

RESOLUTION NO. R14-30

A RESOLUTION APPROVING THE PRELIMINARY PLAT AND ANNEXATION OF MOORE SUBDIVISION, DESCRIBED AS NUTTING BROS 2ND FILING, S10, T02S, R24, LOTS 7 AND 8, AN ADDITION TO THE CITY OF LAUREL, MONTANA AND GRANTING VARIANCES FROM THE CITY'S ZONING REGULATION REGARDING RIGHTS-OF-WAY.

WHEREAS, in March, 2014, Raymond E. Moore, II filed a petition for annexation, and applied for major preliminary plat approval for Moore Subdivision; and

WHEREAS, Mr. Moore also applied for three variances from the zoning regulations for the width of rights-of-way located on Elm Avenue, Date Avenue, and Maryland Lane; and

WHEREAS, The City Planner prepared a staff report regarding the application for annexation and a staff report and proposed Findings of Fact regarding the major preliminary plat approval and variance requests and recommends the Council's adoption of the same; and

WHEREAS, the Laurel City-County Planning Board considered the requests at their May 1, 2014 meeting and unanimously recommended approval of the variances and staff reports with recommended conditions and findings of fact; and

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

WHEREAS, the City Council reviewed the planning board minutes, the City Planner's reports and Findings of Fact, evidence in the City's file and has considered the recommendations of the Laurel City-County Planning Board in accordance with the attached Staff reports and Findings of Fact; 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 owner that the Preliminary Plat and application for annexation be conditionally approved as recommended by the Laurel City-County Planning Board in accordance with the attached Staff reports and Findings of Fact; and

WHEREAS, the City Council of the City of Laurel hereby finds it is in the best interests of the residents of the City of Laurel to allow the variances since:

1. The granting of the variance will not be detrimental to the public health, safety, or general welfare or injurious to other adjoining properties;
2. Because of the particular physical, shape, or topographical condition of the specific property involved, an undue hardship to the owner would result if the strict letter of the regulation was enforced;
3. The variance will not result in an increase in taxpayer burden;
4. The variance will not in any manner place the subdivision in nonconformance with any adopted zoning regulation or Growth Policy; and

5. The subdivider must prove that the alternative design is equally effective and objectives of the improvements are satisfied.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Laurel, Montana, that the City Council hereby conditionally approves the Preliminary Plat of Nutting Bros 2nd Filing, S10, T02S, R24, Lots 7 and 8, subject to and in accordance with all the terms and conditions contained in the attached staff report and Findings of Fact; and

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

BE IT FURTHER RESOLVED that the City Council hereby conditionally approves the Application for Annexation submitted by Raymond E. Moore, II subject to and in accordance with all the terms and conditions contained in the attached staff report; and

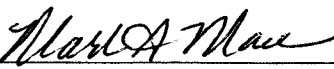
BE IT FURTHER RESOLVED, that Raymond Moore is granted three variances from the road width requirements and rights-of-way width requirements in the City of Laurel subdivision regulations for Elm Avenue, Date Avcnue, and Maryland Lane and that these variances are site specific to Moore Subdivision as described herein.

Introduced at a regular meeting of the City Council on June 3, 2014, by Council Member
Herr.

PASSED and APPROVED by the City Council of the City of Laurel this 3rd day of June, 2014.

APPROVED by the Mayor this 3rd day of June, 2014.

