary sewer mains will be installed in Bristol Way and Piper Loop to serve the project. The point of connection is at Pine Lane and 8th Street. Manholes will be installed at junctions. A 6-inch service will be provided to each pad site. The existing 6" sewer service for the bathrooms in the City Park east of this development will be tied into the new sewer.

c. Power, Telephone, Gas, and Cable Television (Dry Utilities)

Dry utility services will be installed with this development. Because the project is private, no easements are required, but have been shown on the final site plan where dry utilities are planned. It is anticipated that dry utilities will be installed within 8 feet of the boundary and within 8 feet of the edges of the private streets as necessary.

VII. Parks/Open Space

Cash-in-lieu will be used to satisfy the parkland requirement. The current City of Laurel code requires the parkland to be 4,000 square feet plus 100 square feet per manufactured home site. This totals 9,500 square feet to be met with cash-in-lieu. The amount of cash-in-lieu is based on the value of the undeveloped land.

VIII. Irrigation

The proposed development is not in an irrigation district and will not have an effect on irrigation. Lawn irrigation in common areas is to be provided with a well on site.

IX. Soils/Geotechnical Study

The development site is located in an area that consists of mildly sloping topography (approximately 1% slope); and, therefore, there are no potential geologic hazards present with respect to slope stability, mass movement, surface subsidence, or soils bearing capacity.

The following protective measures will be taken to ensure that the existing geology does not present a problem:

- a. All cut and fill slopes shall be placed in uniform lifts compacted to 95% of the maximum dry density as determined by ASTM D698.
- b. All topsoil, including organic material, will be removed from building and pavement areas.

- c. Design of all streets and parking areas shall use accepted engineering practices to determine the structural sections and the use of reinforcement / separation fabrics based on soil conditions and traffic loading.

Fills within the right-of-way will be primarily composed of imported fill material. Where cuts and fills are required outside the right-of-way, material will generally be moved from cut areas to fill areas. The proposed roadways will generally follow the existing topography on this site. There are no areas on this site that will require large cuts or fills. The construction contract for each manufactured home site shall be provided for landscaping, seeding, and fertilizing of all cut and fill slopes. Mulching or placement of erosion control products shall be investigated for use as needed. The overall storm water master plan / erosion control plan required by MDEQ will detail all necessary erosion control measures. "Best Management Practices" (BMPs) will be used to minimize erosion and any down gradient impacts. The Covenants and Weed Control Plan shall include provisions to ensure that re-seeding and erosion control are provided as individual buildings are being constructed.

X. Phasing of Improvements

No phasing is proposed. All improvements will be made in one phase.

XI. Financial Guarantees

Except as otherwise provided, the Developer shall install and construct said required improvements with cash or by utilizing the mechanics of a special improvement district or private contracts secured by letters of credit or a letter of commitment to lend funds from a commercial lender. 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 installed as approved by the Public Works and Public Utilities Department.

XII. Legal Provisions

- a. Developer agrees to guarantee all public improvements for a period of one year from the date of final acceptance by the AGB.
- 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. Developer shall comply with all applicable federal, state, and local statutes, ordinances, and administrative regulations during the performance and discharge of its obligations. Developer acknowledges and agrees that nothing contained herein shall relieve or exempt it from such compliance.

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

"DEVELOPER" (Regal Land Development, Inc.)

By:
 Its:
 STATE OF MONTANA)
 : ss
 County of Yellowstone)

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

 Notary Public in and for the State of Montana (seal below)

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

"CITY"

City of Laurel, Montana

By: _____
 Mayor
 Attest: _____
 City Clerk

RESOLUTION NO. R17-13

A RESOLUTION APPROVING THE PRELIMINARY PLAN AND THE ANNEXATION OF REGAL COMMUNITY PARK, LEGALLY DESCRIBED AS NUTTING BROS 2ND FILING, S10, T02S, R24 E. LOTS 7 AND 8, AN ADDITION TO THE CITY OF LAUREL, MONTANA.

WHEREAS, in January, 2017, Regal Land Development applied for an approval of a major preliminary plan for the residential development of a "Rent to Lease Community Park" containing 55 sites on approximately 7.85 acres of land located near the city limits of the City of Laurel; and

WHEREAS, in addition to the approval of the plan, Regal Land Development requested ("Petitioned") annexation as an Addition to the City of Laurel; and

WHEREAS, the City Planner prepared a staff report regarding the major preliminary plan approval and the petition for annexation, and recommends the conditional approval of the plan and annexation subject to the conditions contained in the Staff Report dated May 2, 2017, which is attached hereto and incorporated herein; and

WHEREAS, the Laurel City-County Planning Board considered the requests at their April 6, 2017 meeting and recommended conditional approval of the major preliminary plan and annexation subject to the staff recommended conditions and findings of fact contained in the May 2, 2017 Staff Report; and

WHEREAS, the City Council held a public hearing to gather evidence from the public regarding the requested approval of the major preliminary plan and annexation. No objections were noted or received into the record; and

WHEREAS, the City Council reviewed the Planning Board Minutes, the City Planner's May 2, 2017 Staff Report, including the Findings of Fact and Conditions of Approval, all evidence in the City's file and the recommendations of the Laurel City-County Planning Board; and

WHEREAS, the City Council of the City of Laurel has determined that it is in the best interests of the City and the inhabitants thereof, and of the land owner that the major preliminary plan and application for annexation be conditionally approved as recommended by the Laurel City-County Planning Board in accordance with the conditions for approval included in the attached Staff Report;

WHEREAS, the Findings of Fact contained in the Staff Report are hereby adopted as the City Council's Findings of Fact, and the conditions for approval are adopted as the City Council's conditions for approval.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Laurel, Montana, that the City Council hereby conditionally approves the Major Preliminary Plan of Nutting Bros 2nd Filing, S10, T02S, R24 E. Lots 7 and 8, subject to and in accordance with all the terms and conditions contained in the attached Staff Report that is attached hereto and incorporated herein; and

BE IT FURTHER RESOLVED, the City Council hereby adopts the Findings of Fact contained in the attached Staff Report as its own; and

BE IT FURTHER RESOLVED that the City Council hereby conditionally approves the Petition for Annexation submitted by Regal Land Development subject to and in accordance with all the terms and conditions contained in the attached Staff Report 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:

Nutting Bros 2nd Filing, S10, T02S, R24 E. Lots 7 and 8, according to the records on file and of record in the office of the Clerk and Recorder of Yellowstone County.

