

RESOLUTION NO. R22-11

RESOLUTION OF ANNEXATION AND ZONING FOR APPROXIMATELY 270 ACRES OF THE LAUREL GOLF CLUB, AS AN ADDITION TO THE CITY OF LAUREL, YELLOWSTONE COUNTY, MONTANA.

WHEREAS, a Petition for Annexation was submitted to the City of Laurel by the Laurel Golf Club, which is the property owner (hereinafter "Petitioner") of certain real property situated in Yellowstone County, Montana;

WHEREAS, the real property is generally described as that portion of Section 7, Township 2 South, Range 24 East, P.M.M., Yellowstone County, Montana, generally lying North of the Big Ditch, but does not include the Golf Course Maintenance Facility. The real property is generally reflected on the Exhibits to the Petition for Annexation, which is incorporated by reference herein, and it includes all contiguous roadways and rights-of-way;

WHEREAS, the property is currently outside of City of Laurel city limits, and Petitioner seeks annexation of the property and zoning; and

WHEREAS, Petitioner currently seeks annexation of its property into the City of Laurel in order to access and utilize City of Laurel services, including, but not limited to, water, sewer, police, and fire;

WHEREAS, the Laurel City-County Planning Board held a duly advertised public hearing on Petitioner's Petition for Annexation on March 16, 2022. At the conclusion of the hearing, the Planning Board voted to recommend approval to the City Council of both the annexation and zoning requests; and

WHEREAS, the City Council held a duly advertised public hearing regarding Petitioner's Petition for Annexation on April 12, 2022. At the conclusion of the hearing, the City Council determined that approval of the Petition for Annexation is in the best interests of the City at this time; and

WHEREAS, the annexation of the property and zoning is subject to the Annexation Agreement by and between the City of Laurel and the Laurel Golf Club, which is attached hereto and incorporated as part of this Resolution.

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

1. The owner of record of the territory annexed to the City of Laurel has executed a Petition of Annexation.

2. Pursuant to Mont. Code Ann. § 7-2-46, 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 Petitioner's Petition for Annexation and all attached Exhibits.
3. The following described territory is hereby annexed to the City of Laurel: the real property generally described as that portion of Section 7, Township 2 South, Range 24 East, P.M.M., Yellowstone County, Montana, generally lying North of the Big Ditch, but does not include the Golf Course Maintenance Facility. The real property is generally reflected on the Exhibits to the Petition for Annexation, which is incorporated by reference herein, and it includes all contiguous roadways and rights-of-way. Petitioner agrees to provide the City of Laurel with a new Certificate of Survey specifying the exact legal description of the property.
4. The owner of record of the territory annexed to the City of Laurel and the City of Laurel will execute an Annexation Agreement, which terms and conditions are made a part of this Resolution and the Petition for Annexation.
5. That the approval of the annexation and zoning is conditioned as follows:
 - A. On all terms, conditions, and requirements of the Annexation Agreement between the City of Laurel and the Laurel Golf Club.
 - B. Petitioner must provide the City of Laurel with a new Certificate of Survey specifying the exact legal description of the property.
 - C. The property shall be zoned as public, which is consistent with the zoning of adjacent and nearby properties.
 - D. Connections to the City of Laurel Water and Sewer Systems shall be approved by the City of Laurel's Public Works Department.
 - E. All improvements and infrastructure connections shall be completed within one calendar year from the date this Resolution is approved.
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 Meeting Minutes with the Yellowstone County Clerk and Recorder.
7. From and after the date that the City Clerk-Treasurer files such certified copy of this Resolution and of the City Council Meeting Minutes with the

Yellowstone County Clerk and Recorder, this Annexation of the above-described territory to the City of Laurel shall be deemed complete and final.

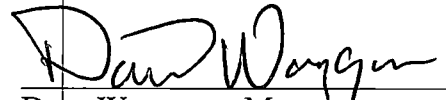
8. Annexation and the City's responsibility for providing service to the property shall become null and void upon Petitioner's failure to satisfy the conditions imposed by the City Council by and through this Resolution, the Petition for Annexation, and the Annexation Agreement by and between the City of Laurel and the Laurel Golf Club.

Introduced at a regular meeting of the City Council on the 12th day of April 2022, by Council Member Mize.

PASSED and APPROVED by the City Council of the City of Laurel the 12th day of April 2022.

APPROVED by the Mayor the 12th day of April 2022.

CITY OF LAUREL


Dave Waggoner, Mayor

ATTEST:


Bethany Koeler, Clerk-Treasurer

APPROVED AS TO FORM:


Michele L. Braukmann, Civil City Attorney



STAFF REPORT
LAUREL GOLF CLUB
Annexation and Initial Zoning

Applicant:

Laurel Golf Club
1020 Golf Course Road
Laurel MT 59044

The Laurel Golf Club represents 100% of the land ownership. Annexation pursuant to §7-2-4601 et. seq. MCA. (Annexation by Petition).

Request:

Laurel Golf Club. The Club, representing 100% of the ownership of lands involved, has Petitioned the City of Laurel for Annexation of approximately 270 acres of property adjacent to the City of Laurel with an initial Zoning Designation of Public (P) for concurrent review.

The subject property is generally described as that portion of Section 7, Township 2 South, Range 24 East, P.M.M., Yellowstone County, Montana, generally lying North of the Big Ditch but does not include the Golf Course Maintenance Facility. An annexation Exhibit, which is incorporated into this report by reference, has been submitted in support of the Petition and Requested Initial Zoning.

Process:

An earlier submitted version of this request with a smaller land area being annexed with an initial zoning designation of R-7500 has been withdrawn and will not be considered further as it has been replaced by this petition and initial zoning request.

The annexation petition and requested initial zoning has been scheduled for consideration and a public hearing by the Laurel – Yellowstone City County Planning Board and Zoning Commission for 5:35 p.m. on Wednesday, March 16, 2022. Though not yet scheduled the matter could be considered by the Laurel City Council at a Work Session on April 5 and taken up as an action item on April 12, 2022.

Analysis of the Request

- The Laurel Golf Club represents 100% of the land ownership involved in the petition.
- The Laurel Growth Policy does not designate the property as a 'growth area' of the city.
- The current use of the property is agricultural, recreational, and has a commercial use (Restaurant, Bar, Clubhouse).
- The requested zone City Public (P) provides for a variety of uses and is consistent with the requirements of R-08-22 that lands embraced by the city be assigned R-7500 or greater.

- The subject property currently is presumed to be zoned County Public or is un-zoned Yellowstone County.
- Part 46 annexation requires that the land use designation be 'consistent with the prevailing use of the property, consistent with the prevailing County Zoning Assignment, and/or consistent with the current growth policy'.
- The annexation by petition thresholds for annexation of Agricultural properties must be adhered to.
- In addition to the recreational and commercial uses of the property, a significant area of the lands would be considered as prime development property with the extension of urban scale services. In addition to the extension of urban scale services the City Zoning provides options for development that are not available to rural properties. These options include but are not limited to Planned Unit Developments
- The initial zoning must be considered under City Resolution R-08-22 (Annexation), the Laurel Municipal Code Title 17 (Zoning).
- The question of annexation and initial zoning must be heard by the Laurel – Yellowstone City County Planning Board and Zoning Commission.
- Is the requested annexation and initial zoning in the best interest of the City and Citizens of the City of Laurel.
- Any further development beyond the clubhouse will be required to do an analysis of the ability of the city to supply water and sanitary sewer to the development and pay for any associated costs to expand the city utility infrastructure.
- The city cannot supply irrigation water for the golf course.