CITY OF LAUREL



Mark A. Mace, Mayor

ATTEST:



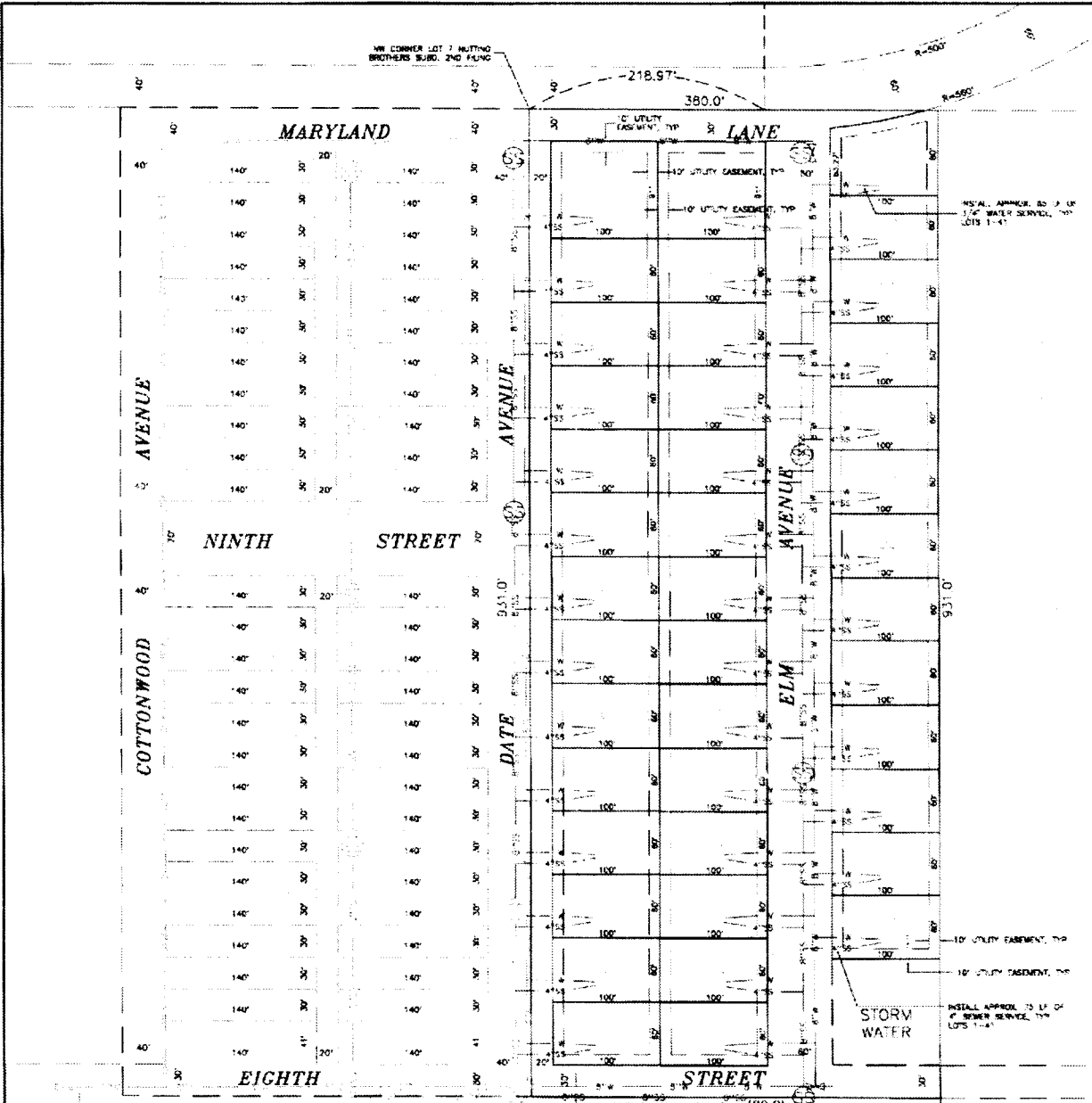
Shirley Ewan, Clerk/Treasurer

Approved as to form:



Sam S. Painter, Civil City Attorney

NW CORNER LOT 7 NUTTING BROTHERS SUBD. 2ND FILING



COTTONWOOD AVENUE

VACATED DATE AVENUE

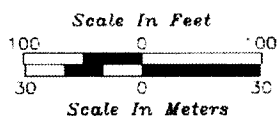
ELM AVENUE

LEGEND

- EXISTING SANITARY SEWER MANHOLE
- PROPOSED SANITARY SEWER MANHOLE
- EXISTING FIRE HYDRANT
- PROPOSED FIRE HYDRANT
- EXISTING WATER VALVE
- PROPOSED WATER VALVE
- EXISTING 8" WATER MAIN
- EXISTING 12" SANITARY SEWER MAIN
- PROPOSED 8" WATER MAIN
- PROPOSED 8" SANITARY SEWER MAIN
- PROPOSED WATER SERVICE
- PROPOSED SANITARY SEWER SERVICE

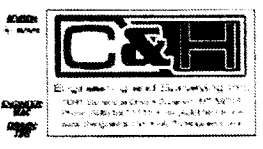
PHASE DESCRIPTION

- PHASE I = LOTS 1-7
- PHASE II = LOTS 8-14
- PHASE III = LOTS 15-21 & LOTS 29-33
- PHASE IV = LOTS 22-28 & LOTS 34-41



PP1
PROJECT #12033

PRELIMINARY PLAN
LOTS 7 & 8-NUTTING BROS. SUBDIVISION
 SECOND FILING, CITY OF LAUREL,
 YELLOWSTONE COUNTY, MONTANA



CITY OF LAUREL
REQUEST FOR ANNEXATION
AND PLAN OF ANNEXATION

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 the annexation.**

ALL BLANKS OF THIS APPLICATION ARE TO BE FILLED IN WITH AN EXPLANATION BY THE APPLICANT. THE APPLICATION WILL NOT BE PROCESSED IF THE APPLICATION IS NOT COMPLETE.

2. Applicant landowner's name: Moore, Raymond E. II
Address: 1818 Camelot Dr., Billings, MT 59102-2812
Phone: (406) 670-6001
3. Parcel to be annexed: (if it not surveyed or of public record, it must be of public record PRIOR to applying for annexation).
Legal description: Nothing Bros 2nd Filing, S10, T02 S, R24, Lots 7 & 8
Lot size: 7.85 Acres
Present use: Vacant Land
Planned use: 41 Lot Subdivision for Manufactured Homes
Present zoning: Residential Manufactured Home
(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: Valve located at corner of 8th St and Date Ave
Cost of extension of approved service: \$104,600
How cost determined: Engineer's Estimate
Timeframe for installation: Phase 1 to be completed Summer 2014

Sewer Service:

Location of existing main: Corner at 8th St and Date Ave
Cost of extension of approved service: \$131,700
How cost determined: Engineer's Estimate
Timeframe for installation: Phase 1 to be completed Summer 2014
How financed: Privately Funded

Streets: MARYLAND LANE ALONG N. SIDE OF PROPERTY,
Location of existing paved access: 8th St along South side of Property
Cost of paving: \$246,150
How cost determined: Engineer's Estimate
Timeframe for construction: Phases 1 to be completed Summer 2014

Other required improvements: Provide above information on attached pages.

Applicant must meet with the proper planning representative PRIOR to filling out this application!

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 Waiver 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 application **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 thirty (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, if needed.
8. Fees are to accompany application upon submission:
Annexation into City of Laurel (80 acres or less) \$300 + \$25.00/acre
Annexation into City of Laurel (81 acres or more) \$300 + \$35.00/acre