4. 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.

5. 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.

6. 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 May 2, 2017, by Council Member Nelson.

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

APPROVED by the Mayor this 2nd day of May, 2017.

CITY OF LAUREL

Mark A. Mace
Mark A. Mace, Mayor

ATTEST:

Bethany Keeler
Bethany Keeler, Clerk/Treasurer

Approved as to form:
Sam S. Painter

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
HEARING
DATE: May 2nd 2017

INTRODUCTION:

Regal Land Development- Dan Wells has applied for annexation of his property located north of East 8th Street and East Maryland along Date Avenue. The property is legally described as NUTTING BROS 2ND FILING, S10, T02S, R24, LOTS 7&8.

STAFF FINDINGS:

1. Regal Land Development- Dan Wells is requesting the annexation of his property identified above. The property is zoned Residential Manufactured Homes. The property is 7.85 acres in size and is currently vacant land.
2. The application identifies the future use as a 55 site Development for Rent or Lease for manufactured homes. The applicant has also submitted an application for preliminary plan for Regal Community Park an Addition to the City of Laurel.
3. The application for preliminary plan provides a detailed Subdivision Improvements Agreement, which satisfies the development agreement improvement.
4. The application conforms to the goals of the City of Laurel Growth Management Plan. The Future Land Use map identifies this area as Residential Manufactured Homes.
5. This application in conjunction with the application for preliminary plan meets the requirements of the City of Laurel Annexation Policy.
6. 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. The public hearing has been advertised and scheduled at a regular Planning Board meeting to be held September 1, 2016.

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. A Subdivision Improvements Agreement shall be executed with Final Plan approval.
3. A waiver of right to protest shall be executed and filed with the Clerk and Recorder at the time of annexation approval.



LAUREL CITY-COUNTY PLANNING DEPARTMENT

STAFF REPORT

TO: Laurel City Council
FROM: Noel Eaton, City Planner
RE: Regal Community Park an Addition to the City of Laurel- Preliminary Plan
HEARING
DATE: May 2nd, 2017

INTRODUCTION:

In January 2017, Regal Land Development, applied for major preliminary plan approval for the Development for Rent or Lease for Regal Community Park which contains 55 sites on approximately 7.85 acres of land for residential development. The subject property is located east of Date Avenue, north of 8th St, south of Maryland Lane and West of City Park land. The property is not within the City of Laurel but the property owner is petitioning for annexation.

RECOMMENDATION:

Planning staff recommends that the City Council make findings and should they decide to approve, include the staff report and staff recommended conditions and adopt the Findings of Fact as presented.

A motion was made to approve the preliminary plan and annexation request for the Regal Community Park with staff report, staff findings, and staff suggested conditions of approval for both preliminary plan and annexation request which was seconded by Dan Koch. The motion carried by a vote of 5 – 0.

VARIANCES REQUESTED:

There are no variances requested.

PROPOSED CONDITIONS OF APPROVAL:

Pursuant to Section 76-3-608(4), MCA, the following conditions are recommended to reasonably minimize potential adverse impacts identified within the Findings of Fact:

1. The property shall be annexed into the City of Laurel.

2. There shall be Right-of-Way of 27 feet surveyed and filed under MCA exemption 76-3-201(h) for the remainder ROW dedication for Date Avenue prior to final plan.
3. There shall be Right-of-Way of 40 feet surveyed and filed under MCA exemption 76-3-201(h) for the remainder ROW dedication for East Maryland Lane prior to final plan.
4. All public improvements shall be built to Montana Public Work Standards and to the specifications made in the Subdivision Improvements Agreement provided with the application for preliminary plan.
5. Water and sewer connections must be approved by the Public Works Director prior to final plan.
6. A stormwater management plan must be approved by MDEQ before final plan.
7. To minimize effects on local services, utility easements shall be provided on the final plan.
8. To minimize the effects on local services, a centralized mailbox unit shall be provide as coordinated by the U.S. Postal Service along the north side of East 8th Street. There shall also be a concrete pad.
9. To minimize the effects on local services, as requested from the Laurel Fire Department, no parking signs shall be provided by the developer and installed in front of all fire hydrants.
10. Minor changes may be made in the SIA and final documents, as requested by the Planning, Legal or Public Works Department to clarify the documents and bring them into the standard acceptable format.
11. To minimize the effects on the natural environment, a weed management plan and property inspection shall be approved by the County Weed Department, prior to final plan approval.
12. Cash in lieu of parkland shall be received with final plan approval.
13. If City of Laurel solid waste services are used, a plan must be approved by the Public Works Director.
14. The final plan shall comply with all requirements of the Laurel-Yellowstone City-County Planning Area Subdivision Regulations, rules, policies, and resolutions of the City of Laurel, and the law and Administrative Rules of the State of Montana.

PROCEDURAL HISTORY:

- Regal Community Park was denied annexation and preliminary plan by Laurel City Council due to a requested variance in October of 2016. The applicant has revised the site plan and conforms to Subdivision Regulations at this time.
- A pre-application meeting was conducted with Planning Staff for the proposed development
- The preliminary plat application sufficiency and completeness review was done.
- The Planning Board held a public hearing on Thursday April 6th 2017.

PLAT INFORMATION:

General location:	East of Date Avenue, North of 8 th St, South of Maryland Lane, West of City Park
Legal Description:	NUTTING BROS 2ND FILING, S10, T02 S, R24 E, Lot 7 – 8
Subdivider and Owner:	Regal Land Development- Dan Wells
Engineering and Surveyor:	Scott Worthington- In Site Engineering
Existing Zoning:	Residential Manufactured Home
Existing Land Use:	Vacant/Open
Proposed Land Use:	Residential Manufactured Homes
Gross Area:	7.85
Proposed # of Lots:	55
Lot Sizes:	Average lot size of 4,419 sq/ft
Parkland Requirements:	Cash in lieu of parkland will be received.

PROPOSED FINDINGS OF FACT:

The Findings of Fact for the preliminary plan of Regal Community Park an Addition to the City of Laurel have been prepared by the Laurel City-County Planning Department staff for review by the City/County Planning Board. These findings are based on the preliminary application and address the review criteria required by the Montana Subdivision and Platting Act (76-3-608, MCA) and the Laurel-Yellowstone City-County Planning Area Subdivision Regulations.

