

# Livingston Land Use Board

## Special Meeting Minutes

October 14, 2025

Community Room, City County Complex, 414 E. Callender Street

3:15 PM

Chair Jessica Wilcox called the meeting to order at 3:15 PM. The meeting was a continuation of the public hearing on the proposed Zoning Code Update that began on September 17, 2025 and continued on October 8, 2025.

### 1. Roll Call

Present: Chair Jessica Wilcox, Baily Goodwine, Frank O'Connor, Forrest Huisman (online), Becky Moores (online), City Commission Chair Quentin Schwarz.

Absent at roll call: John Kalmon (arrived later during the meeting).

Staff present: Jennifer Severson, Planning Director.

A quorum was present.

### 2. Approval of Minutes

Minutes from the October 8, 2025 meeting will be included on the agenda for the November meeting.

### 3. General Public Comment

Chair Wilcox opened general public comment for items not on the agenda. No general public comment was offered in person or online.

### 4. Planning Items

None.

### 5. Zoning Items

**A. Consideration of Proposed Zoning Code Update (continued from September 17 and October 8, 2025): The Board continued its discussion of proposed code updates and considered recommending the zoning text amendment to the City Commission.**

Staff Report: Planning Director Jennifer Severson summarized updates to the draft since the October 8 meeting. She noted that most edits reflected discussion and informal consensus from the prior meeting, but that the Board had not taken formal action on the individual edits.

Short term rentals: Staff added language clarifying that, at the time of licensing, each short term rental unit must have one designated off street parking space on the property when a space can be identified. Staff explained the intent is to evaluate sites case by case and, when feasible, tie the parking space to the license so it is clear where guests should park. Staff stated the change is intended to provide a workable option and not to penalize existing short term rentals. Staff also noted that no changes were made to the draft table or map regarding where Type 1 and Type 2 short term rentals are allowed, because staff believed any adjustment to the allowance areas would require additional Board discussion.

Riparian setbacks: Staff reported that she met internally with the City Manager and City Attorney, and staff believed the City has the legal authority to adopt riparian setback requirements. Staff also recommended additional research before expanding setback distances beyond the draft standard. Staff summarized prior public comments that suggested larger setback distances, including 300 feet from the Yellowstone River, 150 feet from Fleshman Creek and Bilman Creek, and 100 feet from other water bodies. Staff stated the draft was not intended to apply to irrigation ditches at this time. Staff asked the Board to provide direction on whether to keep the proposed 10 foot setback, adopt larger setbacks, remove riparian setbacks entirely, or recommend keeping the concept while staff researched alternative approaches and distances.

Other code edits discussed: Staff reviewed several text revisions discussed on October 8, including clarifying animal and laying hen language to align with other regulatory provisions, confirming that roosters are not allowed, and clarifying planned unit development height allowances. Staff explained that limiting height by feet rather than stories helps avoid unintended outcomes because story heights vary. Staff stated the draft would allow height increases in the R2 and LMU districts up to 40 feet in planned unit developments, while maintaining the underlying height standards outside that context. Staff also noted that planned unit development minimum lot size requirements were not changed in the draft.

Public Comment on the zoning code update:

Tom Blue, 122 S. 2nd Street, stated support for the lower density mixed use district, describing it as a well considered approach for infill development and cost efficient housing because it supports walk up scale construction and avoids requirements that tend to push larger units. He praised revisions in the central areas of town but encouraged the Board and City to revisit zoning on the east side of town where he believed current zoning and draft proposals may conflict with growth policy designations. He also commented that recent state limits on building height reduced local flexibility.

Randy Carpenter, 1108 S. Black Avenue, Bozeman, speaking for Friends of Park County, reiterated support for changing highway commercial to LMU and for lowering downtown height limits while keeping LMU height at 36 feet. He stated these changes could support housing options, improve walkability, and maintain a human scale. He raised concerns about proposed zoning in outlying areas of the City that are designated in the Growth Policy as open space or natural area. He referenced a buildout analysis indicating that proposed R1 and R2 zoning on vacant properties could create

development capacity exceeding 5,000 housing units over 50 years, not including mixed use potential. He specifically cited the proposed high density residential mixed use and R1 zoning in the extreme northeastern area of the City boundary and said that level of intensity does not align with the Growth Policy designation. He stated his organization recommends creating an Agricultural zoning district and allowing development in those areas through a planned unit development process.