Findings:

- ✓ The subject property is adjacent to the City of Laurel.
- ✓ The restrictions imposed on cities related to the annexation of agricultural properties under Part 46 have been met or exceeded.
- ✓ The City Council is not required to submit the question of annexation to the qualified electors of the area to be annexed as the petition is signed by 100% of the owners.
- ✓ The city may annex the agricultural properties as 100% of the ownership of same has petitioned the city for annexation.
- ✓ The driver for the annexation request is the desire of the Golf Course to construct a new larger Clubhouse. The existing onsite water and sanitary facilities do not meet the minimum requirements of the Montana Department of Environmental Quality for the proposed new clubhouse facility.
- ✓ The clubhouse facility incorporates on premise alcohol consumption and a restaurant the City of Laurel Zoning classifies these uses as 'Commercial' and subject to Special Review proceedings. The only district that contemplates the proposed new use as a permitted use is the Public (P) zoning and then only in association with the recreational facilities. It is for that reason that the entirety of the golf course is included in the petition for annexation and initial zoning.
- ✓ The golf course was not included as 'future growth area' in the Growth Policy adopted by the City of Laurel because the property has been used for agricultural production or as recreational properties with existing facilities that did not need, want, or desire to be included within the city. This all changed with the proposal to construct the new clubhouse and the DEQ determination that the onsite facilities were not approvable. The decision to not include the golf course and associated operations should not be construed as the city being unwilling to consider annexation,

further development, or growth of the City of Laurel to the west but rather an acknowledged of the restrictions imposed by Montana Law and the rights afforded to landowners or certain classified lands.

- ✓ The golf course itself is not being forced to be annexed into the city. The golf course is required to obtain the benefits of the Public Zoning assignment to provide for the operation of a restaurant/tavern as a permitted use.
- ✓ The proposed assignment of Laurel P meets all the statutory requirements of Part 46 annexation and zoning assignment.
- ✓ The Laurel P Zone is listed along with Commercial and Industrial land use assignments and is therefore determined to be a "greater than" R-7500 classification.
- ✓ The extension of city services will be at the owner's expense (R-08-22) and in accordance with the Annexation Agreement as approved by the City Council. In this agreement the City Council may waive certain 'required' improvements where full-scale development of the properties is not currently being contemplated. Frankly, the requirement of the construction of all the improvements contemplated by R-08-22 is not in the best interests of either the City of Laurel or the Owner at this time.
- ✓ The City Zoning provides options for development that are not available to rural properties. These options include but are not limited to Planned Unit Developments. These options and the exactions of infrastructure are most beneficial to the Owner, the City of Laurel, and all surrounding properties in conjunction with the proposed development of the property in the future.
- ✓ The Laurel Golf Club has existed at this location and ownership since the 1960's and has grown to be one of the premiere golf venues in the State of Montana. While change is sometimes difficult the City of Laurel and the Ownership of the Golf Club are the best custodians of the current and future growth and development potential of the property.
- ✓ The city has the ability to provide services to the clubhouse both existing and proposed but future development will require additional analysis on the part of the developer to determine what, if any, capital improvements are necessary to accommodate additional development.
- ✓ The City of Laurel does not have the ability to provide irrigation water for the golf course and does not anticipate the ability to provide same in the future.
- ✓ Given the lack of data to support annexation that would provide for significant residential and commercial development and the requirement of the city to guarantee the provision of services a favorable recommendation from Public Works on the request could not be obtained.

12 Point Test for Zoning:

- I. Is the zoning in accordance with the growth policy;
 - The proposed zoning is consistent with the prevailing County zoning on the property.
 - The Growth Policy identifies a portion of the proposed annexation as Public.
 - The golf course itself is classified as open/agricultural.
 - Resolution R-08-22 requires zoning assignment at annexation at R-7500 or greater.
 - The Public Zone being classified with the Commercial and Industrial zones meets the definition as 'greater than' R-7500.

Finding:

The requested zoning is in accordance with the Growth Policy.

- II. Is the zoning designed to lessen congestion in the streets;
 - The proposed zoning is consistent with the prevailing County zoning on the property.

- The proposed zoning along with the annexation agreement with the developer will not change the underlying use of the property.
- The Public zone does not allow for additional development of the property.
- Proposed development that would potentially impact roads and streets would require a traffic impact analysis and associated improvements.

Finding:

The requested zoning will not have a material impact on congestion in the streets.

- III. Is the zoning designed to secure safety from fire, panic, and other dangers;
- The proposed zoning is consistent with the prevailing County zoning on the property.
 - The Growth Policy identifies a portion of the proposed annexation as Public.
 - The golf course itself is classified as open/agricultural.
 - The construction of a new clubhouse facility that complies with the current International Commercial Code will unquestionable be safer than the existing facilities.

Finding:

The requested zoning will not have a material impact on safety from fire, panic, or other dangers.

- IV. Is the zoning designed to promote health and the general welfare;
- The proposed zoning is consistent with the prevailing County zoning on the property.
 - The Growth Policy identifies a portion of the proposed annexation as Public.
 - The golf course itself is classified as open/agricultural.
 - The construction of a new clubhouse facility that complies with the current International Commercial Code will unquestionable be safer than the existing facilities.
 - The connection of the facilities and properties at the time of development to the Laurel municipal water and wastewater systems will have positive impacts to public health and general welfare.

Finding:

The requested zoning will promote the public health and the general welfare.

- V. Is the zoning designed to provide adequate light and air;
- The existing zoning imposes building setbacks, height limits, limits on the number of buildings on a single parcel, and reasonable area limits on new development.
 - The current proposal, Public, does not provide for residential or commercial development and tertiary approvals for zoning and subdivision will be necessary.
 - The existing development has more than adequate separation from surrounding uses.

Finding:

The requested zoning will provide adequate light and air.

- VI. Is the zoning designed to prevent the overcrowding of land;
- The existing zoning imposes building setbacks, height limits, limits on the number of buildings on a single parcel, and reasonable area limits on new development.
 - The current proposal, Public, does not provide for residential or commercial development and tertiary approvals for zoning and subdivision will be necessary.
 - The existing development has more than adequate separation from surrounding uses.

Finding:

The proposed zoning will prevent the overcrowding of land.

- VII. Is the zoning designed to avoid undue concentration of population;

- The existing zoning imposes building setbacks, height limits, limits on the number of buildings on a single parcel, and reasonable area limits on new development.
- The current proposal, Public, does not provide for residential or commercial development and tertiary approvals for zoning and subdivision will be necessary.
- The existing development has more than adequate separation from surrounding uses.

Finding:

The proposed zoning will prevent the undue concentration of population.

- VIII. Is the zoning designed to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements;
- The zoning has primarily been requested to facilitate the construction of a new golf club house facility.
 - The requested zoning, without some overlay or modification, will not necessitate the installation of new or additional infrastructure.
 - It is anticipated that a significant portion of the property being annexed will be further developed. It is at that point the additional infrastructure as well as capacities will be evaluated.
 - Where the primarily open space use of the property will not be changed the demands of schools, parks or other public requirements will not be impacted.
 - Some of the public duties, such as police, will shift from Yellowstone County to the City of Laurel but the net effect is minimal.