- A. What are the effects on agriculture and agricultural water user facilities, local services, the natural environment, wildlife and wildlife habitat and public health and safety? (76-3-608(3)(a), MCA) (Section 3 (C)(3)(a), LYCCPASR)**

1. Effect on agriculture and agricultural water user facilities.

The proposed Regal Community Park will have no impact on agriculture. The 7.85 acre Regal Community Park site is currently a vacant lot. It is surrounded on three sides by land that has been annexed into the City of Laurel; therefore, the site is no longer considered a viable farming unit. Areas to the South and West are currently mobile home parks and the area to the east and north are parkland.

There are no existing irrigation rights with the property and no modification to existing ditches will occur with the development.

2. Effect on local services

a. The subdivision improvements agreement has provided detailed information regarding:

- Water- A 6inch PVC water main will be installed in Regal Avenue (private) to serve the project. The point of connection is at Elm Ave and East 8th Street. There will be a private meter vault as the main enters the development.
- Sanitary sewer-6inch PVC sewer main will be installed. The point of connection will be at Pine Land and East 8th Street.
- Storm drainage- storm drainage will be approved by MDEQ and will be conveyed by way on internal private streets to storm drain inlets and piped to a retention pond in the southeast corner.
- Streets- Access to the private development will be on the south side of E Maryland and the north side of East 8th Street. Private internal roads (Regal Avenue and Regal Loop) will access each pad site.
- Parks and Open Space-Cash in lieu will be provided at time of final plan approval

3. Effects on the natural environment

The development is proposed to contain 55 single family residential manufactured homes. The property has a zoning designation of RMH and is being annexed into the City concurrent with the preliminary plan. The proposed development will have minimal impact on local services as it is surrounded on three sides by existing city land.

4. Effects on wildlife and wildlife habitat

There are no known endangered species or critical game ranges on site. Due to the history of agricultural use near the site, and the adjacent residential use, it provides little wildlife

habitat. Wildlife species consist mainly of rodents and common birds. Little cover and shelter is available for wildlife species in the area.

5. Effects on public health and safety

Cash-in-lieu donation for parkland will be able to be used to better maintain city parks. Also, the proposed development will improve access for the public by installing sidewalks along the south side of East Maryland land and the north side of East 8th Street. This will allow residents in the area to safely walk to the park.

B. Was an Environmental Assessment Required? (76-3-603, MCA)(Section 16.9 LYCCPASR)

An environmental assessment was required and submitted with the application.

C. Does the subdivision conform to the Montana Subdivision and Platting Act and to local subdivision regulations? (76-3-608 (3)(b), MCA)

The development, with proposed conditions, satisfies the requirements of the Montana Subdivision and Platting Act and conforms to the design standards specified in the LYCCPASR. The subdivider and the local government have complied with the subdivision review and approval procedures set forth in the local and state subdivision regulations.

D. Does the subdivision conform to sanitary requirements? (Section 3(C)(3)(e), LYCCPASR)

A water and sewer design report has been included with the application. The Subdivision Improvements agreement identifies the developer responsibilities in connecting to City water and sewer services.

E. Does the proposed plat provide easements for the location and installation of any utilities? (76-3-608(3)(C), MCA)

Utility easements shall be provided on the face of the final plan.

F. Does the proposed plat provide legal and physical access to each parcel within the subdivision and notation of that access on the plat? (76-3-608 (3)(d), MCA)

Physical access has been provided for all lots by private internal streets.