Tara Eddy, 604 S. 9th Street, submitted a petition opposing riparian setbacks, stating she provided 41 signatures on October 8 and an additional 14 signatures at this meeting for a total of 55. She read comments from multiple residents describing Freshman Creek as a drainage feature that can dry up, noting portions of the creek run under yards and through already developed areas. Residents expressed concern that setbacks could limit rebuilding after a fire or other damage, reduce already limited usable land, and restrict the ability to fence for child and pet safety where properties exist on both sides of the creek. She also stated many residents believed they should have received mailed notice and were surprised by the proposal.

Tim Cochran, 16 Majestic Ridge Trail, stated he submitted detailed written comments to supplement prior oral comments. He disputed legal arguments presented in prior comments opposing setbacks and stated that regulatory measures adopted to protect public health and safety are valid when reasonable and evidence based. He cited Montana constitutional and statutory provisions and described scientific considerations following the 2022 flood, including channel migration mapping and pending FEMA floodplain mapping updates. He encouraged continued robust discussion of the issues, noted a recent Montana Supreme Court decision involving Upper Missouri Waterkeeper and Broadwater County, and urged the Board and City to consider differentiated setback approaches for different water bodies and related categories.

Melissa Johansson, 405 Brooklyn Unit B, asked clarifying questions about how transitional and supportive housing would be treated in the R2 district. She stated she understood prior discussion to mean the uses might be allowed by right, but she observed the draft appeared to retain a conditional designation for transitional housing while adjusting assisted living in the R2 district. She also asked what distinguishes co living and multifamily housing from transitional and supportive housing. She additionally asked whether the Board was considering decreasing minimum lot size requirements for planned unit developments.

David Fuentes, 123 Wine Glass Unit D, commented on short term rental regulation. He stated the Board had established an initial framework through the use table and zoning map and supported a future focused discussion with the City Commission and public input if short term rental provisions are included in the zoning code. He encouraged a less restrictive approach paired with data and broad public discussion.

Board Discussion and responses:

Staff responded that minimum planned unit development lot size requirements were not changed in the highlighted revisions and remain at one half acre, noting the planned unit development standards were recently vetted and adopted. Staff clarified that the draft changes related primarily to where planned

unit developments are allowed and to height allowances in the R2 and LMU districts up to 40 feet in that context.

Regarding transitional and supportive housing, staff acknowledged that multiple draft versions were circulating and that web page posting and packet updates were temporarily out of sync because the staff member who updates the zoning update web page was unavailable. Staff described efforts to align definitions and ensure consistent treatment of related residential use categories. Staff also described adult foster care as a small scale use capped at four residents with 24 hour staffing and stated the conditional review approach was intended to evaluate potential neighborhood impacts such as traffic and compatibility.

The Board discussed riparian setbacks and expressed interest in maintaining setbacks while developing a more tailored approach for different water bodies. The Board discussed differentiating setback distances by naming specific waterways, including the Yellowstone River, Bilman Creek, and Fleshman Creek, and directing staff to research comparable standards used by other communities.

The Board also discussed concerns raised in public comment regarding Growth Policy designations on the City's periphery and the idea of an Agricultural or very low density zoning district. Board members discussed that adding an Agricultural district to the code could provide a planning tool, with future application through the zoning map to be determined through City Commission action.

**Action:**

**Motion by Goodwine to approve the staff report recommendations and recommend the proposed zoning code update to the City Commission, with additional direction to staff to research potential creek setback options for the Yellowstone River, Billman Creek, and Fleshman Creek, and to add an Agricultural zoning district and related code details. Second by O'Connor. Roll call vote: Goodwine, yes; Kalmon, yes; O'Connor, yes; Huisman, yes; Moores, yes; Wilcox, yes. Motion passed 6 to 0.**

**6. Board Comments**

Board members discussed the importance of keeping the most current draft materials available to the public and noted that packet posting and web page updates should be synchronized when possible.

**7. Adjournment**

Chair Wilcox adjourned the meeting at approximately 5:01 PM.