



STAFF REPORT #ER-23-01
Amended Plat Lots 1 – 12, Block 2, South Park Addition to Sidney
T & T Properties - Gem City Motors
April 5, 2023

Owner
T & T Properties
PO Box 1468
Sidney, MT 59270

Agent
Interstate Engineering
Augusta Kickbusch, PLS
PO Box 648
Sidney, MT 59270

Existing Zoning: B-3 Central Business District.

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.

REGULATORY REQUIREMENTS

Sidney Subdivision Regulations
Chapter 4A

13. Expedited Subdivisions, Processes and Procedures

The following section shall govern the review process for all subdivisions submitted for expedited review.

1. An application from the Subdivider requesting Expedited Review;
 - a. Expedited Subdivisions meeting the requirements of 3(a) and 3(b) below are exempt from:
 - i. The preparation of an environmental assessment; and
 - ii. The review criteria listed in 76-3-608(3)(a)
2. Element review as provided in IV-A(3); and
3. Agency Review as provided in IV-A(4) is limited to:
 - a. Documentation that the subdivision complies with zoning regulations adopted pursuant to 76-2-203 or 76-2-304 and complies with the design standards and other subdivision regulations adopted pursuant to 76-3-504 without the need for variance or other deviations to adopted standards.
 - b. Documentation that the plans for the onsite development of or extension to public infrastructure in accordance with adopted ordinances and regulations.
and
4. Sufficiency review as provided in IV-A(5); and
5. Public Hearing notice as provided in IV-A-8

6. Staff Report as provided in IV-A(7)
7. Public Hearing by the Governing Body within 35 days of determination of sufficiency as provided in IV-A(10).
 - a. The governing body may, by Resolution, delegate the Public Hearing requirement to the Subdivision Administrator or Planning Board.
8. The subdivision shall be reviewed under the provisions of:
 - a. 76-3-608(3)(b) through (3)(d); and
 - b. 76-3-608(6) through (10); and
 - c. 76-3-610 through 76-3-621; and
 - d. 76-3-625 MCA.
9. The Governing Body may only impose conditions to ensure an approved subdivision is completed in accordance with the approved application and any applicable requirements pursuant to Title 76 chapter 4.
10. The Governing Body must within 30-days following the Public Hearing APPROVE the subdivision unless public comment or other information demonstrates the application does not comply with:
 - a. Adopted zoning regulations.
 - b. Adopted design standards.
 - c. Other requirements of subdivision regulations adopted pursuant to 76-3-504 without the need for variances or other deviations from adopted standards.
 - d. Adopted ordinances or regulations for the onsite development of or extension of public infrastructure.
11. The Governing Body shall issue a written statement to the public and the applicant that provides:
 - a. The facts and conclusions that the governing body relied on in making its decision.
 - b. The conditions that apply to the preliminary plat approval that must be satisfied before the final plat may be approved.
12. The subdivision review time for a subdivision subject to expedited review may not be extended more than 180 days and must be based on an agreement between the governing body and the applicant.
13. Where the provisions of this section conflict with other provisions found in this document, the provisions of this section shall prevail with respect to subdivisions undergoing expedited review.
14. Violations – actions against governing body shall be in accordance with 76-3-625 MCA.

FINDINGS OF FACT:

1. The subdivision is exempt to the following:
 - a. Preparation of and environmental assessment.
 - b. Review under the requirements of 76-3-608.
 - c. Parkland dedication under 76-3-621.
2. The elements necessary for public review have been submitted and deemed complete.

3. Agency Review is limited to Zoning and Public Infrastructure:
 - a. The use of the property is consistent with the B-3 Central Business Zoning.
 - b. The existing use is served by public water, sewer, and streets.
4. The elements necessary for public review have been deemed sufficient for public review.
5. A public hearing is scheduled for 6:30 pm on Monday May 1, 2023.
6. A staff report for the project has been completed, provided to the applicant, decision makers, and the public.
7. The date of the public hearing is less than 35 days after the application was deemed sufficient.
 - a. Sufficiency determination was made and provided to the applicant's Agent on April 5, 2023
8. Required Review
 - a. The Amended Plat is consistent with the survey requirements.
 - b. The Amended Plat is in general compliance with the Sidney Subdivision Regulations.
 - c. The Amended Plat has undergone review as provided in the Sidney Subdivision Regulations.
 - d. Legal and physical access to the resulting lot exists.
 - e. The Amend Plat is served by public water and sewer, consistent with local zoning and subdivision regulations and ant the time of drafting of this report no public comment has been received that would warrant consideration of a denial of the project.
 - f. An SIA or waiver of protest for future SID's is contemplated for the Amended Plat.
 - g. None of the features associated with the Amended Plat encroach upon surrounding properties.
 - h. No comments from State or Federal Wildlife Officials has been submitted and are not expected related to this Amended Plat.
 - i. Findings of Fact related to the Amended Plat will be adopted by the City Council.
 - j. The City Council will issue a formal written decision on the Amended Plat within the time frame specified in the Montana Code.
 - k. A final Amended Plat will be submitted by the applicant for examination and compliance with any conditions of Preliminary Plat Approval.
 - l. A Certificate of Subdivision Guarantee less than 30-days old at the time of Final Plat application shall be submitted.
 - m. The Final Amended Plat must be Recorded with the Richland County Clerk and Recorder and once recorded may only be amended as provided by law.
 - n. Should subsequent hearings on the Amended Plat become necessary they shall be provided in accordance with State Law and the Sidney Subdivision Regulations.
 - o. The Amended Plat is NOT a Phased Development.
 - p. Parkland dedication is not required for this Amended Plat. Commercial Use
 - q. The final written decision on the Amended Plat will be completed within the Statutory timelines.
 - r. The Amended Plat has been reviewed and acted upon as provided in Section 4A(13) of the City of Sidney Subdivision Regulations (2021).

CONCLUSION:

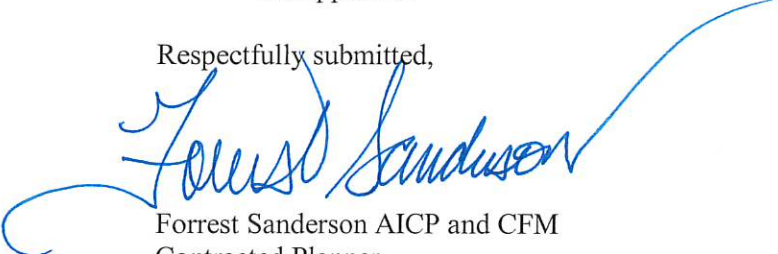
As discussed in this Report and the Findings of Fact, the Division is consistent with the City of Sidney Subdivision and Zoning Regulations. The necessary public infrastructure exists and is available to the resulting lot. As such, the project, subject to the imposition of conditions is approvable by the Sidney City Council.

RECOMMENDATION:

The Subdivision Administrator recommends that the City Council Adopt this report (#ER-23-01) as their Findings of Fact and Conclusions of Law. Further, the Subdivision Administrator recommends that 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. be APPROVED subject to the following conditions:

1. That a Subdivision Guarantee for the properties involved in the aggregation submitted for examination by the Subdivision Administrator. Said Subdivision Guarantee shall be less than 30-days old at the time of submittal.
2. That any lien holders' sign the Final Amended Plat or provide a Consent to Plat to the filing of the Amended Plat.
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.
4. That the Final Amended Plat is approved for filing within three (3) calendar years from the date of this approval.

Respectfully submitted,



Forrest Sanderson AICP and CFM
Contracted Planner
City of Sidney