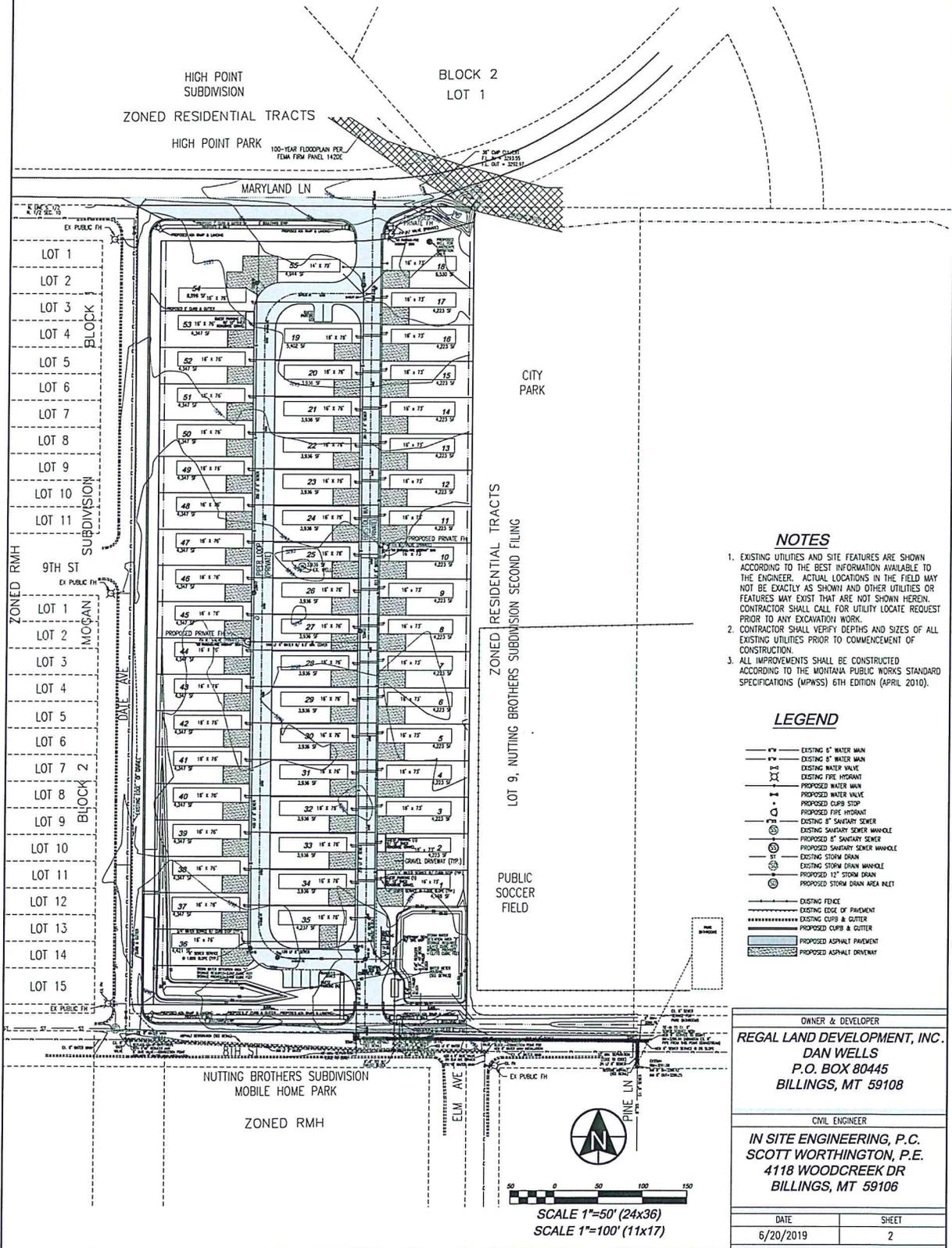
CONCLUSIONS OF FINDINGS OF FACT

- The preliminary plan of Regal Community Park does not create any adverse impacts that warrant denial of the development.
- With the proposed conditions, Regal Community Park is in compliance with the Montana Subdivision and Platting Act, LYCCPASR and the City of Laurel Growth Management Plan.
- All public improvements shall be built to Montana Public Work Standards.

REGAL COMMUNITY PARK

OVERALL UTILITY PLAN
AN ADDITION TO THE CITY OF LAUREL, MONTANA

BEING LOTS 7 & 8 OF NUTTING BROTHERS SUBDIVISION, 2ND FILING
LOCATED IN THE NW 1/4 OF SECTION 10, T.2S., R.24E., P.M.M.,
YELLOWSTONE COUNTY, MONTANA



NOTES

- EXISTING UTILITIES AND SITE FEATURES ARE SHOWN ACCORDING TO THE BEST INFORMATION AVAILABLE TO THE ENGINEER. ACTUAL LOCATIONS IN THE FIELD MAY NOT BE EXACTLY AS SHOWN AND OTHER UTILITIES OR FEATURES MAY EXIST THAT ARE NOT SHOWN HEREIN. CONTRACTOR SHALL CALL FOR UTILITY LOCATE REQUEST PRIOR TO ANY EXCAVATION WORK.
- CONTRACTOR SHALL VERIFY DEPTHS AND SIZES OF ALL EXISTING UTILITIES PRIOR TO COMMENCEMENT OF CONSTRUCTION.
- ALL IMPROVEMENTS SHALL BE CONSTRUCTED ACCORDING TO THE MONTANA PUBLIC WORKS STANDARD SPECIFICATIONS (MPWSS) 6TH EDITION (APRIL 2010).

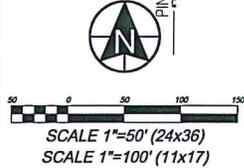
LEGEND

- 8" EXISTING 8" WATER MAIN
- 8" EXISTING 8" WATER MAIN
- EXISTING WATER VALVE
- EXISTING FIRE HYDRANT
- PROPOSED WATER MAIN
- PROPOSED WATER VALVE
- PROPOSED CURB STOP
- PROPOSED FIRE HYDRANT
- EXISTING 8" SANITARY SEWER
- PROPOSED 8" SANITARY SEWER
- PROPOSED 8" SANITARY SEWER MANHOLE
- EXISTING STORM DRAIN
- EXISTING STORM DRAIN MANHOLE
- PROPOSED 12" STORM DRAIN
- PROPOSED STORM DRAIN AREA INLET
- EXISTING FENCE
- EXISTING EDGE OF PAVEMENT
- EXISTING CURB & GUTTER
- PROPOSED CURB & GUTTER
- PROPOSED ASPHALT PAVEMENT
- PROPOSED ASPHALT DRIVEWAY

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DAN WELLS
P.O. BOX 80445
BILLINGS, MT 59108

CIVIL ENGINEER
IN SITE ENGINEERING, P.C.
SCOTT WORTHINGTON, P.E.
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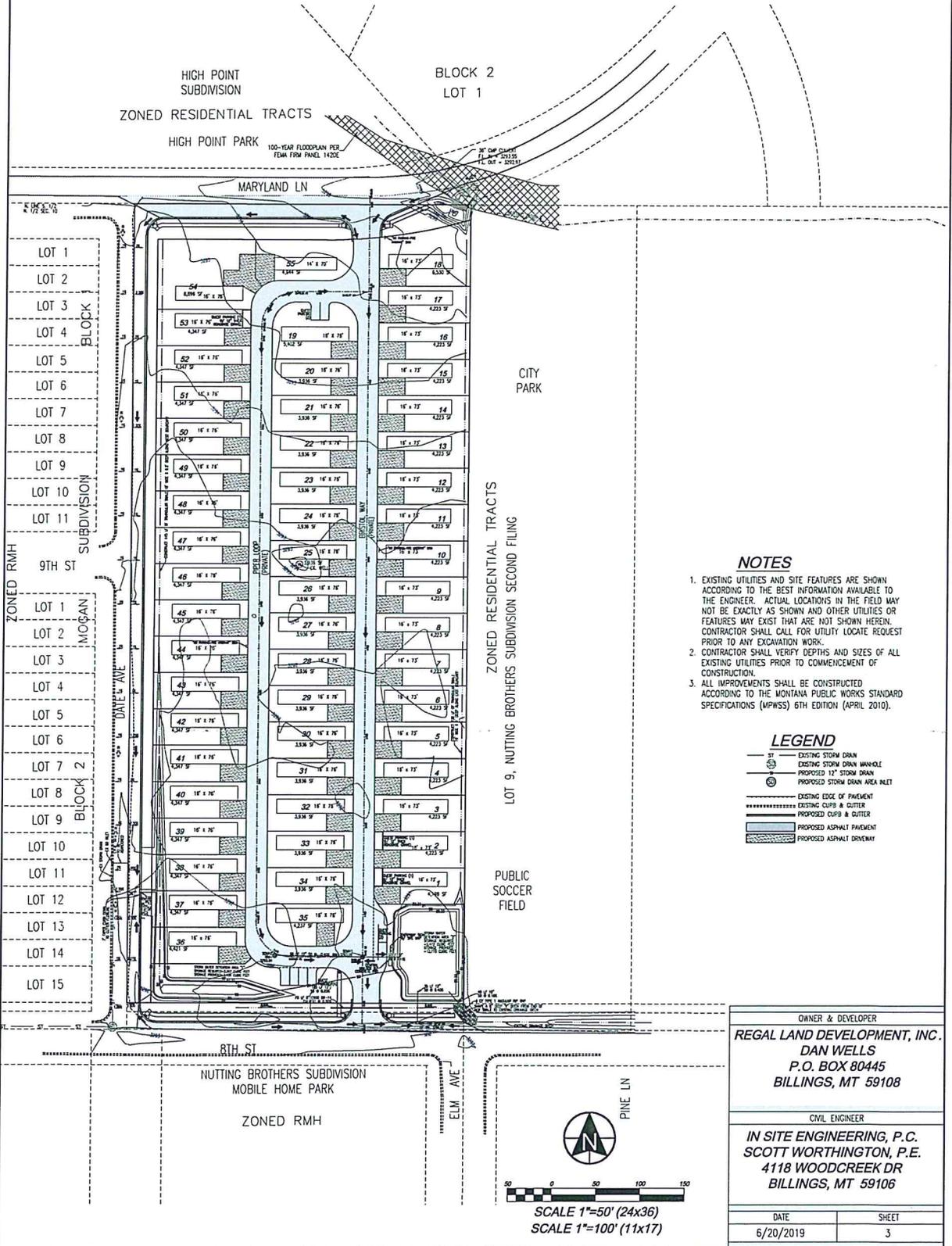
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REGAL COMMUNITY PARK

