

MINUTES OF THE CITY COUNCIL OF LAUREL

February 11, 2025

A regular meeting of the City Council of the City of Laurel, Montana, was held in the Council Chambers and called to order by Mayor Dave Waggoner at 6:30 p.m. on February 11, 2025.

COUNCIL MEMBERS PRESENT:

Thomas Canape	Heidi Sparks
Michelle Mize	
Casey Wheeler	Irv Wilke
Richard Klose	Jodi Mackay

COUNCIL MEMBERS ABSENT:

Jessica Banks

OTHER STAFF PRESENT:

Michele, Braukmann, Civil City Attorney
Britney Harakal, Administrative Assistant
Kelly Strecker, Clerk/Treasurer
Forrest Sanderson, Contract Planner

Mayor Waggoner led the Pledge of Allegiance to the American flag.

MINUTES: None.

CORRESPONDENCE:

- Fire Monthly Report January 2025
- Police Monthly Report January 2025

COUNCIL DISCLOSURE OF EX-PARTE COMMUNICATIONS: None.

PUBLIC HEARING:

- **To Approve Zone Change And Zoning Map Amendment. (Old Middle School)**

Mayor Waggoner opened the public hearing and asked Staff to present the item.

Forrest Sanderson, Contract Planner, briefly reviewed the attached report.

Mayor Waggoner opened the floor for public comment and stated that copies of the rules governing the public hearing were posted in the council chambers.

Mayor Waggoner asked if there were any proponents.

John Wettendorf, the architect on the project, stated the developer plans to honor the heritage of the building and work with the residents nearby.

It was questioned if there were plans for the gym. It was stated at this time the focus is on the change in zoning. All units will be within the middle school itself.

Mayor Waggoner asked again if there were any proponents.

Karl Dan Koch, 320 Colorado Avenue, states his backdoor faces the gym. This development would be an improvement as the school is not maintaining the property. His main concern was with off-street parking in the area, water, and storm sewer.

Mayor Waggoner asked again if there were any proponents.

Britney Hunter, the School Board Chair, stated that if the school district is unable to sell the building then they will have to let it sit. There are multiple scenarios, one is that the building is left vacant and unmaintained. The next option is for another developer to come in and build single-family homes on the property. In this scenario, the Council knows what the buyers' intentions are.

Mayor Waggoner asked three (3) times if there were any opponents. There were none.

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Mayor Waggoner stated that he would not have Staff respond to questions.

Staff clarified a few issues for the Council. The first is that both water and sewer already exist in the right of way. Streets and storm sewers are public infrastructure and the City's responsibility. If those lots were subdivided, then the water and sewer could be negotiated as part of that process.

Council questioned if they were allowed to build 45 units with this zoning type. It was clarified that RMF only allows for 36 units based on the square footage of the property.

Council questioned if they approve this zone change if the developer can scrap this project. It was clarified that, yes, this is only a zone change.

Council questioned if there would be congestion with parking in the area. It was clarified that parking will be onsite. It was also noted that the 40 units that can be built now vs 36 is less traffic in the area.

Council questioned what types of other developments are zoned RMF. Council was given the example of the Laurel Depot. It was noted that all City departments are supplied with the information prior to it going before the Zoning Commission. City Staff did not have any concerns.

CONSENT ITEMS:

- **Claims entered through February 7, 2025.**
A complete listing of the claims and their amounts is on file in the Clerk/Treasurer's Office.
- **Approval of Payroll Register for PPE 2/2/2025 totaling \$274,683.20.**
- **Clerk/Treasurer Financial Statements for the month of January 2025.**

The Mayor asked if there was any separation of consent items. There was none.

Motion by Council Member Klose to approve the consent items as presented, seconded by Council Member Wilke. There was no public comment or Council discussion. A vote was taken on the motion. All seven Council Members present voted aye. Motion carried 7-0.

CEREMONIAL CALENDAR: None.

REPORTS OF BOARDS AND COMMISSIONS:

- Budget/Finance Committee Minutes of January 28, 2025.
- Public Works Committee Minutes of December 16, 2024.

AUDIENCE PARTICIPATION (THREE-MINUTE LIMIT): None.

SCHEDULED MATTERS:

- **Appointment of Richard Herr to the Public Works Committee.**

Motion by Council Member Wilke to approve the Mayor's appointment of Richard Herr to the Public Works Committee, seconded by Council Member Mize. There was no public comment or Council discussion. A vote was taken on the motion. All seven Council Members present voted aye. Motion carried 7-0.