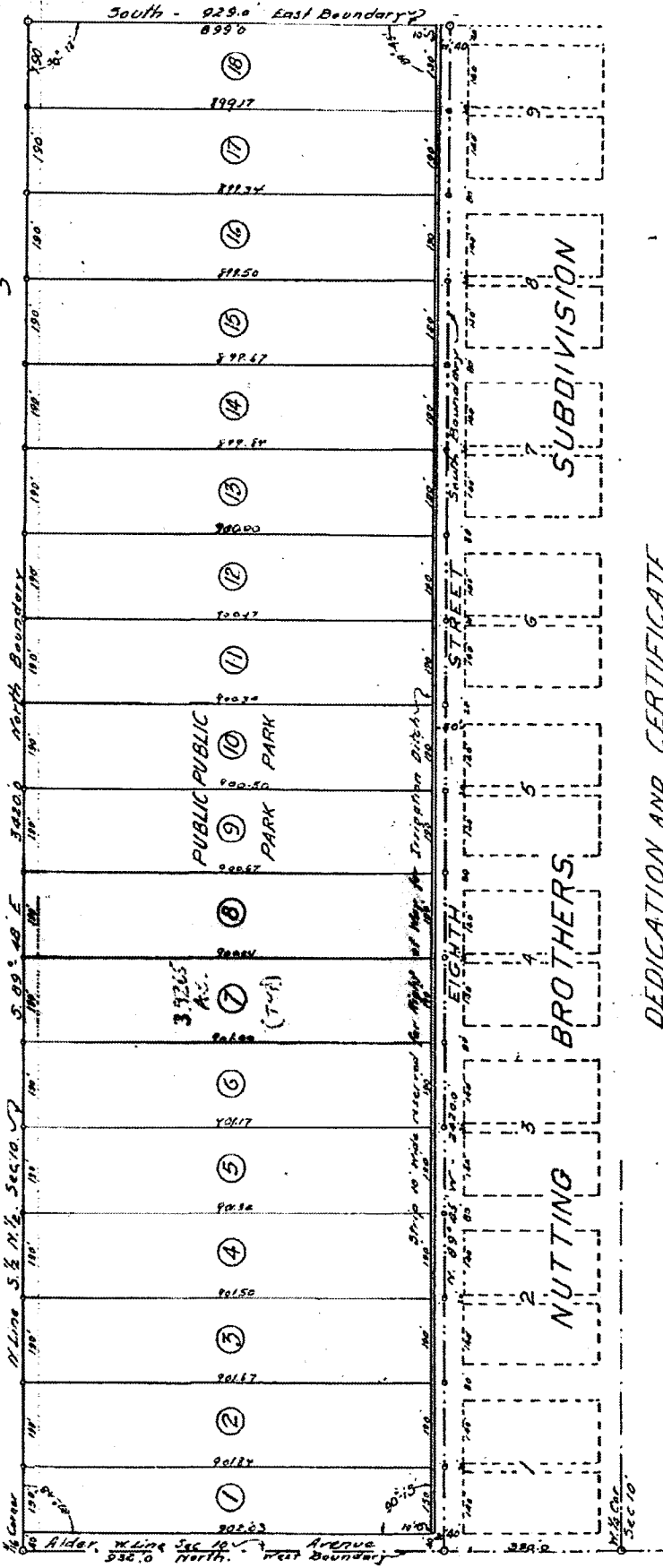
The City Council of the City of Laurel, Montana, after review and consideration of this Application for Annexation found such to be in the best interest of the City, that it complied with State code, and approved this request at its City Council meeting of: _____.

PLAT
OF

NUTTING BROTHERS SUBDIVISION
SECOND FILING

Located In The S. 1/2 N. 1/2 Sec. 10, T. 2 S. R. 24 E. M.P.M.

Scale 1" = 200' Feb 1919. B.C. Lillis, Civil Engr.



DEDICATION AND CERTIFICATE

Nutting Brothers, a corporation, organized and acting under and by virtue of the laws of the State of Montana, do hereby certify that it has caused to be surveyed, subdivided, and platted in Lots and Streets, as shown by the Plat and certificate of survey, herewith annexed, the following described tract of land, lying in and being situated in the County of Yellowstone, State of Montana, to wit: here-
 All that portion of the S. 1/2 N. 1/2, Sec. 10, Township 2 South, Range 24 East, T. 2 S., R. 24 E., bounded and described as follows: Begin-
 ning at a point on the West line of said Sec. 10, which is located 300 North of the West corner thereof; thence North on said section line - 5320.0 -
 the North line of the S. 1/2 N. 1/2, said Section 10; thence S. 89° 48' 30" E. 3420.0, on said North line, to the place of beginning; thence North
 at a right angle to the North line of said Section 10, a distance of 100 feet, to the corner of the North line and the East line of the
 Nutting Brothers Subdivision, Second Filing; and the lands included in the Streets and Parks, as shown on said Plat, are hereby granted and
 donated to the public use forever.