Finding:

The requested zoning will facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements. Additionally, as the uses of the property change and the intensity of development changes, the city will be able to plan for and be prepared for the anticipated increased demands on their public systems.

- IX. Does the zoning give reasonable consideration to the character of the district and its peculiar suitability for particular uses;
- The requested zoning is essentially a replacement of the existing County Zoning with the closest compatible City Zoning District.
 - The property is owned and operated by the Laurel Golf Club and additional development is not anticipated in the near future.
 - The water and sewer infrastructure proposed with the annexation is adequate for the new club house facility.

Finding:

The requested zoning is in keeping with the character and historical uses of the property. It also provides for opportunities for additional development with suitable uses.

- X. Does the zoning give reasonable consideration to the peculiar suitability of the property for its particular uses;
- The requested zoning is essentially a replacement of the existing County Zoning with the closest compatible City Zoning District.
 - The property is owned and operated by the Laurel Golf Club and additional development is not anticipated in the near future.
 - The water and sewer infrastructure proposed with the annexation is adequate for the new club house facility.

Finding:

The requested zoning is in keeping with the character and historical uses of the property. It also provides for opportunities for additional development with suitable uses.

XI. Will the zoning conserve the value of buildings;

- The extension and availability of public water and sewer resultant from annexation and initial zoning will add value to buildings as they can be expanded replaced and new buildings potentially added in the future.
- Where the underlying zoning is a replacement of County for like City, it is not anticipated that there would be any effect on the value of surrounding buildings or lands.

Finding:

The value of existing buildings both on and adjacent to the requested zone will either be enhanced or not effected by the proposed zoning.

XII. Will the zoning encourage the most appropriate use of land throughout the municipality?

- The requested zoning is essentially a replacement of the existing County Zoning with the closest compatible City Zoning District.
- The property is owned and operated by the Laurel Golf Club and additional development is not anticipated in the near future but when development is proposed the adequate infrastructure, as well as land uses will be vetted via an open public process.

Finding:

The requested zoning provides for the most appropriate use of land in the municipality. It also provides for a significant amount of flexibility for a mixture of uses as contemplated by the District Regulations.

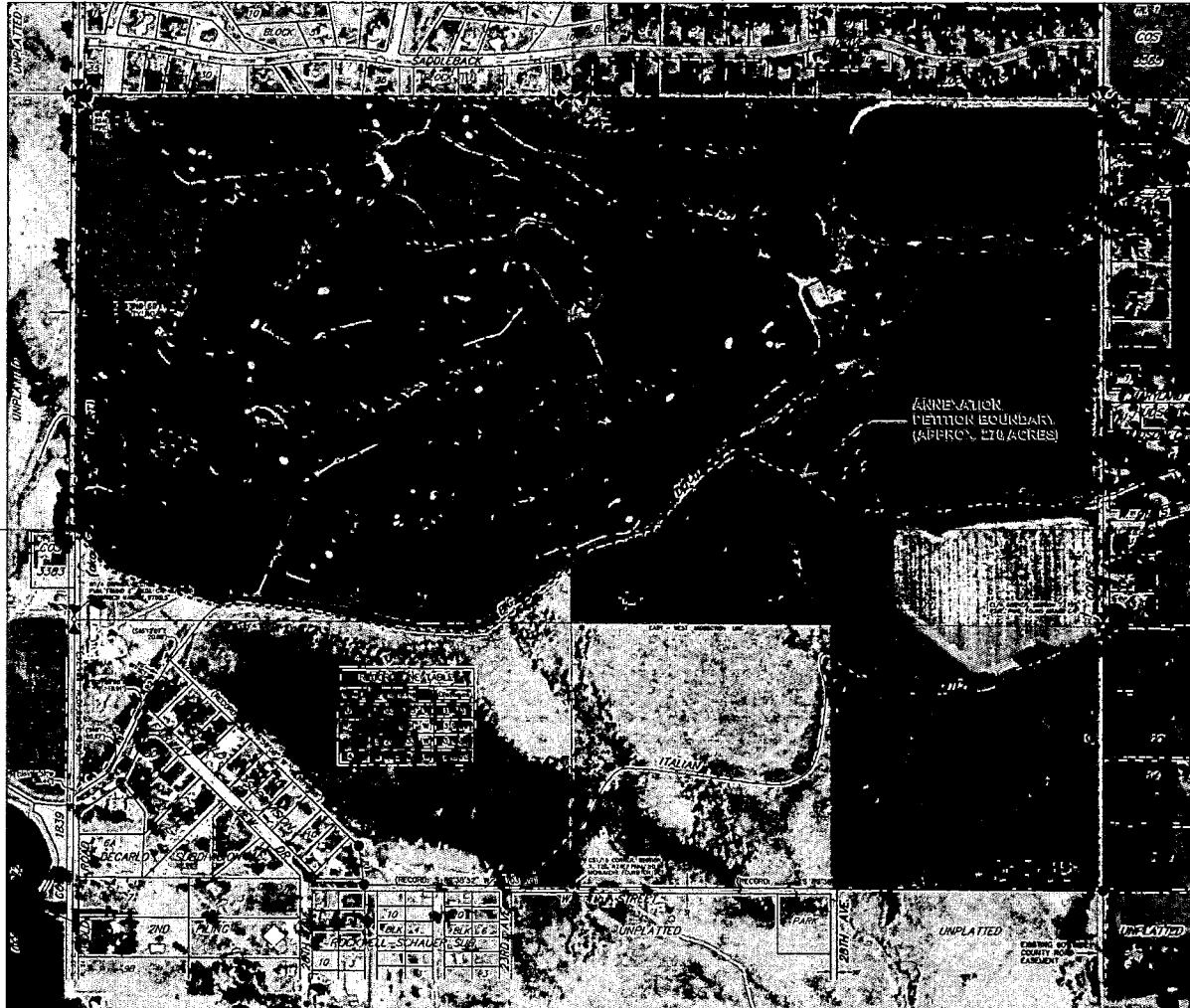
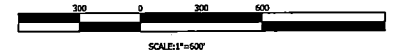
Conclusion:




The petition for annexation into the City of Laurel with the initial zoning assignment of Public (P) appears to be consistent with the requirements of Part 46 Annexation and City Council Resolution R-08-22. Additionally, the annexation, extension of services, and initial zoning assignment in the best interest of both the City of Laurel and the Laurel Golf Club.

EXHIBIT A
ANNEXATION EXHIBIT
WITHIN
CERTIFICATE OF SURVEY NO. 3055

PREPARED FOR : LAUREL GOLF CLUB
PREPARED BY : **SANDERSON STEWART**

FEBRUARY, 2022
BILLINGS, MONTANA



-  R-7500 ZONE
-  R-200 ZONE
-  PUBLIC ZONE

Return to:
Laurel Golf Club
1020 Golf Course Road
Laurel, Montana 59044

ANNEXATION AGREEMENT

THIS ANNEXATION AGREEMENT is made this _____ day of _____, 2022, by and between the **LAUREL GOLF CLUB**, with a mailing address at 1020 Golf Course Road, Laurel, Montana 59044, (the “Developer”), and the **CITY OF LAUREL, MONTANA**, a municipal corporation, with a mailing address at 115 West 1st Street, Laurel, Montana, 59044 (the “City”).