- **Appointment of Craig Baumgartner to the Police Commission for the remainder of a three-year term ending April 30, 2027.**

Motion by Council Member Canape to approve the Mayor's appointment of Craig Baumgartner to the Police Commission for the remainder of a three-year term ending April 30, 2027, seconded by Council Member Wilke.

Mr. Baumgartner introduced himself to the Council. He stated his son is a Police Officer with the Laurel Police Department.

It was questioned if there was a conflict of interest, given that Mr. Baumgartner's son was in the department. It was clarified that due to the scope of the Police Commission, there was no conflict of interest.

A vote was taken on the motion. All seven Council Members present voted aye. Motion carried 7-0.

- **Resolution No. R25-14: Resolution To Approve Zone Change And Zoning Map Amendment.**

Motion by Council Member Sparks to approve Resolution No. R25-14, seconded by Council Member Wilke. There was no public comment or Council discussion. A vote was taken on the motion. All seven Council Members present voted aye. Motion carried 7-0.

- **Resolution No. R25-15: Resolution Awarding The Bid And Authorizing The Mayor To Execute All Contract And Related Documents For The Purchase Of A Mini Excavator From Bobcat Of Big Sky, Inc.**

Motion by Council Member Mize to approve Resolution No. R25-15, seconded by Council Member Wilke. There was no public comment or Council discussion. A vote was taken on the motion. All seven Council Members present voted aye. Motion carried 7-0.

- **Resolution No. R25-16: A Resolution Of The City Council Authorizing The Mayor To Execute An Independent Contractor Service Contract With True North Contracting.**

Motion by Council Member Wheeler to approve Resolution No. R25-16, seconded by Council Member Wilke. There was no public comment or Council discussion. A vote was taken on the motion. All seven Council Members present voted aye. Motion carried 7-0.

ITEMS REMOVED FROM THE CONSENT AGENDA: None.

COMMUNITY ANNOUNCEMENTS (ONE-MINUTE LIMIT): None.

COUNCIL DISCUSSION:

The next Public Works Committee meeting is next Tuesday at 6:00 p.m. in Council Chambers. The meeting was moved to Tuesday due to the holiday on Monday.

The Laurel Urban Renewal Agency has moved its meetings to the 2nd and 4th Mondays of the month so that there is time for Staff to get things before the next Council meeting.

MAYOR UPDATES: None.

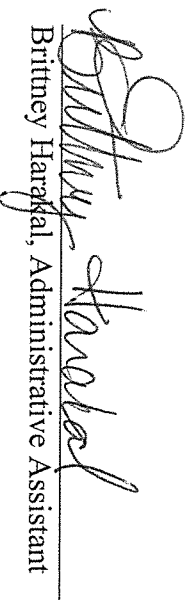
UNSCHEDULED MATTERS:

Motion by Council Member Mackay to amend the Council Workshop Minutes of January 21, 2025, to include, "In response to the issues raised regarding the Judge's compensation, Council clarified that they were not seeking information or feedback about the Judge's compensation in comparison to the Mayor's compensation," to the minutes, seconded by Council Member Wilke. There was no public comment or Council discussion. A vote was taken on the motion. All seven Council Members present voted aye. Motion carried 7-0.

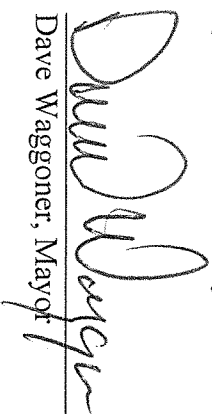
ADJOURNMENT:

Motion by Council Member Mackay to adjourn the Council meeting, seconded by Council Member Wilke. There was no public comment or Council discussion. A vote was taken on the motion. All seven Council Members present voted aye. Motion carried 7-0.

There being no further business to come before the Council at this time, the meeting was adjourned at 7:04 p.m.

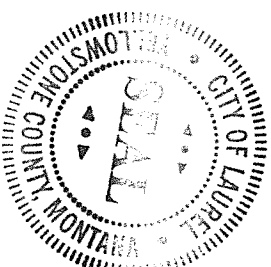

Britney Harckal, Administrative Assistant

Approved by the Mayor and passed by the City Council of the City of Laurel, Montana, this 11th day of March 2025.