In witness whereof we have hereunto set our hand and seal of the corporation this 21st day of February A. D. 1919.
 By William A. Nutting, President
 By Lillian A. Nutting, Secretary

State of Montana } S.S.
 County of Yellowstone }
 On the 21st day of February, in the year 1919 A.D. before me, Edwin L. Fenton, a Notary Public, in and for the
 State of Montana, residing at Lawrence, Montana, personally appeared William A. Nutting and Lillian A. Nutting, known to me to be the President and
 Secretary respectively of Nutting Brothers, a corporation organized and acting under and by virtue of the laws of the State of Montana, and who each being by me
 duly sworn, said that he knows the Corporate Seal of said Company, that the seal affixed to the foregoing instrument is such Corporate
 Seal; that the same was affixed to the foregoing instrument by authority of the Board of Directors of said Company; and that he signed the said instru-
 ment in the presence of the said William A. Nutting and Lillian A. Nutting, and the same have severally acknowledged the foregoing instrument to be
 their own voluntary act and deed.



LAUREL CITY-COUNTY PLANNING DEPARTMENT

STAFF REPORT

TO: City Council
FROM: Monica Plecker, Planning Director
RE: Application for Annexation
HEARING
DATE: June 3, 2014

INTRODUCTION:

Ray Moore 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. Ray Moore 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 41 lot subdivision for manufactured homes. The applicant has also submitted an application for preliminary plat for Moore Subdivision an Addition to the City of Laurel.
3. The application for preliminary plat provides a detailed Subdivision Improvements Agreement, which satisfies the development agreement improvement.
4. A letter was provided to the applicant from Great West stating the City has the capacity to serve the proposed subdivision, a requirement of the annexation policy.
5. 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.
6. This application in conjunction with the application for preliminary plat meets the requirements of the City of Laurel Annexation Policy.
7. 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 May 2, 2014.

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 Plat 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: Monica Plecker, Planning Director
RE: Moore Subdivision an Addition to the City of Laurel
HEARING
DATE: June 3, 2014

INTRODUCTION:

In March 2014, Ray Moore, applied for major preliminary plat approval for Moore Subdivision which contains 41 lots 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, West of City Park. 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 adopt the staff report and Findings of Fact as presented in this staff report. Planning Staff also recommends the **Proposed Condition of Approval #9** be omitted as the developer has proposed a 34' wide street to accommodate parking.
- The City/County Planning Board recommends approval for preliminary plat of Moore subdivision with the staff suggested conditions of approval and approval of the variance requests.

VARIANCES REQUESTED:

1. Width of Right of Way for Elm Avenue
2. Width of Right of Way for Date Avenue
3. Width of Right of Way for Maryland Lane

After reviewing the applicants detailed facts of hardship the planning board has recommended approval of all three variance requests because the subdivider has demonstrated that the request satisfies the following findings:

1. The granting of the variance will not be detrimental to the public health, safety, or general welfare or injurious to other adjoining properties.
2. Because of the particular physical, shape, or topographical condition of the specific property involved, an undue hardship to the owner would result if the strict letter of the regulation was enforced;
3. The variance will not result in an increase in taxpayer burden;
4. The variance will not in any manner place the subdivision in nonconformance with any adopted zoning regulation or Growth Policy; and
5. The subdivider must prove that the alternative design is equally effective and objectives of the improvements are satisfied.