WHEREAS, the Developer is the owner of certain real property situated in Yellowstone County, Montana, more particularly described as follows:

Tract 1A of Amended Certificate of Survey No. 3055; according to the official plat on file and of record in the office of the Clerk and Recorder of said County, hereinafter referred to as “Developer Tract” as well as all adjacent public right-of-way.

WHEREAS, the Developer has submitted to the City a Petition for Annexation to the City for Developer Tract; and

WHEREAS, the Developer desires to annex Developer Tract to the City; and

WHEREAS, the City has approved the Petition for Annexation by Resolution No. R22-11 for the Developer Tract contingent that a Development Agreement, be executed between the City and the Developer to identify required off-site infrastructure improvements and guarantees of those improvements.

NOW THEREFORE, in consideration of the mutual promises and covenants contained herein, the parties do hereby agree as follows:

- 1. Roads and Access.** The Developer Tract shall be accessible by Golf Course Road. No improvements to Golf Course Road will be constructed upon annexation and re-development of the Laurel Golf Club clubhouse. Future development or subdivision of the Developer Tract may require Golf Course Road to be improved to City standard as described in a Subdivision Improvements Agreement or Development Agreement at the time of subdivision or lot development.
- 2. Sanitary Sewer.** Developer Tract shall be served by the City wastewater system. The Developer shall extend a new main from the existing 8-inch sanitary sewer main in

Northwest Maryland Lane to provide service to the clubhouse. Plans and specifications shall be approved by the Public Works Department. A 60-foot-wide public utility easement shall be created for extension of the public water and sewer mains.

3. **Water.** Developer Tract shall be served by the City water system. The Developer shall extend a new water main from the existing 12-inch water main in Northwest Maryland Lane to provide service to the clubhouse. Plans and specifications shall be approved by the Public Works Department. A 60-foot-wide public utility easement shall be created for extension of the public water and sewer mains.

4. **Storm Drain.** The property shall tie into the stormwater drainage system wherever possible. If a connection is not possible, the property shall manage stormwater on the property.

5. **Right-of-Way.** No right-of-way is to be dedicated upon annexation and redevelopment of the clubhouse. Rights-of-way shall be dedicated upon future subdivision of the Developer Tract for Golf Course Road and any proposed public streets.

6. **Future Intersection Contributions.** No intersection contributions are required upon annexation. Future development or subdivision of the Developer Tract may require intersection contributions that shall be defined in a Subdivision Improvements Agreement or Development Agreement based on the recommendations on an approved traffic impact study (if required).

7. **Late Comers Agreement.** No Late Comers Agreement is made with this annexation.

8. **Zoning.** The Property is to be zoned as Public.

9. **Compliance.** Nothing herein shall be deemed to exempt the Developer Tract from compliance with any current or future City laws, rules, regulations, or policies that are applicable to the development, redevelopment, or use of the subject property.

10. **Runs with Land.** The covenants, agreements, and all statements in this Agreement and in the incorporated and attached Waiver shall run with the land and shall be binding on the heirs, personal representatives, successors, and assigns of the respective parties.

11. **Attorney's Fees.** 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, including those fees and costs of in-house counsel.

12. **Attorney's Fees.** 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, including those fees and costs of in-house counsel.

13. **Amendments and Modifications.** Any amendments or modifications of this Agreement 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.

Return to:
City of Laurel
P.O. Box 10
Laurel, Montana 59044

Waiver of Right to Protest

FOR VALUABLE CONSIDERATION, the undersigned, being the owner and/or subdivider, in addition to all future owners of the hereinafter described real property, do hereby waive the right to protest the formation of one or more special improvement district(s) for the construction of streets, street widening, street maintenance, sidewalks, curb and gutter, sanitary sewer lines, water lines, stormwater and drains (either within or outside the area), street lights, street light maintenance, parks and park maintenance, and other improvements incident to the above which the City of Laurel may require.

This Waiver and Agreement is independent from all other agreements and is supported with sufficient independent consideration to which the undersigned are parties, and shall run with the land and shall be binding upon the undersigned, their successors and assigns, and the same shall be recorded in the office of the County Clerk and Recorder of Yellowstone County, Montana. Pursuant to *MCA §76-3-608(7)*, this Waiver and Agreement shall expire 20 years after the final subdivision plat is recorded with the Yellowstone County Clerk and Recorder.

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

Certificate of Survey No. 3055

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

LAUREL GOLF CLUB

By: _____

Its: _____

“Subdivider/Owner”

STATE OF MONTANA)

: SS

County of Yellowstone)

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

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

Notary Public in and for the State of Montana

Printed name: _____

Residing at: _____

My commission expires: _____

Project Narrative

Overview

Laurel Golf Club is requesting annexation of approximately 270 acres into the City of Laurel, Montana as shown on the attached Exhibit A. The portion of Laurel Golf Club property looking to be annexed is located just outside the northwest boundary of the Laurel city limits, along the west side of Golf Course Road in Yellowstone County, Montana. The property is legally described as: **S07, T02 S, R24 E, C.O.S. 3055, (Less Decarlo Sub).**

The area to be annexed include the golf course, clubhouse, and agricultural land.

The property lies adjacent to Laurel's Elena Subdivision that defines the western-most boundary of Laurel's city limits, as well as directly adjacent to the northern boundary of the City of Laurel's western Annexation Priority Area that is defined in Laurel's 2020 Growth Policy. The property is currently zoned as Public within Laurel's zoning jurisdiction and will remain Public when annexation occurs.

Utility Extensions

Upon annexation of the property, City of Laurel public water and sanitary sewer services will be extended to the Laurel Golf Club building. The intent is that new public water and sewer mains will be extended directly west from NW Maryland Avenue within a new public utility easement. From there, new service lines will be extended on the property to the building. The new public water and sewer mains will become part of the City of Laurel system and will be located within public right-of-way when future development occurs.

RESOLUTION NO. R08-22

**A RESOLUTION TO ADOPT THE
CITY OF LAUREL ANNEXATION POLICY**

WHEREAS, it is necessary for the City of Laurel to properly guide and monitor growth that is in the best interests of the City and its citizens; and

WHEREAS, it is appropriate for the City Council to adopt an Annexation Policy that governs proposed annexations to the City in accordance with Ordinance No. O08-02 § 16.12.020; and

WHEREAS, the City Council has reviewed and accepted the attached Annexation Policy for the City of Laurel.

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

The Council hereby adopts the City of Laurel Annexation Policy in its current form and content. All resolutions adopting any other annexation policies that conflict or are inconsistent with these policies are hereby repealed, voided and of no further effect.

BE IT FURTHER RESOLVED that this Resolution shall be enforceable on the effective date of Ordinance No. O08-02.

Introduced at a regular meeting of the City Council on March 4, 2008, by Council Member Hart.

PASSED and APPROVED by the City Council of the City of Laurel this 4th day of March, 2008.

