

RESOLUTION NO. R19-07

A RESOLUTION OF THE CITY COUNCIL PROVIDING CONDITIONAL AUTHORIZATION TO THE DEVELOPER OF IRON HORSE STATION SUBDIVISION FOR THE INSTALLATION OF A STORM WATER POND ON DEDICATED PARKLAND WITHIN THE SUBDIVISION PURSUANT TO LMC 16.40.040.

WHEREAS, pursuant to LMC 16.40.040 the City Council may authorize the construction or installation of storm water ponds within public park land if the storm water pond constitutes an amenity to the park; and

WHEREAS, the developer of Iron Horse Subdivision requested permission to install a storm water pond to handle storm water runoff within the subdivision to protect the health, safety, and welfare of the homeowners in the development; and

WHEREAS, the parkland identified for the location of the proposed storm water pond is currently a natural and undeveloped nature area and the City Council desires the area to remain substantially unchanged after the installation is complete; and

WHEREAS, the parkland identified by the developer appears to include a portion that may constitute a wetland which would require the approval of federal agencies in addition to city and state departments and agencies; and

WHEREAS, the City Council's authorization granted herein is subject to the reasonable conditions imposed by this resolution.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Laurel, Montana, that the City Council hereby approves the installation of a storm water pond, on the parkland located in Iron Horse Station Subdivision which is identified on the attached map and such map is incorporated herein as part of this resolution, subject to the following conditions:

1. The Developer shall obtain all required permits and authorizations from all state and/or federal agencies or departments having jurisdiction over the area and proposed project;
2. The City's Public Works Department and on-call engineering firm (KLJ) must approve the design prior to commencing work on the installation;
3. The City's Public Works Department and on-call engineering firm (KLJ) shall ensure the design and installation complies with the intent of the City Council expressed within this resolution prior to approving the project on the City's behalf; and
4. The design and installation must comply with all applicable Montana Public Works Standards which have been adopted by the City.

*Motion failed 1-7
4/27/21*

Introduced at a regular meeting of the City Council on April 2, 2019, by Council Member

_____.

PASSED and APPROVED by the City Council of the City of Laurel this 2nd day of April 2019.

APPROVED by the Mayor this 2nd day of April 2019.

CITY OF LAUREL

Thomas C. Nelson, Mayor

ATTEST:

Bethany Langve, Clerk-Treasurer

Approved as to form:

Sam S. Painter, Civil City Attorney

RESOLUTION NO. R19-07

A RESOLUTION OF THE CITY COUNCIL AUTHORIZING THE DEVELOPER OF IRON HORSE STATION SUBDIVISION TO INSTALL A STORMWATER POND WITHIN DEDICATED PARKLAND WITHIN THE SUBDIVISION PURSUANT TO LMC 16.40.040.

WHEREAS, pursuant to LMC 16.40.040 the City Council may authorize the construction or installation of stormwater ponds within public parkland if the stormwater pond constitutes an amenity to the park; and

WHEREAS, the developer of Iron Horse Subdivision requested permission to install a stormwater pond within the subdivision which will subsequently be utilized as an amenity as future development occurs; and

WHEREAS, the City's Park Board considered the request and has approved such request, and further recommends approval of the same by the City Council.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Laurel, Montana, that the City Council hereby approves the installation and/or construction of a stormwater pond in the parkland area as described and shown on the attached exhibits which are attached hereto and by this reference made a part of this resolution.

Introduced at a regular meeting of the City Council on March 19, 2019, by Council Member _____.

PASSED and APPROVED by the City Council of the City of Laurel this 19th day of March 2019.

APPROVED by the Mayor this 19th day of March 2019.

CITY OF LAUREL

Thomas C. Nelson, Mayor

ATTEST:

Bethany Langve, Clerk-Treasurer

Approved as to form:

Sam S. Painter, Civil City Attorney

CITY HALL
115 W. 1ST ST.
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City Of Laurel

P.O. Box 10
Laurel, Montana 59044



Park Board

March 4, 2019

Mayor and City Council

Re, Iron Horse Station Subdivision, allowing a stormwater pond in park area.

The developer of Iron Horse Station Subdivision is proposing to install a stormwater pond in lands that were dedicated to be used as a park. Stormwater ponds are allowed in dedicated parkland as per Laurel's Municipal Code 16.40.040 if they are designed as an amenity to the park. The final design for the stormwater pond will be presented to the Park Board in the future if the City Council approves the pond to be included as an amenity to this park area.