OVERALL GRADING & DRAINAGE PLAN
AN ADDITION TO THE CITY OF LAUREL, MONTANA

BEING LOTS 7 & 8 OF NUTTING BROTHERS SUBDIVISION, 2ND FILING
LOCATED IN THE NW 1/4 OF SECTION 10, T.2S., R.24E., P.M.M.,
YELLOWSTONE COUNTY, MONTANA



NOTES

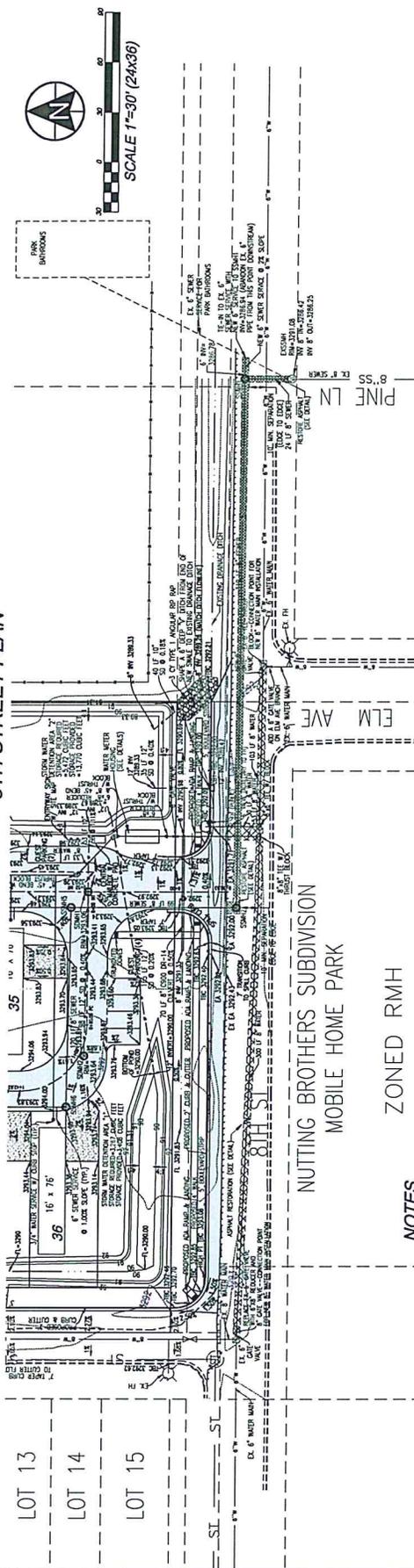
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LEGEND

- ST — EXISTING STORM DRAIN
- ⊗ EXISTING STORM DRAIN MANHOLE
- 12" — PROPOSED 12" STORM DRAIN
- ⊕ PROPOSED STORM DRAIN AREA INLET
- — — — — EXISTING EDGE OF PAVEMENT
- ⋯ EXISTING CURB & GUTTER
- ▨ PROPOSED CURB & GUTTER
- ▨ PROPOSED ASPHALT PAVEMENT
- ▨ PROPOSED ASPHALT DRIVEWAY

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CIVIL ENGINEER	
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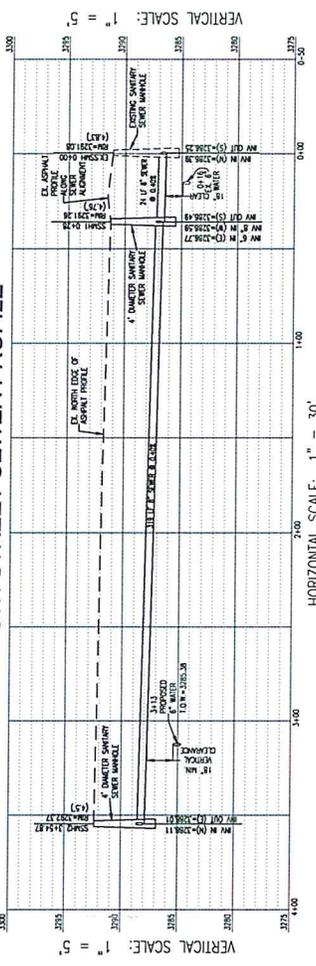
8TH STREET PLAN