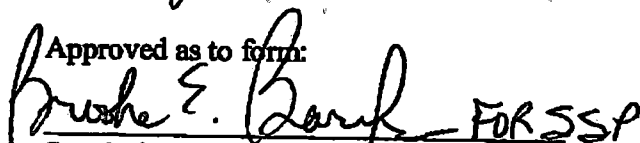
APPROVED by the Mayor this 4th day of March, 2008.

CITY OF LAUREL


Kenneth E. Olson, Jr., Mayor

ATTEST:


Mary K. Embleton, Clerk-Treasurer

Approved as to form:
 FOR SSP
Sam Painter, Legal Counsel
Elk River Law Office, P.L.L.P.

CITY OF LAUREL ANNEXATION POLICY

Service outside city limits—Conditions. No water or sewer services shall be extended outside of the incorporated city limits without meeting the following conditions:

- A. The property and improvements are in the same condition as is required for properties and improvements within the city's corporate limits;
- B. The city system is capable of serving the area;
- C. The extension is in the best interest of the city;
- D. The cost of the extension shall be at the expense of the requesting party;
- E. The city council has granted its approval. (Prior code § 18.76.010(A)); and
- F. The property is annexed.

Consent to Annexation and/or Waiver of Protest.

- A. Any property owner requesting or receiving city water or sewer service outside of the incorporated city limits shall, as a condition of initiating or continuing city services, consent to annexation of the property beneficially receiving services. The consent to annexation may be limited to the property that will benefit or is benefiting from the provision of city services.
- B. Whenever annexation is sought pursuant to a petition submitted to the city by a property owner requesting annexation, the property owner shall execute a written waiver of protest in a form approved by city staff for purposes of recording. The waiver of protest constitutes a covenant that will run with the land to be annexed and shall waive all right of protest and judicial review to the creation of any future special improvement district. (Prior code § 18.76.010(B))

Annexation Fee.

Property owner shall pay the city's applicable annexation fee prior to the city's consideration of the annexation request.

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 annexed 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 or 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;
- All residential property owners must execute 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 or greater; 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:

1. A development agreement prior to the issuance of a building permit;
2. A subdivision improvements agreement at the time of final subdivision plat approval, if applicable and
3. An executed Waiver of Right-to-Protest 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.

If the property is developed and contains public improvements that are not constructed to city standards, the city shall require an annexation agreement. The annexation agreement shall specify that the public improvements must be upgraded and/or installed to city standards, as well as a time period and mechanism to finance the construction and installation of those improvements. All construction or installation of improvements must be completed within two years of annexation.

In any case, all public improvements, whether existing or proposed, shall meet city standards.

**CITY OF LAUREL, MONTANA
REQUEST FOR ANNEXATION
AND PLAN OF ANNEXATION**

Applicant is required to meet with the City Planner prior to filling out this application. All blanks of this application are to be filled in with explanation by the applicant. Incomplete applications will not be accepted.

1. Only parcels of land adjacent to the City of Laurel municipal limits will be considered for annexation. "Adjacent to" also includes being across a public right of way. If the parcel to be annexed is smaller than one city block in size (2.06 acres), the city council must approve consideration of the request; the applicant must make a separate written request to the city council stating their wish to annex a parcel of land less than one city block in. Once the council approves the request, the applicant can apply for annexation.

2. Applicant landowner's name: Laurel Golf Club
 Address: 1020 Golf Course Road, Laurel, MT 59044
 Phone: 406.628.4504

3. Parcel to be annexed: (If it is not surveyed or of public record, it must be of public record PRIOR to applying for annexation.)
 Legal description: Certificate of Survey No. 3055
 Lot size: ~443 acres (annexation area ~270 acres)
 Present use: Agricultural land and golf course
 Planned use: Golf course
 Present zoning: P - Public
 (Land which is being annexed automatically becomes zoned R-7500 when it is officially annexed [City ordinance 17.12.220])

4. City services: The extension of needed city services shall be at the cost of the applicant after annexation by the city has been approved. As part of the application process, each of the following city services must be addressed with an explanation:

Water Service:

Location of existing main: NW Maryland Lane at Golf Course Road
 Cost of extension of approved service: \$72,000
 How cost determined: Engineer's opinion of probable cost (attached)
 Timeframe for installation: Spring 2022

Sewer Service:

Location of existing main: NW Maryland Lane west of Duval Drive
 Cost of extension of approved service: \$92,000
 How cost determined: Engineer's opinion of probable cost (attached)

Timeframe for installation: Spring 2022

How financed: Private

Streets:

Is there any adjoining County ROW to the proposed annexation: Yes, Golf Course Road

Location of existing paved access: West from Golf Course Road at Paynes Pl

Cost of paving: n/a

How cost determined: n/a

Timeframe for construction: n/a

Other required improvements: Provide above information on attached pages.

5. A map suitable for review of this application of the proposed area to be annexed must be submitted with this application.
6. A written Waive of Protest must accompany this application, suitable for recording and containing a covenant to run with the land to be annexed, waiving all right of protest to the creation by the city of any needed improvement district for construction or maintenance of municipal services. This Waiver of Protest must be signed by the applicant prior to annexation by the city.
7. Requests for annexations are referred to the City-County Planning Board for recommendation to the City Council. Within 30 days after receiving the properly filled out application with all required accompaniments and after conducting a duly advertised public hearing, the City-County Planning Board shall make recommendation to the City Council as to this Request for Annexation. If more information is needed from the applicant during the review of the application, such application shall be deemed incomplete and the timeframe for reporting to the City Council extended accordingly, in needed.
8. A **non-refundable** application fee of \$300 + \$25.00 per acre (80 acres or less); \$300 + \$35.00 per acres (81 acres or more) must accompany the submission of this application.

The City Council of the City of Laurel, Montana, after review and consideration of this Application for Annexation, found such to be in the best interest of the City, that it complied with state code, and approved this request at its City Council meeting of _____

ORDINANCE NO. 008-02

**ORDINANCE ADOPTING ANNEXATION REGULATIONS FOR
THE CITY OF LAUREL FOR INCORPORATION IN CHAPTER 16
OF THE LAUREL MUNICIPAL CODE.**

WHEREAS, Ordinance No. 007-01 adopted April 3, 2007 repealed Chapter 16 of the Laurel Municipal Code in its entirety in order to comply with changes adopted by the State of Montana Legislature; and

WHEREAS, the repealed Chapter 16 of the Laurel Municipal Code provided for annexation regulations while the newly adopted Chapter 16 of the Laurel Municipal Code did not contain specific annexation procedures; and

WHEREAS, annexation regulations are necessary for the City of Laurel to properly guide and monitor growth that is in the best interest of the City and its citizens;

IT IS HEREBY ORDAINED by the City Council of the City of Laurel, Montana, that the following chapter is hereby adopted into the LAUREL MUNICIPAL CODE as set forth below.

Chapter 16.12

ANNEXATIONS

Sections:

16.12.010 Annexation.

16.12.020 Annexation Policy.

16.12.030 Annexation Fee Schedule.

16.12.010 Annexation.

The City may annex property in accordance with the methods and procedures prescribed in MCA Title 7, Chapter 2 Parts 42, 43, 44, 45, 46 or 47, as amended.

16.12.020 Annexation Policy.

The City Council shall adopt rules and regulations that govern proposed annexations to the City by Council Resolution.

