



STAFF REPORT #FP-23-01  
Amended Plat Lots 1-12, Block 2, South Park Addition to Sidney, That  
Parcel Shown on COS No. 27-516 and Tract 1 of COS No. 27-602  
T & T Properties – Gem City Motors  
June 14, 2023

<b>Owner</b>	<b>Agent</b>
T & T Properties PO Box 1468 Sidney, MT 59270	Interstate Engineering Augusta Kickbusch, PLS PO Box 648 Sidney, MT 59270

**Legal Description:**

Amended Plat of Lots 1 - 12 Block 2, South Park Addition to Sidney, That Parcel Shown on COS No. 27-516 and Tract 1 of COS No. 27-602 located in the SW¼ Section 33, Township 23 North, Range 59 East P.M.M., Richland County, Montana.

**Existing Zoning:**

B-3 Central Business District

**Background:**

Augusta Kickbusch with Interstate Engineering has submitted documents for consideration of Final Plat Approval for the Amended Plat of Lots 1-12, Block 2, South Park Addition to Sidney, That Parcel Shown on COS No. 27-516 and Tract 1 of COS No. 27-602 located in the SW¼ Section 33, Township 23 North, Range 59 East P.M.M., Richland County, Montana

The City of Sidney City Council (Council) issued Preliminary Plat Approval on May 1, 2023, subject to four (4) conditions of approval.

**Conditions of Approval/Analysis:**

Condition #1: That a Subdivision Guarantee for the properties involved in the aggregation be submitted for examination by the Subdivision Administrator. Said Subdivision Guarantee shall be less than 30-days old at the time of submittal.

Finding: The Condition is Met.

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Discussion: The Final Plat Application includes a Subdivision Guarantee, less than 30-days old at the time of application.

Condition #2: That any lien holders' sign the Final Amended Plat or provide a Consent to Plat to the filing of the Amended Plat.

Finding: The Condition is Met.

Discussion: The Subdivision Guarantee lists the owner of the property as T & T Properties, there are no liens and the Amended Plat once signed by an authorized person on behalf of T & T Properties is deemed to Consent to the Platting.

Condition #3: That all taxes or assessments that are due and levied on the lots to be aggregated be paid prior to filing the Amended Plat.

Finding: The Condition is Met.

Discussion: The County Treasurer must certify and sign the Amended Plat to assure compliance with this condition.

Condition #4: That the Final Amended Plat is approved for filing within three (3) calendar years from the date of this approval.

Finding: The Condition is Met

Discussion: Preliminary Approval was granted by the City Council on May 1, 2023, and Final Approval requested prior to expiration of the approval time frame.

#### Supplementary Final Plat Considerations:

- A. The resulting property is served by the existing City of Sidney public water supply and wastewater collection systems. An exemption to review by the Montana Department of Environmental Quality can be claimed on the Final Plat.
- B. There are not any required Public Improvements. As such, a Subdivision Improvement Agreement is not required.
- C. The Amended Plat is exempt from the dedication of Parkland. Both the existing use and zoning of the property is commercial.
- D. The Aggregation includes both lands within a Platted Subdivision and lands Outside of a Platted Subdivision, a total of 14 Tracts of Record are being modified. None of the Exemptions, or combination of exemptions, to Public Review found in §76-3-207 can be applied to the situation given the limitations found in the language of the Exemption(s) or by §76-3-207(2).

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1. As such, this project was reviewed and issued a Preliminary Approval, subject to conditions, as provided by Chapter 4A(13) - Expedited Subdivisions in the Sidney Subdivision Regulations.
2. The Final Plat must be consistent with the Requirements of the Administrative Rules of Montana pertaining to Final Subdivision Plats.
3. The Final Plat process must be completed for the Subdivision to be Approved by the City and that Plat Recorded with the Richland County Clerk and Recorder.
4. This decision may be appealed by an aggrieved party provided that said appeal is filed within 30-days of the decision. Venue for this matter is the 7th Judicial District. This approval may be extended as provided in §IV-A-11(b) of the City of Sidney Subdivision Regulations (2021).

**Recommendation:**

The Subdivision Administrator recommends that the City Council Adopt this report (#FP-23-01) as their Findings of Fact and Conclusions of Law. Further, the Subdivision Administrator recommends that the Final Plat for the Amended Plat of Lots 1 - 12 Block 2, South Park Addition to Sidney, That Parcel Shown on COS No. 27- 5 1 6 and Tract 1 of COS No. 27-602 located in the SW¼ Section 33, Township 23 North, Range 59 East P.M.M., Richland County, Montana. be APPROVED.