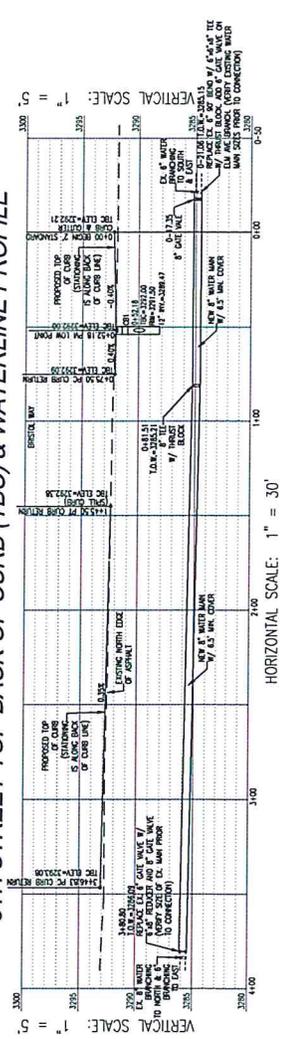
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- EXISTING UTILITIES DEPTH, BEINGS, AND SIZES OF ALL EXISTING UTILITIES PRIOR TO COMMENCEMENT OF CONSTRUCTION.
- ALL IMPROVEMENTS SHALL BE CONSTRUCTED ACCORDING TO THE MONTANA PUBLIC WORKS STANDARD SPECIFICATIONS (MSPS) EXCEPT WHERE SHOWN OTHERWISE. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING NECESSARY PERMITS AND COORDINATING WITH ALL AGENCIES INVOLVED IN THE CONSTRUCTION TO COORDINATE VALVE OPERATION AND ISOLATION OF THE WORK AREA.

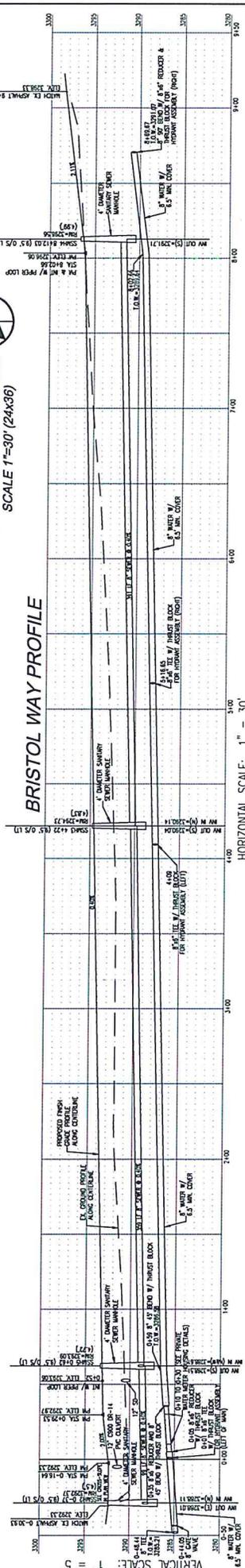
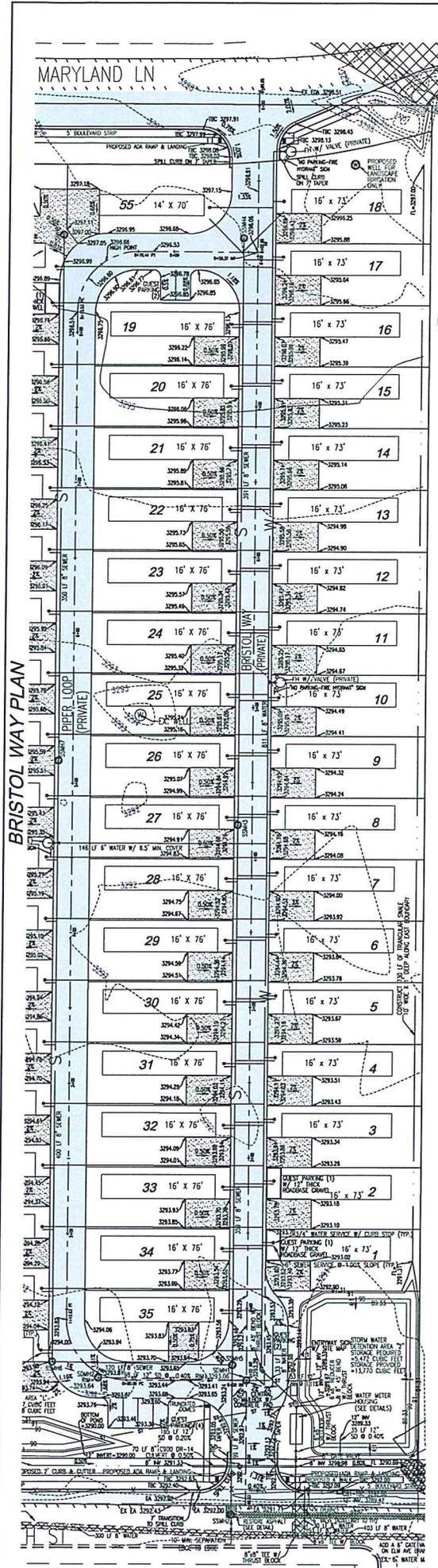
8TH STREET SEWER PROFILE