16.12.030 Annexation Fee Schedule

The City Council shall adopt an annexation fee schedule by annual Resolution after a public hearing in accordance with Section 2.72.060. (Ord. 06-04 (part), 2006: prior code § 18.76.010(D))

This Ordinance becomes effective thirty (30) days after final passage by the City Council and approval by the Mayor.

PLANNING BOARD AND ZONING COMMISSION
RECOMMENDATION
LAUREL GOLF CLUB
Annexation and Initial Zoning

March 17, 2022

Applicant:

Laurel Golf Club
1020 Golf Course Road
Laurel MT 59044

The Laurel Golf Club represents 100% of the land ownership. Annexation pursuant to §7-2-4601 et. seq. MCA. (Annexation by Petition).

Request:

Laurel Golf Club. The Club, representing 100% of the ownership of lands involved, has Petitioned the City of Laurel for Annexation of approximately 270 acres of property adjacent to the City of Laurel with an initial Zoning Designation of Public (P) for concurrent review.

The subject property is generally described as that portion of Section 7, Township 2 South, Range 24 East, P.M.M., Yellowstone County, Montana, generally lying North of the Big Ditch but does not include the Golf Course Maintenance Facility. An annexation Exhibit, which is incorporated into this report by reference, has been submitted in support of the Petition and Requested Initial Zoning.

Process:

An earlier submitted version of this request with a smaller land area being annexed with an initial zoning designation of R-7500 has been withdrawn and will not be considered further as it has been replaced by this petition and initial zoning request.

The annexation petition and requested initial zoning has been heard at a public hearing by the Laurel – Yellowstone City County Planning Board and Zoning Commission on Wednesday, March 16, 2022. The annexation petition and requested initial zoning will be presented to the Laurel City Council at a Work Session on April 5 and a public hearing and potential action on April 12, 2022.

Analysis of the Request

- The Laurel Golf Club represents 100% of the land ownership involved in the petition.
- The Laurel Growth Policy does not designate the property as a 'growth area' of the city.
- The current use of the property is agricultural, recreational, and has a commercial use (Restaurant, Bar, Clubhouse).

- The requested zone City Public (P) provides for a variety of uses and is consistent with the requirements of R-08-22 that lands embraced by the city be assigned R-7500 or greater.
- The subject property currently is presumed to be zoned County Public or is un-zoned Yellowstone County.
- Part 46 annexation requires that the land use designation be 'consistent with the prevailing use of the property, consistent with the prevailing County Zoning Assignment, and/or consistent with the current growth policy'.
- The annexation by petition thresholds for annexation of Agricultural properties must be adhered to.
- In addition to the recreational and commercial uses of the property, a significant area of the lands would be considered as prime development property with the extension of urban scale services. In addition to the extension of urban scale services the City Zoning provides options for development that are not available to rural properties. These options include but are not limited to Planned Unit Developments
- The initial zoning must be considered under City Resolution R-08-22 (Annexation), the Laurel Municipal Code Title 17 (Zoning).
- The question of annexation and initial zoning must be heard by the Laurel – Yellowstone City County Planning Board and Zoning Commission prior to consideration by the Laurel City Council.
- Is the requested annexation and initial zoning in the best interest of the City and Citizens of the City of Laurel.
- Any further development beyond the clubhouse will be required to do an analysis of the ability of the city to supply water and sanitary sewer to the development and pay for any associated costs to expand the city utility infrastructure.
- The city cannot supply irrigation water for the golf course.

Findings:

- ✓ The subject property is adjacent to the City of Laurel.
- ✓ The restrictions imposed on cities related to the annexation of agricultural properties under Part 46 have been met or exceeded.
- ✓ The City Council is not required to submit the question of annexation to the qualified electors of the area to be annexed as the petition is signed by 100% of the owners.
- ✓ The city may annex the agricultural properties as 100% of the ownership of same has petitioned the city for annexation.
- ✓ The driver for the annexation request is the desire of the Golf Course to construct a new larger Clubhouse. The existing onsite water and sanitary facilities do not meet the minimum requirements of the Montana Department of Environmental Quality for the proposed new clubhouse facility.
- ✓ The clubhouse facility incorporates on premise alcohol consumption and a restaurant the City of Laurel Zoning classifies these uses as 'Commercial' and subject to Special Review proceedings. The only district that contemplates the proposed new use as a permitted use is the Public (P) zoning and then only in association with the recreational facilities. It is for that reason that the entirety of the golf course is included in the petition for annexation and initial zoning.
- ✓ The golf course was not included as 'future growth area' in the Growth Policy adopted by the City of Laurel because the property has been used for agricultural production or as recreational properties with existing facilities that did not need, want, or desire to be included within the city.

This all changed with the proposal to construct the new clubhouse and the DEQ determination that the onsite facilities were not approvable.

- ✓ The decision to not include the golf course and associated operations should not be construed as the city being unwilling to consider annexation, further development, or growth of the City of Laurel to the west but rather an acknowledgment of the restrictions imposed by Montana Law and the rights afforded to landowners or certain classified lands.
- ✓ The golf course itself is not being forced to be annexed into the city. The golf course is required to obtain the benefits of the Public Zoning assignment to provide for the operation of a restaurant/tavern as a permitted use.
- ✓ The proposed assignment of Laurel P meets all the statutory requirements of Part 46 annexation and zoning assignment.
- ✓ The Laurel P Zone is listed along with Commercial and Industrial land use assignments and is therefore determined to be a "greater than" R-7500 classification.
- ✓ The extension of city services will be at the owner's expense (R-08-22) and in accordance with the Annexation Agreement as approved by the City Council. In this agreement the City Council may waive certain 'required' improvements where full-scale development of the properties is not currently being contemplated. Frankly, the requirement of the construction of all the improvements contemplated by R-08-22 is not in the best interests of either the City of Laurel or the Owner at this time.
- ✓ The City Zoning provides options for development that are not available to rural properties. These options include but are not limited to Planned Unit Developments. These options and the exactions of infrastructure are most beneficial to the Owner, the City of Laurel, and all surrounding properties in conjunction with the proposed development of the property in the future.
- ✓ The Laurel Golf Club has existed at this location and ownership since the 1960's and has grown to be one of the premiere golf venues in the State of Montana. While change is sometimes difficult the City of Laurel and the Ownership of the Golf Club are the best custodians of the current and future growth and development potential of the property.
- ✓ The city has the ability to provide services to the clubhouse both existing and proposed but future development will require additional analysis on the part of the developer to determine what, if any, capital improvements are necessary to accommodate additional development.
- ✓ The City of Laurel does not have the ability to provide irrigation water for the golf course and does not anticipate the ability to provide same in the future.
- ✓ Given the lack of data to support annexation that would provide for significant residential and commercial development and the requirement of the city to guarantee the provision of services a favorable recommendation from Public Works on the request could not be obtained.

12 Point Test for Zoning:

- I. Is the zoning in accordance with the growth policy;
 - The proposed zoning is consistent with the prevailing County zoning on the property.
 - The Growth Policy identifies a portion of the proposed annexation as Public.
 - The golf course itself is classified as open/agricultural.
 - Resolution R-08-22 requires zoning assignment at annexation at R-7500 or greater.
 - The Public Zone being classified with the Commercial and Industrial zones meets the definition as 'greater than' R-7500.

Finding:

The requested zoning is in accordance with the Growth Policy.