Dave Waggoner, Mayor

Attest:


Kelly Streckert, Clerk/Treasurer



ZONING COMMISSION RECOMMENDATION - ZC-24-01
Laurel Schools – Paul Nelson Zone Change Request
December 20, 2024

R-6000 to RMF

BACKGROUND:

The City of Laurel is an incorporated City within the State of Montana with powers established under the Constitution of Montana XI.4. The power and processes for the City to establish zoning regulations are found in §76-2-301 et. seq. M.C.A.

From Montana Cadastral, the property has been used for school purposes since at least 1910, it is divided into 20 approximately 4,500 square foot lots (all of which are non-conforming but as preexisting non-conforming uses each lot could be developed with a single-family dwelling plus an accessory dwelling for a total of 40 dwelling units. The lots could be redesigned into 15 conforming 6,000 square foot lots and developed with 30 conforming duplex structures. Commercial and industrial uses are by and large not allowed in the R-6000 or the RMF. The appraisal value of the land and structures is \$5,537,546.00. The buildings by themselves are valued at \$5,195,480. Where the structure and uses of the property are governmental in nature, property taxes are not due or collected.

The proposal is to convert the buildings into condominium development with up to 45, studio, one- and two-bedroom units, related amenities and off-street parking in accordance with current zoning regulations. It would appear that the maximum development of the property with an RMF designation would be 36 units but that is a question for the Zoning Administrator and the question here is the proposed zoning consistent with the rational nexus for the adoption of zoning in the City of Laurel.

The application materials address several other points that outline the anticipated benefits of the project. The application materials are incorporated into this report by reference.

LEGAL DESCRIPTION:

Lots 1-20 Block 19 Laurel Realty 2nd Subdivision, located in Section 9 Township 2 South Range 24 East P.M.M. City of Laurel, Yellowstone County, Montana. Commonly known as the “Old Laurel Middle School” 410 Colorado Avenue.

APPLICANT(S):

Paul Nelson
20450 Highway 10 E
Clinton MT 59825

School District #7
Matt Torix
410 Colorado Ave
Laurel MT 59044

EXISTING CONDITION:

The subject property has been used as a Public School or for School District purposes since 1910. The property is served by public water, sewer, streets, solid waste, is wholly surrounded by R-6,000 Zoning Designation, and is approximately 2.07 acres in size.

PROCESS:

- The application for a Zoning Map Amendment (Zone Change) was submitted on November 8, 2024, and a public hearing was conducted on December 18, 2024 by the Laurel Zoning Commission.
- The City Council following the Public Hearing may not make changes to or conditional modifications to the zoning and map. The change may only be recommended for approval or denial. In either case, the decision must be supported by findings of fact and conclusions related to the rational nexus for the adoption of zoning or zoning amendments.
- Those findings of fact and conclusions as well as the record minutes of the public hearing will be submitted to the City Council for consideration, hearing and final decision.
- The City Council will conduct a duly noticed Public Hearing on the Zoning Commission recommendation and an Ordinance of the City Council on First Reading.
 - Should the Zoning Commission recommendation for approval be disapproved on First Reading the request is deemed to have been denied.
 - Should the Zoning Commission recommendation for approval pass on First Reading, another public hearing and Second Reading and adoption will be scheduled.
- If passed on Second Reading, the new zoning map assignment would become effective 30-days post Second Reading.

ZONES INVOLVED: Existing and Proposed

- R-6000 - Residential 6000 District.
 - The residential-6000 zone is intended to promote an area for a high, urban-density, duplex residential environment on lots that are usually served by a public water and sewer system.
- RMF – Residential Multifamily District.
 - The residential multifamily zone is intended to provide a suitable residential environment for medium to high density residential dwellings; and to establish, where possible, a buffer between residential and commercial zones.

RATIONAL BASIS OF ZONING:

In the State of Montana, all jurisdictions proposing to zone or rezone property or to adopt or revise their zoning regulations must issue findings of fact on a twelve-point test that constitute the rational nexus/legal basis for the adoption of a zoning district, zoning regulations, or changes to zoning or zoning regulations. This rational nexus is called the "Lowe Test".