On February 7, 2019 the Park Board voted 5-0 to recommend to the City Council allowing the developer to install a stormwater pond in the park area of block 8 of Iron Horse Station Subdivision. This permission is needed in order to finalize the design plans for the streets, water and sewer line installations.

Respectfully,

A handwritten signature in blue ink, appearing to be "Scott Stokes", written over a long horizontal line.

Scott Stokes
Chairperson

Attached; Proposed Pond Exhibit
 LMC 16:40.040

mine whether the park dedication must be a land donation, cash donation, or a combination of both. The combination could include some land dedication to meet the requirement with the cash-in-lieu balance going toward park improvements on the land dedicated. In determining whether land or cash is suitable, proximity to existing parks, including schools and other public or private recreational facilities shall be considered.

D. A park maintenance district shall be formed or expanded with any new parkland dedication. (Ord. 07-01 (part), 2007)

16.40.020 School land dedication in lieu of park land dedication (MCA Section 76-3-621(8)).

Subject to the approval of the governing body and acceptance by the Laurel school board of trustees, a subdivider may dedicate land as required by herein to the school district. (Ord. 07-01 (part), 2007)

16.40.030 Linear park land dedication for trail corridors.

To be consistent with Laurel's bike/ped plan heritage trail plan, city and county GMP's, and the Yellowstone River greenway master plan linear parks for trails may be counted toward the required parkland dedication. (Ord. 07-01 (part), 2007)

16.40.040 Stormwater detention/retention ponds in parks.

Stormwater detention or retention ponds may be located within public park land, but such areas shall not count toward the park land dedication requirement unless they are designed and constructed to serve as an amenity to the park and fit into the planned uses and improvements to the park. An example of a stormwater detention area that is an amenity

to a park could be several ponds with water features connecting them designed to have a trail around them with picnic shelters. (Ord. 07-01 (part), 2007)

16.40.050 Determining cash contribution for park land.

Upon submittal of a final plat application, the subdivider shall provide one of the following to verify the fair market value of the land being subdivided that supports the cash contribution for park land the subdivider is providing:

A. A comparative market analysis performed by a licensed realtor that meets the following criteria:

1. It provides the per acre sale price of at least three comparable parcels of land;
2. The comparable sales must have occurred within one year of the date of the subdivision final plat application submittal; and
3. The comparable sales must be within two miles of the subdivision.

B. A raw land appraisal by a licensed appraiser.

C. The sale price of the property being subdivided if it was purchased within one year of the date of the subdivision final plat application submittal. (Ord. 07-01 (part), 2007)

16.40.060 Use of dedicated money or land for parks (MCA Section 76-3-621(5)).

The appropriate governing body shall use the dedicated money or land for development, acquisition, or maintenance of parks to serve the subdivision and community as follows:

A. The governing body may use the dedicated money to acquire, develop, or maintain, within its jurisdiction, parks, or recreational areas, or use the money for the purchase of



IF UTILIZE PORTION OF PARK AREA (BLUE):
 NEW PROPOSED EAST-END RETENTION POND REQUIRED
 TO BE ±81,700 CF (100-YEAR, 24-HR DESIGN STORM).
 SHOWN AREA (SHADED) = 57,600 SF
 AS SHOWN OFFSET 10' FROM ALL BOUNDARIES.
 BASED ON REQ'D VOLUME, POND WOULD LIKELY NEED
 TO BE ±2.0'-2.5' DEEP (DEPENDS ON SIDE SLOPES)

AREA TO BE BUILT UP WITH
 POND EXCAVATION MATERIAL
 UNPLATTED

NEW PROPOSED WEST-END DETENTION POND ON LOT 10,
 REQUIRED TO BE ±35,000 CF (POST-DEV)
 (100-YEAR, 24-HR DESIGN STORM)
 LOT 10 TOTAL AREA = 16,594 SF
 AVAILABLE LOT 10 AREA (NO EASEMENT) = 15,570 SF
 IF OFFSET 5' FROM AVAILABLE AREA = 13,159 SF
 BASED ON REQ'D VOLUME, POND WOULD LIKELY NEED
 TO BE ±3.5'-4.0' DEEP (DEPENDS ON SIDE SLOPE)