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. 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 plat.
3. To minimize effects on local services, utility easements shall be provided on the final plat.
4. 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.
5. 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.
6. 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 plat approval.
7. Cash in lieu of parkland shall be received with final plat approval.
8. All curb boxes shall be installed a maximum of 5 feet from the side lot boundary.
9. ~~Date and Elm Avenue shall allow no parking and signage shall be provided by the developer.~~

10. The final plat shall comply with all requirements of the Laurel-Yellowstone City-County Planning Area Subdivision Regulations, rules, regulations, policies, and resolutions of the City of Laurel, and the law and Administrative Rules of the State of Montana.

PROCEDURAL HISTORY:

- A pre-application meeting was conducted with Planning Staff for the proposed subdivision
- The preliminary plat pre-application sufficiency and completeness review was done and submitted to the owners agent
- The City/County Planning Board held a public hearing on May 1st and forwarded a recommendation to the Laurel City Council.

PLAT INFORMATION:

In March, Ray Moore applied for major subdivision preliminary plat approval for Moore Subdivision an Addition to the City of Laurel. The proposed subdivision contains 41-lots on 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, West of City Park. The property is not within the City of Laurel but the property owner is petitioning for annexation.

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:	Ray Moore
Engineering and Surveyor:	Owner has dismissed and is using C&H Engineering as a representative
Existing Zoning:	Residential Manufactured Home
Existing Land Use:	Vacant/Open
Proposed Land Use:	Residential Manufactured Homes
Gross Area:	7.85
Proposed # of Lots:	41
Lot Sizes:	Approximately 6000 sq.ft.
Parkland Requirements:	Cash in lieu of parkland will be received.

PROPOSED FINDINGS OF FACT:

The Findings of Fact for the preliminary plat of Moore Subdivision 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 plat 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 Moore Subdivision will have no impact on agriculture. The 7.85 acre Moore Subdivision 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
- Sanitary sewer
- Storm drainage
- Streets
- Parks and Open Space
- A detailed phasing plan

3. Effects on the natural environment

The proposed subdivision is proposed as a 41 lot major subdivision. The development is proposed to contain 41 single family residential manufactured homes. The property has a zoning designation of RMH and is being annexed into the City concurrent with the preliminary plat. The proposed subdivision 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. A letter was sent to the FWP for comment, but no comments were included in the application. 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

The proposed subdivision will improve the public health and safety in the City of Laurel. Cash-in-lieu donation for parkland will be able to be used to better maintain city parks. Also, the proposed subdivision will improve access for the public by installing sidewalks along 8th Street and Maryland Lane. 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 subdivision, 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 plat.

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)

Legal and Physical access to all lots has been provided and is shown on the preliminary plat.

CONCLUSIONS OF FINDINGS OF FACT

- The preliminary plat of Moore Subdivision does not create any adverse impacts that warrant denial of the subdivision.
- With the proposed conditions, Moore Subdivision 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.

ATTACHMENTS

A: Preliminary Plat and Associated Documents



LAUREL CITY-COUNTY PLANNING DEPARTMENT

STAFF REPORT

TO: Laurel City Council
FROM: Monica Plecker, Planning Director
RE: Moore Subdivision an Addition to the City of Laurel
HEARING
DATE: June 3, 2014

INTRODUCTION:

In March 2014, Ray Moore, applied for major preliminary plat approval for Moore Subdivision which contains 41 lots 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, West of City Park. 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 adopt the staff report and Findings of Fact as presented in this staff report. Planning Staff also recommends the **Proposed Condition of Approval #9** be omitted as the developer has proposed a 34' wide street to accommodate parking.
- The City/County Planning Board recommends approval for preliminary plat of Moore subdivision with the staff suggested conditions of approval and approval of the variance requests.