- II. Is the zoning designed to lessen congestion in the streets;
- The proposed zoning is consistent with the prevailing County zoning on the property.
 - The proposed zoning along with the annexation agreement with the developer will not change the underlying use of the property.
 - The Public zone does not allow for additional development of the property.
 - Proposed development that would potentially impact roads and streets would require a traffic impact analysis and associated improvements.

Finding:

The requested zoning will not have a material impact on congestion in the streets.

- III. Is the zoning designed to secure safety from fire, panic, and other dangers;
- The proposed zoning is consistent with the prevailing County zoning on the property.
 - The Growth Policy identifies a portion of the proposed annexation as Public.
 - The golf course itself is classified as open/agricultural.
 - The construction of a new clubhouse facility that complies with the current International Building Code will unquestionable be safer than the existing facilities.

Finding:

The requested zoning will not have a material impact on safety from fire, panic, or other dangers.

- IV. Is the zoning designed to promote health and the general welfare;
- The proposed zoning is consistent with the prevailing County zoning on the property.
 - The Growth Policy identifies a portion of the proposed annexation as Public.
 - The golf course itself is classified as open/agricultural.
 - The construction of a new clubhouse facility that complies with the current International Building Code will unquestionable be safer than the existing facilities.
 - The connection of the facilities and properties at the time of development to the Laurel municipal water and wastewater systems will have positive impacts to public health and general welfare.

Finding:

The requested zoning will promote the public health and the general welfare.

- V. Is the zoning designed to provide adequate light and air;
- The existing zoning imposes building setbacks, height limits, limits on the number of buildings on a single parcel, and reasonable area limits on new development.
 - The current proposal, Public, does not provide for residential or commercial development and tertiary approvals for zoning and subdivision will be necessary.
 - The existing development has more than adequate separation from surrounding uses.

Finding:

The requested zoning will provide adequate light and air.

- VI. Is the zoning designed to prevent the overcrowding of land;
- The existing zoning imposes building setbacks, height limits, limits on the number of buildings on a single parcel, and reasonable area limits on new development.
 - The current proposal, Public, does not provide for residential or commercial development and tertiary approvals for zoning and subdivision will be necessary.
 - The existing development has more than adequate separation from surrounding uses.

Finding:

The proposed zoning will prevent the overcrowding of land.

- VII. Is the zoning designed to avoid undue concentration of population;
- The existing zoning imposes building setbacks, height limits, limits on the number of buildings on a single parcel, and reasonable area limits on new development.
 - The current proposal, Public, does not provide for residential or commercial development and tertiary approvals for zoning and subdivision will be necessary.
 - The existing development has more than adequate separation from surrounding uses.

Finding:

The proposed zoning will prevent the undue concentration of population.

- VIII. Is the zoning designed to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements;
- The zoning has primarily been requested to facilitate the construction of a new golf club house facility.
 - The requested zoning, without some overlay or modification, will not necessitate the installation of new or additional infrastructure.
 - It is anticipated that a significant portion of the property being annexed will be further developed. It is at that point the additional infrastructure as well as capacities will be evaluated.
 - Where the primarily open space use of the property will not be changed the demands of schools, parks or other public requirements will not be impacted.
 - Some of the public duties, such as police, will shift from Yellowstone County to the City of Laurel but the net effect is minimal.

Finding:

The requested zoning will facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. Additionally, as the uses of the property change and the intensity of development changes, the city will be able to plan for and be prepared for the anticipated increased demands on their public systems.

- IX. Does the zoning give reasonable consideration to the character of the district and its peculiar suitability for particular uses;
- The requested zoning is essentially a replacement of the existing County Zoning with the closest compatible City Zoning District.
 - The property is owned and operated by the Laurel Golf Club and additional development is not anticipated in the near future.
 - The water and sewer infrastructure proposed with the annexation is adequate for the new club house facility.

Finding:

The requested zoning is in keeping with the character and historical uses of the property. It also provides for opportunities for additional development with suitable uses.

- X. Does the zoning give reasonable consideration to the peculiar suitability of the property for its particular uses;
- The requested zoning is essentially a replacement of the existing County Zoning with the closest compatible City Zoning District.
 - The property is owned and operated by the Laurel Golf Club and additional development is not anticipated in the near future.

- The water and sewer infrastructure proposed with the annexation is adequate for the new club house facility.

Finding:

The requested zoning is in keeping with the character and historical uses of the property. It also provides for opportunities for additional development with suitable uses.

XI. Will the zoning conserve the value of buildings;

- The extension and availability of public water and sewer resultant from annexation and initial zoning will add value to buildings as they can be expanded replaced and new buildings potentially added in the future.
- Where the underlying zoning is a replacement of County for like City, it is not anticipated that there would be any effect on the value of surrounding buildings or lands.

Finding:

The value of existing buildings both on and adjacent to the requested zone will either be enhanced or not effected by the proposed zoning.

XII. Will the zoning encourage the most appropriate use of land throughout the municipality?

- The requested zoning is essentially a replacement of the existing County Zoning with the closest compatible City Zoning District.
- The property is owned and operated by the Laurel Golf Club and additional development is not anticipated in the near future but when development is proposed the adequate infrastructure, as well as land uses will be vetted via an open public process.

Finding:

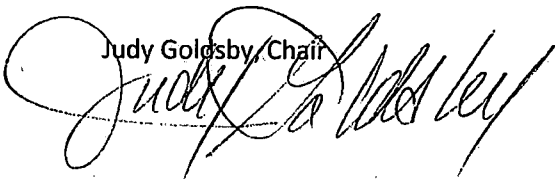
The requested zoning provides for the most appropriate use of land in the municipality. It also provides for a significant amount of flexibility for a mixture of uses as contemplated by the District Regulations.

Conclusion:

The Laurel – Yellowstone Planning Board and Zoning Commission recommends that the petition for annexation into the City of Laurel with the initial zoning assignment of Public (P) appears to be consistent with the requirements of Part 46 Annexation and City Council Resolution R-08-22. Additionally, the annexation, extension of services, and initial zoning assignment in the best interest of both the City of Laurel and the Laurel Golf Club and should be approved by the City Council at its earliest convenience.

For the Planning Board and Zoning Commission

Judy Goldsby, Chair



**MINUTES
CITY OF LAUREL
CITY/COUNTY PLANNING BOARD
WEDNESDAY, MARCH 16, 2022**

A regular meeting of the City/County Planning Board was held in the Council Chambers and called to order by Board Chairperson Judy Goldsby at 5:35 p.m. on March 16, 2022.

Present:

Jon Klasna	Evan Bruce	Roger Giese
Dan Koch	Judy Goldsby	Ron Benner (5:40)
Karen Courtney (City of Laurel)		

Absent:

Gavin Williams

General Items

Meeting Minutes: February 16, 2022

Motion by Evan Bruce to approve minutes of February 16, 2022. seconded by Dan Koch. All five members present voted aye. Motion carried 5-0.

New Business

Special Review Application - Firebox Kitchen & Tap Room

Karen Courtney, Building Official, briefly reviewed the attached Staff report.
Chair, Judy Goldsby opened for public hearing. Asked for proponents.

Dana Lich – Has worked with Canyon Creek Station on properties and they have been above par in quality and feels that it will be a definite asset to our community. Therefore, is in favor of approving.