I. Is the zoning in accordance with the growth policy;

Findings of Fact:

- Both the RMF and R-6000 are generally applicable, City Established, zoning districts.
- The requested zoning is based in the Growth Policy. A simple look at the Growth Policy and future land use map will verify that the requested zone assignment is consistent with the text and mapping components of the Growth Policy.
- The Growth Policy, Future Land Use Map, designates the property as Residential. The Residential designation supports zoning assignment from R-7500 to RMF.
- The RMF designation is typically reserved for areas of proposed development, redevelopment or in areas where adaptive reuse of existing structures that are associated with significant land ownership is contemplated.
- Both the R-6000 and RMF have provisions for the creation of a Planned Unit Development (PUD). The proposed development could be proposed in the R-6000 via the PUD process.
- The requested zoning accomplishes several residential neighborhood goals and strategies are implemented. Diversity of Neighborhoods, historic to modern; accommodation of a diverse population both age and economic condition; Creation of zones where expansion of non-motorized routes and access to the core of the community. Residential districts protected from excessive noise and commercial impacts and the conversion of structures to new uses is encouraged.

Conclusion: The requested zoning is in accordance with the Growth Policy and other adopted rules and regulations of the City of Laurel.

II. Is the zoning designed to lessen congestion in the streets;

Findings of Fact:

- The proposed zoning encourages compact walkable development as well as expanded opportunities for new uses.

- The property is located less than 700 feet from the Central Business District and residents would be able to walk or bicycle to essential services which would by default reduce the vehicular traffic on the streets.
- The proposed zoning encourages compact urban development as such the need for vehicular travel is limited.
- The property is located where all the necessary public infrastructure exists. Development or redevelopment in areas currently
- The proposed zoning in conjunction with the development standards adopted with the Subdivision Regulations will provide for flow through development, logical extension of the gridded infrastructure network, and encourage pedestrian-friendly growth.

Conclusion: The requested zone will lessen congestion in the streets by ensuring orderly growth and development of the property that is consistent with the proposed zoning and other regulations adopted by the City of Laurel.

III. Is the zoning designed to secure safety from fire, panic, and other dangers;

Findings of Fact:

- The proposed zoning will provide for consistency in development along with provision of police and fire protection.
- The proposed zoning incorporates enforcement of development standards, setbacks and compliance with the other development standards adopted by the City of Laurel.
- In addition to the zoning, the City of Laurel enforces the International Building Codes. The combination of regulations are life safety driven.
- The proposed zoning has restrictions on lot coverage, grading and development on steep slopes and other areas that are potentially hazardous. The difference between R-6000 and RMF is minimal.

Conclusion: The requested zoning will provide safety for residents and visitors to the city from fire, panic and other dangers.

IV. Is the zoning designed to promote health and the general welfare;

Findings of Fact:

- The proposed zoning imposes setbacks, height limits and building restrictions.
- The proposed zoning groups together like and consistent uses within existing neighborhoods.
- The overall development standards of the RMF do not convey a significant benefit to the subject property that is not available in the R-6000.
- The RMF and R-6000 are compatible residential districts. In fact, the RMF and R-6000 are adjacent to one another in multiple examples within the City of Laurel.

- The current zoning regulations restrict development in hazardous areas.

Conclusion: The grouping together of like and consistent uses promotes the health and general welfare of all citizens of the City of Laurel. Further, the requested zoning is substantially consistent with the land use in the surrounding neighborhoods.

V. Is the zoning designed to provide adequate light and air;

Findings of Fact:

- The proposed zoning imposes building setbacks, height limits, limits on the number of buildings on a single parcel, and reasonable area limits on new development.
- The only difference between the existing and proposed zoning is the building height limit and lot coverage.
- The issue of lot coverage was diminished, in part, by the passage of legislation in the 2023 session.
- Where the existing building is being repurposed, the height limit question is moot where the structure being repurposed has existed for over 100 years.
- The proposed zoning implements the concept that the City of Laurel was developed historically on a gridded network. The draft zoning requires the perpetuation of this pattern. In doing so as the City plans for growth, the spacing and layout of new development will facilitate provision of light and air to new development.

Conclusion: The proposed zoning will ensure the provision of adequate light and air to residents of the City through a continuation of the dimensional standards and other development limitations.

VI. Is the zoning designed to prevent the overcrowding of land;

Findings of Fact:

- The proposed zoning imposes minimum lot size, use regulations and other limitations on development.
- The maximum potential development difference between the existing and proposed zoning is 6 dwelling units.
- The amenities and parking associated with the proposed development can be contained within the subject property.
- The RMF is a generally applicable zoning district within the City of Laurel with a minimum district size of 2.07 acres.
- The deeded property is 2.066 acres but when one includes the dedicated streets that were platted with the parent subdivision as being associated with the deeded ownership the 2.07-acre threshold has been met.