8TH STREET TOP BACK OF CURB (TBC) & WATERLINE PROFILE



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DATE	SHEET
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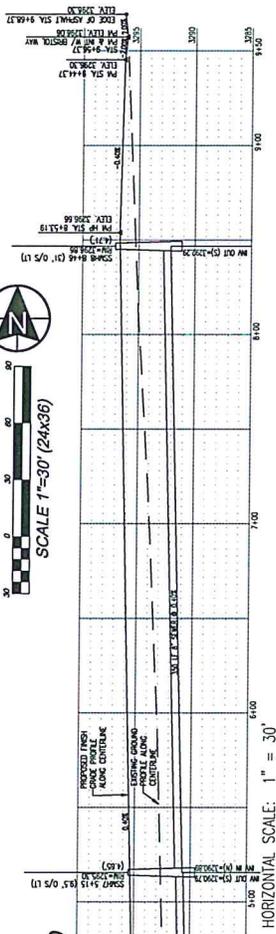
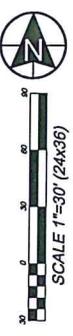
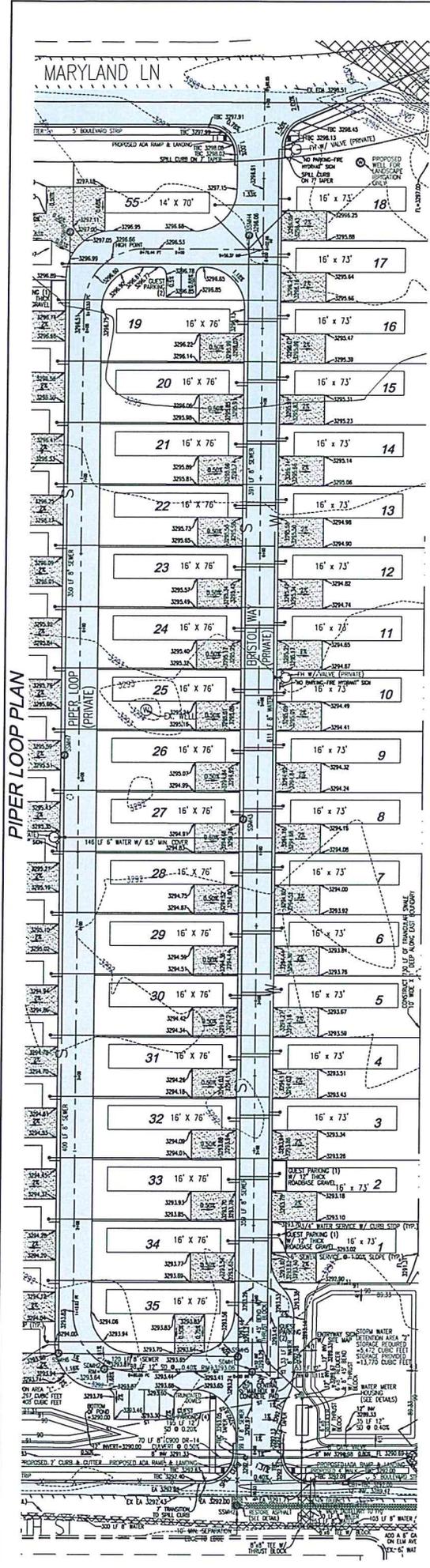
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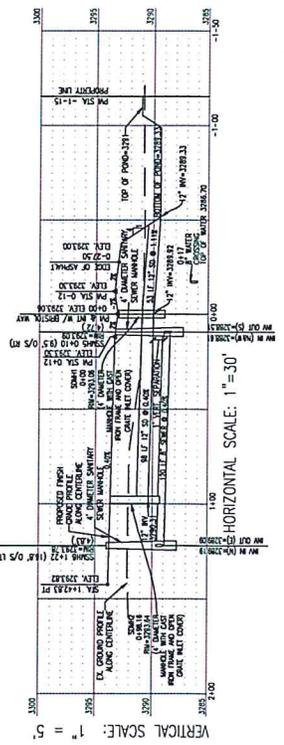
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VERTICAL SCALE: 1" = 5'



PIPER LOOP PROFILE FROM STA 1+42.83 TO END

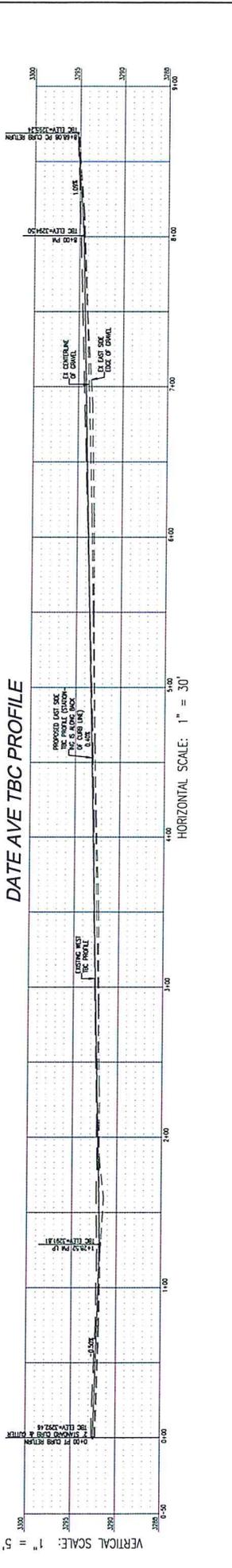
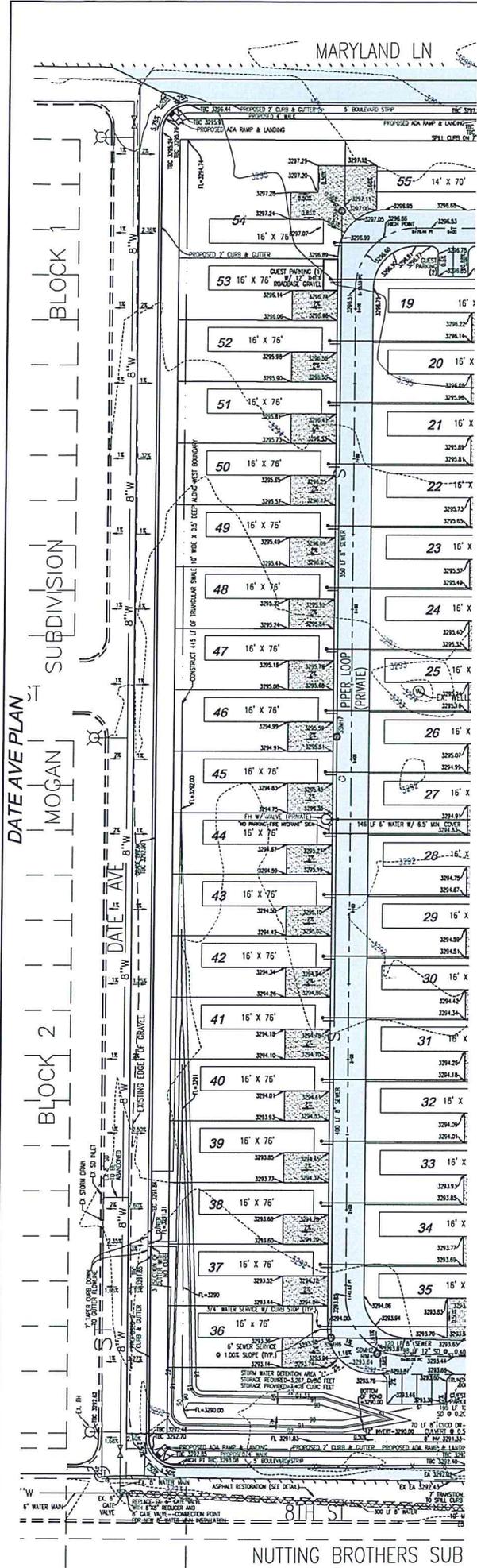
PIPER LOOP PROFILE FROM BEGINNING TO STA 1+42.83