Chair, Judy Goldsby called for opponents. There were none.
Called for Board discussion.

Jon Klasna: Will signage be brought forward later?

Judy Goldsby: This special review is for the Tap room and signage will be forth coming.

Jon Klasna motioned to approve application; Evan Bruce seconded. All six members present voted Aye. Motion carried 6-0.

Public Hearing on Request for Annexation and Plan of Annexation - Laurel Golf Club

Forrest Sanderson, Interim City Planner, presented attached staff report.

Question from Ron Benner: You are stating initial zone of Public above the redline on the map. However also shows public below the redline.

Forrest: City Public zone above the red line and current County Public zoning below the redline. Does not affect the Yellowstone County Public at all.

Chair Judy Goldsby asked if any further questions. None stated, Chair called for proponents.

Jesse Norman – 2445 Saddleback Drive – Thanked Forrest for presentation. Golf Course Board discussed the per square foot valuation and it was a concern of the board. The board also wanted to ensure that annexation would not affect the golf course's water rights on any of the ditches they currently have. Also, that the waiver or covenant would not be required and would be part of the development agreement, which he believes as written by Sanderson Stewart in documents the Planning board currently has in their packet. If we commit to keeping the golf course itself and property associated with the golf course as a golf course, that the City of Laurel does not apply any SIDS as the property is remaining as a golf course. If it was ever decided to discontinue the property as a golf course and develop it, then the city applying SIDS to the property would be understandable. There are no plans currently nor in the near future to develop this land. Intent is to keep it as a golf course.

Question from Judy Goldsby: All of those issues have been addressed in the annexation request?

Forrest: Yes, all of those are a part of the annexation agreement, the final form of which will be presented to the City Council for consideration. Ultimately those are terms that are negotiated. The commit to not do SIDS are not in the current version, that is something that must be discussed with City Council.

Judy: Is the application that has been submitted to the board inclusive enough of these issues or does is it something that needs to be resubmitted?

Forrest: No, they are inclusive enough of the issue. The question that is being asked that is a governing body decision, is the SID. It is unnecessary to what is being decided here for annexation request and initial zoning designation.

Forrest did request to hold questions until all public comment has been taken, however is willing to answer one more from Mr. Benner.

Ron Benner: When looking over the agreement I do not see an easement along Golf Course Road. Is there already an easement in place if that road needs to be widened due to development? If so, shouldn't it be in this agreement?

Forrest: Very good question. The owner is 100% owner and have the right to do with it as they wish for access to their property.

Ron Benner: But if they are requesting to be annexed into the city shouldn't that be a requirement of the annexation?

Clarification between Forrest and Ron that this is Golf Course Road that Ron is meaning not the access road.

Forrest: We would request that at subdivision, should that ever occur. Until we have a development plan it isn't necessary to request for annexation.

Ron Benner: When we have annexed properties into the city we have asked for easement at that time.

Forrest: The only ones that I have worked on is when development, subdivision and annexation have come at the same time. Most recently was the Yard Office Road Subdivision where we had annexation, subdivision, and initial zoning all at the same time. The easement was part of it due to the increased traffic from the development, is that the case here today? Probably not, we could request but is not necessary for this annexation request.

Benner: There has been development out there with Elena Subdivision, Saddleback Ridge Estates, and the planned extension of West Maryland there will need to be widening of the roadway.

Forrest: From a developer's point of view – why should I have to give up property for something that I would not be benefitting from? The constitutional ground that they have not burdened the existing infrastructure being Golf Course Road would exempt the requirement to request easement.

Benner: Worry about having to come back and argue it later because we do not know when the development is. My thought is if we are going to do it and look at this as a growth area, even though this is a P-Zone, that easement should be in there automatically because we have hodge-podges of easement all over town. When do we stop doing this and start to address it right from the start?

Forrest: Through the development process, the developable portion of this is going to trigger a traffic impact study. At that point the traffic study will tell us the needs of that portion of real property and the burden on infrastructure and the improvements needed therewith, and then we can impose by condition an exaction that meets those needs.

Benner: If development grows up above the golf course this area is still impacted. Isn't the time to put the easement on there now and not later? Because later we will have to go back to get that easement.

Forrest: True. You can certainly make that a condition, but I don't recommend it. I struggle with an exaction where an impact has not yet occurred.

Chair Judy Goldsby called for proponents.

Brian Alexander – Sanderson Stewart – I felt Forrest did a wonderful job presenting this, I offer my services to answer any questions. Also, on the topic of the easement, I wish to clarify that there is already a thirty-foot easement located on the current Certificate of Survey.

Benner – So it runs along the property on Golf Course Road?

Brian – Yes on the golf course side from the middle of the road.

Chair Judy Goldsby called for any more proponents. None heard.

Chair Judy Goldsby called for any opponents. Called three times. None Heard. Closed public hearing.

Chair Judy Goldsby called for a motion.

Forrest apologized for the interruption, but he does have a request for the wording of the motion, and he is happy to explain the reason for this. For this to proceed to City Council for approval in a timely fashion, there are three specific things that must be stated to allow for this to happen. The three things that need to happen and the motion covers these is as follows: The favorable recommendation

on annexation, favorable recommendation on the public zone and thirdly we need to have the board to empower the board chair the authority to execute and recommendations and documents to the City Council.

Ron Benner: I motion to approve the staff report on the Laurel Golf Course Annexation and Initial zoning as our findings of facts and conclusions of Law. Further I move to recommend the annexation of the Laurel Golf Course property as described in the afore mentioned staff report under Title 7-2-4601 of the Montana Code Annotated with an initial zoning of Laurel P-Public. The motion includes authorization from the Planning Board and Zoning Commission allowing the Chair to execute and forward all recommendations and documents necessary to facilitate the required hearing and decisions required of the Laurel City Council.

John Klasna seconded.

Jon Klasna: I do have a question for Forrest. You stated that this does not include the maintenance shop area of the property.

Forrest: you are correct that the golf course maintenance facility is not included in the annexation. The simple reason is that the maintenance facilities at golf courses tend to have noise and uses that in cities could be classified by municipalities as a nuisance. It's not a nuisance it's maintenance, lawn clippings, sharpening mower blades, etc.

Roger Giese: The last sentence in the motion "The motion includes authorization from the Planning Board and Zoning Commission allowing the Chair to execute and forward all recommendations and documents necessary to facilitate the required hearing and decisions required of the Laurel City Council." Would that include from previous discussion the widening of Golf Course Road?

Forrest: Lets clarify there is a county road easement - Laurel Golf Course Road. Within the confines of annexation that 60 feet will become City of Laurel Street. At some point in the future if there is a cause for this ask, the developer of the project causing the need for a greater right of way, we will then act on that ask. That last sentence is allowing for us to move forward, the next City Council workshop if 5 April, public hearing 12 April. If we wait until next meeting to grant Judy approval to move forward, we are into the heart of building season. This allows us to take about 3.5 weeks out of the wait time to get this into the hands of the decision makers to make their decision on final approval of annexation and initial zoning.

Chair asked for any further discussion. There is a motion and a second to approve the annexation request. All those in favor?

All six members present voted Aye. Motion passes 6-0.

Announcements

Next Meeting: April 20, 2022

Adjourned at 6:25 p.m.