Conclusion: The existing standards of the requested zoning will prevent overcrowding of land.

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

Findings of Fact:

- The requested zoning is one of the generally applicable Laurel residential districts that represents a holistic approach to land use regulation for the entirety of the City of Laurel and is not focused on any single special interest.
- The overall maximum development densities are substantially similar between the R-600 and RMF.
- The requested zoning is one of four residential zoning districts that provide a continuum of residential densities and manage development to create land use compatibility.
- The requested zoning imposes minimum lot sizes, maximum number of residences on a single parcel and setback standards.
- The RMF is a generally applicable zoning district within the City of Laurel with a minimum district size of 2.07 acres.
- The deeded property is 2.066 acres but when one includes the dedicated streets that were plated with the parent subdivision as being associated with the deeded ownership the 2.07-acre threshold has been met.

Conclusion: The proposed zoning will prevent the undue concentration of population by encouraging the most appropriate use and residential density at any given location within the jurisdiction.

VIII. Is the zoning designed to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements;

Findings of Fact:

- The requested zoning establishes minimum standards for the provision of infrastructure such as roads, sidewalks, water sewer, wire utilities and storm water management.
- The requested zoning encourages compact urban scale development and groups together similar uses that will not detract from the quality of life expected in Laurel while providing the economies of scale to extend water, sewer, streets, parks, quality schools and other public requirements.
- The requested zoning allows for the repurposing of an existing public building and takes advantage of the existing roads, water, sewer, schools, parks and other public services.

Conclusion: The standards of the requested zoning will insure the adequate provision of transportation, water, sewerage, school, parks, and other public requirements.

- IX. Does the zoning give reasonable consideration to the character of the district and its peculiar suitability for particular uses;

Findings of Fact:

- The RMF is a generally applicable zoning district within the City of Laurel with a minimum district size of 2.07 acres.
- The deeded property is 2.066 acres but when one includes the dedicated streets that were platted with the parent subdivision as being associated with the deeded ownership the 2.07-acre threshold has been met.
- The requested zoning is one of the generally applicable Laurel residential districts that represents a holistic approach to land use regulation for the entirety of the City of Laurel and is not focused on any single special interest.
- The overall maximum development densities are substantially similar between the R-6000 and RMF.
- The overall development standards of the RMF do not convey a significant benefit to the subject property that is not available in the R-6000.
- The RMF and R-6000 are compatible residential districts. In fact, the RMF and R-6000 are adjacent to one another in multiple examples within the City of Laurel.

Conclusion: The requested zoning gives due consideration to the character of the existing neighborhoods within the city as well as suitability for the particular uses.

- X. Does the zoning give reasonable consideration to the peculiar suitability of the property for its particular uses;

Findings of Fact:

- The RMF is a generally applicable zoning district within the City of Laurel with a minimum district size of 2.07 acres.
- The requested zoning is one of the generally applicable Laurel residential districts that represents a holistic approach to land use regulation for the entirety of the City of Laurel and is not focused on any single special interest.
- The overall maximum development densities are substantially similar between the R-6000 and RMF.
- The overall development standards of the RMF do not convey a significant benefit to the subject property that is not available in the R-6000.
- The RMF and R-6000 are compatible residential districts. In fact, the RMF and R-6000 are adjacent to one another in multiple examples within the City of Laurel.
- Both the R-6000 and RMF have provisions for the creation of a Planned Unit Development (PUD). The proposed development could be proposed in the R-6000 via the PUD process.

- The requested zoning accomplishes several residential neighborhood goals and strategies are implemented. Diversity of Neighborhoods, historic to modern; accommodation of a diverse population both age and economic condition; Creation of zones where expansion of non-motorized routes and access to the core of the community. Residential districts protected from excessive noise and commercial impacts and the conversion of structures to new uses is encouraged.

Conclusion: The requested zone gives reasonable consideration to the peculiar suitability of the property for its particular uses.