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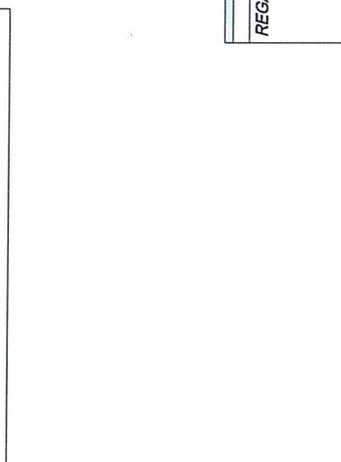
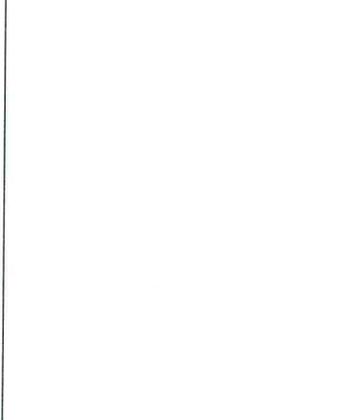
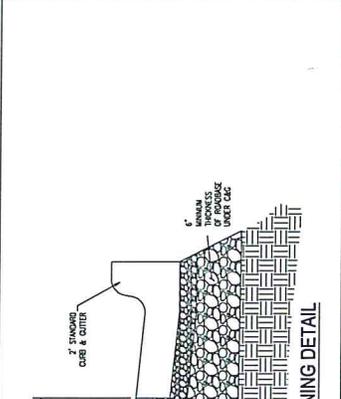
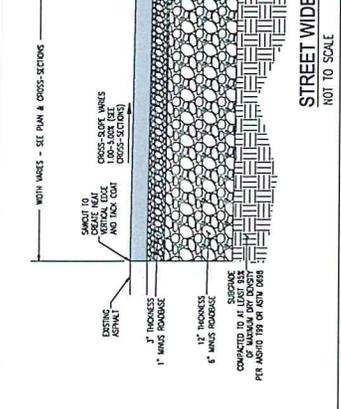
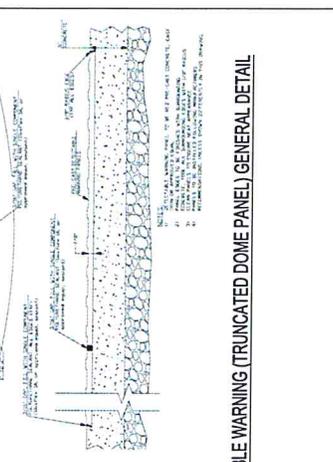
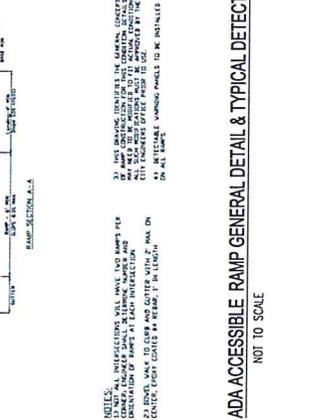
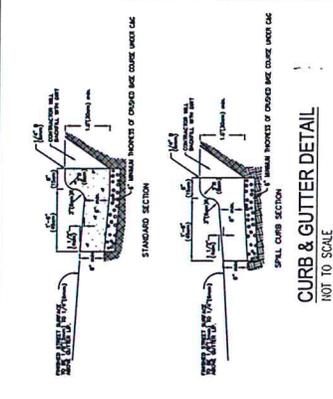
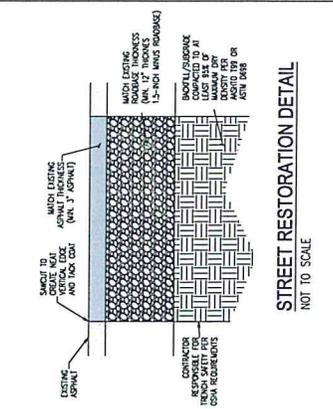
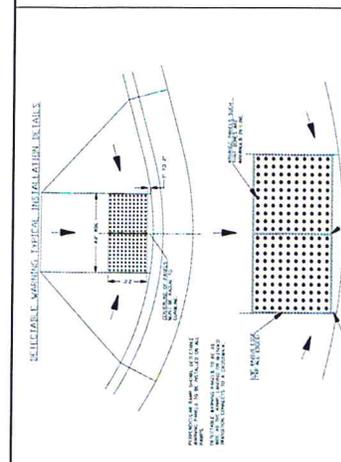
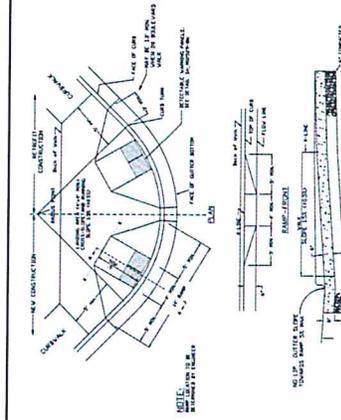
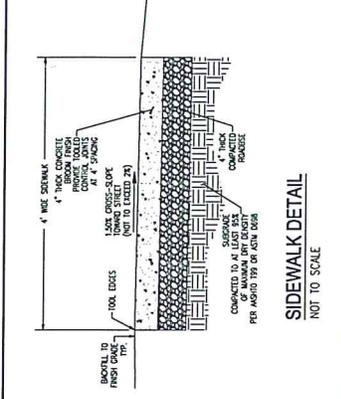
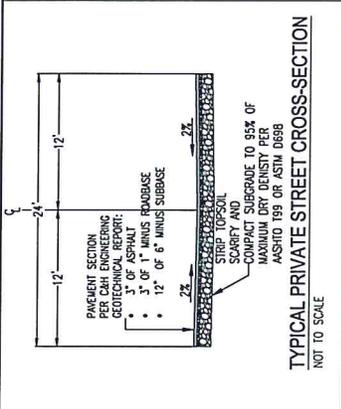


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