VARIANCES REQUESTED:

1. Width of Right of Way for Elm Avenue
2. Width of Right of Way for Date Avenue
3. Width of Right of Way for Maryland Lane

After reviewing the applicants detailed facts of hardship the planning board has recommended approval of all three variance requests because the subdivider has demonstrated that the request satisfies the following findings:

1. The granting of the variance will not be detrimental to the public health, safety, or general welfare or injurious to other adjoining properties.
2. Because of the particular physical, shape, or topographical condition of the specific property involved, an undue hardship to the owner would result if the strict letter of the regulation was enforced;
3. The variance will not result in an increase in taxpayer burden;
4. The variance will not in any manner place the subdivision in nonconformance with any adopted zoning regulation or Growth Policy; and
5. The subdivider must prove that the alternative design is equally effective and objectives of the improvements are satisfied.

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. 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 plat.
3. To minimize effects on local services, utility easements shall be provided on the final plat.
4. 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.
5. 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.
6. 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 plat approval.
7. Cash in lieu of parkland shall be received with final plat approval.
8. All curb boxes shall be installed a maximum of 5 feet from the side lot boundary. (See procedural history section.)
9. ~~Date and Elm Avenue shall allow no parking and signage shall be provided by the developer.~~

10. The final plat shall comply with all requirements of the Laurel-Yellowstone City-County Planning Area Subdivision Regulations, rules, regulations, policies, and resolutions of the City of Laurel, and the law and Administrative Rules of the State of Montana.

PROCEDURAL HISTORY:

- A pre-application meeting was conducted with Planning Staff for the proposed subdivision
- The preliminary plat pre-application sufficiency and completeness review was done and submitted to the owners agent
- The City/County Planning Board held a public hearing on May 1st and forwarded a recommendation to the Laurel City Council.
- Laurel City Council held a public hearing on June 3, 2014 at which there was one proponent who spoke and zero opponents. Staff suggested revising Condition #8 to read "All Curb Box locations shall be approved by Public Works. The City Council motion included the staff suggested language for condition number 8.

PLAT INFORMATION:

In March, Ray Moore applied for major subdivision preliminary plat approval for Moore Subdivision an Addition to the City of Laurel. The proposed subdivision contains 41-lots on 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, West of City Park. The property is not within the City of Laurel but the property owner is petitioning for annexation.

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:	Ray Moore
Engineering and Surveyor:	Owner has dismissed and is using C&H Engineering as a representative
Existing Zoning:	Residential Manufactured Home
Existing Land Use:	Vacant/Open
Proposed Land Use:	Residential Manufactured Homes
Gross Area:	7.85
Proposed # of Lots:	41

Lot Sizes: Approximately 6000 sq.ft.

Parkland Requirements: Cash in lieu of parkland will be received.

PROPOSED FINDINGS OF FACT:

The Findings of Fact for the preliminary plat of Moore Subdivision 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 plat 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 Moore Subdivision will have no impact on agriculture. The 7.85 acre Moore Subdivision 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
- Sanitary sewer
- Storm drainage
- Streets
- Parks and Open Space
- A detailed phasing plan

3. Effects on the natural environment

The proposed subdivision is proposed as a 41 lot major subdivision. The development is proposed to contain 41 single family residential manufactured homes. The property has a zoning designation of RMH and is being annexed into the City concurrent with the preliminary plat. The proposed subdivision 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. A letter was sent to the FWP for comment, but no comments were included in the application. 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

The proposed subdivision will improve the public health and safety in the City of Laurel. Cash-in-lieu donation for parkland will be able to be used to better maintain city parks. Also, the proposed subdivision will improve access for the public by installing sidewalks along 8th Street and Maryland Lane. 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 subdivision, 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 plat.

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)

Legal and Physical access to all lots has been provided and is shown on the preliminary plat.

CONCLUSIONS OF FINDINGS OF FACT

- The preliminary plat of Moore Subdivision does not create any adverse impacts that warrant denial of the subdivision.
- With the proposed conditions, Moore Subdivision 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.

ATTACHMENTS

A: Preliminary Plat and Associated Documents

Variance Request Details

Street	Classification	Req. Total ROW	Given Total ROW	Req. Road Width	Given Road Width
Elm	Local	67	60	28	28
Date	Local	67	60	28	28
Maryland	Collector	70	70	40	n/a