XI. Will the zoning conserve the value of buildings;

Findings of Fact:

- The requested zone groups together like and consistent uses and is consistent with the existing zoning in the various neighborhoods of the City of Laurel.
- The RMF and R-6000 are compatible residential districts. In fact, the RMF and R-6000 are adjacent to one another in multiple examples within the City of Laurel.
- Both the R-6000 and RMF have provisions for the creation of a Planned Unit Development (PUD). The proposed development could be proposed in the R-6000 via the PUD process.
- The requested zoning accomplishes several residential neighborhood goals and strategies are implemented. Diversity of Neighborhoods, historic to modern; accommodation of a diverse population both age and economic condition; Creation of zones where expansion of non-motorized routes and access to the core of the community. Residential districts protected from excessive noise and commercial impacts and the conversion of structures to new uses is encouraged.
- The proposed zoning reinforces that residential buildings will continue to be used for equal or greater potential residential purposes.
- The proposed zoning recognizes that buildings that are located in transitional areas have options either to remain as they are or to be converted to uses that reflect the highest and best use, in the owner's opinion, for the subject property.
- The renovation and repurposing of the existing building with an RMF zone will have a beneficial impact on surrounding properties compared to allowing the structure to become vacant, attractive nuisance having negative impacts on surrounding property values.

Conclusion: The requested zoning will conserve or in many cases enhance the value of buildings.

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

Findings of Fact:

- The proposed zoning will allow for the renovation and repurposing of an existing public building within the City of Laurel.
- The proposed zoning and zoning map provide for transitional areas between uses that may be incompatible.
- The requested zoning creates a new mixed-use district that is specifically intended to ease the transition between residential and commercial uses.
- The requested zoning is consistent with the type of development that exists and is occurring in the surrounding neighborhood.
- The proposed zoning recognizes that existing buildings have options, either to remain as they are or to be converted to uses that reflect the highest and best use, in the owner's opinion, for the subject property while maintaining continuity in the neighborhood.
- The renovation and repurposing of the existing building with an RMF zone will have a beneficial impact on surrounding properties compared to allowing the structure to become vacant, attractive nuisance having negative impacts on surrounding property values.
- The requested zoning accomplishes several residential neighborhood goals and strategies are implemented. Diversity of Neighborhoods, historic to modern; accommodation of a diverse population both age and economic condition; Creation of zones where expansion of non-motorized routes and access to the core of the community. Residential districts protected from excessive noise and commercial impacts and the conversion of structures to new uses is encouraged.
- RMF is and has been assigned adjacent to both the R-7500 and R-6000 zoning assignments. With all but one of the current assignments being adjacent to R-6000.
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Conclusion: The requested zoning will encourage the most appropriate use of land not only in the neighborhood but throughout the City of Laurel.

OTHER NOTABLE FACTORS:

- In order to proceed with the project, subdivision review will be required. The aggregation of 20 existing lots into one lot, is a subdivision subject to review 76-3-207(2)(a) MCA.
- The conversion of the property from public to private ownership will increase the taxable valuation of the City of Laurel and Yellowstone County.
- The mandates associated with SB 382 and other legislation passed during the 2023 Legislative Session requiring communities with greater than 5,000 population to increase opportunities and options for housing within the community.

ATTACHMENTS:

- ✓ List of Uses and Dimensional Standards R-6000
- ✓ List of Uses and Dimensional Standards RMF
- ✓ Reduced Laurel Zoning Map 2023

NOTE:

The findings of fact and conclusions contained in this report which reference acceptable or reduction of cumulative impacts are predicated on the maximum potential development of the subject property, the existing conditions and the prevailing and proposed zoning regulations.

RECOMMENDATION:

Zoning Commission Recommends that the City Council find that the requested zoning is consistent with the Laurel-Yellowstone Growth Policy; that the rational nexus for the adoption of zoning has been met or exceeded; and that the citizens of Laurel have participated in the creation of the proposed rezoning process. Further, that the Zoning Commission recommend that the City Council adopt the Zoning Classification of RMF on Lots 1 – 20 Block 19 Laurel Realty 2nd Subdivision, located in Section 9 Township 2 South Range 24 East P.M.M. City of Laurel, Yellowstone County, Montana.

SUGGESTED FORM OF MOTION:

1. I move to adopt Zoning Commission Report ZC-24-01 as findings of fact and conclusions of law.
2. I move to recommend that the City Council adopt the requested zoning of Lots 1 – 20 Block 19 Laurel Realty 2nd Subdivision, located in Section 9 Township 2 South Range 24 East P.M.M. City of Laurel, Yellowstone County, Montana from R-6000 to RMF.