



# Amended Livingston City Commission Minutes

October 03, 2023

5:30 PM

City – County Complex, Community Room

<https://us02web.zoom.us/j/87529161415?pwd=bkVITS9uOUdKMkpMMWpjV0JnbmRKQT09>

Meeting ID: 875 2916 1415

Passcode: 786559

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## 1. Call to Order

Chair Nootz called the meeting to order at 5:32pm

## 2. Roll Call

City Commission in attendance at start of meeting: Chair Nootz, Vice-Chair Kahle, Commissioner Friedman, Commissioner Schwarz, and Commissioner Lyons.

Staff in attendance: City Manager Grant Gager, Interim City Attorney Jon Hesse, City Clerk Emily Hutchinson, Policy Analyst Gregory Anthony, Chief Dale Johnson, Officer Daniel Lashinski, Planning Director Jennifer Severson, Public Works Director Shannon Holmes, Finance Director Paige Fetterhoff

## 3. Public Comment

*Individuals are reminded that public comments should be limited to item over which the City Commission has supervision, control jurisdiction, or advisory power (MCA 2-3-202)*

## 4. Consent Items

- A. APPROVAL OF MINUTES FROM SEPTEMBER 19, 2023, REGULAR CITY COMMISSION MEETING** **PG. 4**
- B. CLAIMS PAID 9/13/23 -9/27/23** **PG. 18**
- C. APPLICATION FOR PHILIP C. LAWSON FOR SPECIAL PARKING SPACE FOR RESERVED FOR DISABLED PERSONS ON A PUBLIC STREET** **PG. 24**
- D. CONSIDERATION OF OPEN CONTAINER SPECIAL EXCEPTION REQUEST FOR OCTOBERFEST ON 10/14/2023** **PG. 30**

Motion to approve all consent agenda items was made by Commissioner Lyons and seconded by Commissioner Schwarz. The motion passed unanimously by the five members present.

## 5. Proclamations

- A. A PROCLAMATION RECOGNIZING THE 101st ANNIVERSARY OF NATIONAL FIRE PREVENTION WEEK, AND DECLARING OCTOBER 8-14, 2023, to be FIRE PREVENTION WEEK IN THE CITY OF LIVINGSTON.** **PG. 35**

Chair Nootz read the proclamation.

The City Manager reminded as the weather gets colder to clean your chimney and check your heating systems, and in a few weeks when we have the time change don't forget to change your smoke detector and carbon monoxide detector batteries.

## 6. Scheduled Public Comment

### A. CRISIS RESPONSE COALITION

Chair Nootz called on the City Manager to introduce the item.

The City Manager reminded that at the last City Commission Meeting they approved the charter for the Park County Crisis Coalition. City Emergency Services have been working with other community mental health and public safety providers. The City Manager introduced Janella Johnson and Officer Daniel Lashinsky.

Officer Lashinsky started off by explaining the program as CIT (Crisis Intervention Team) and it has been around since 1988 and really came to be more known in 2008. Around 2100 communities use this. The program is for de-escalation training, about 40 hours of training, primarily for law enforcement, second responders and fire department. The training is intended to help deal with people in crisis such as drug addiction. Studies have shown this program has reduced officer related injuries up to 80%. They are hoping to bring this training to Livingston in March 2024. Janella Johnson spoke about how officers are not mental health providers, but are often put in the situation as first line of defense in helping these people in crisis. This training program will help officers, but will also help not only members of the community, but other branches of crisis such as mental health providers, and hospitals. Officers will learn de-escalation skills using body language, words and how best to help and individual manage their own crisis and making their own decision of what resources they are willing to engage in. The benefits of hosting this training in Livingston will be making officers in the area aware of resources available within Park County. Goals include reducing injury, reduce potential for escalation leading to jail time or involuntary commitment. Grant opportunities are available for this CIT program from the State.

Commissioner Schwarz expressed he really likes this program and feels this will be really great to have in the community. Vice Chair Kahle asked how many seats are available for the class? Janella said the recommended cap is 25 participants and stated many different presenters come in to education for this class such as mental health providers, and many speaker panels, and live scenarios. Chair Nootz inquired if priority would be given to Livingston Police Officers since Livingston is hosting. Officer Lashinsky stated it's publicly advertised, but staff will be notified that training is coming, but seats will not be reserved for Livingston Officers only. Chair Nootz asked if they track measures for success for these trainings. Janella stated they will be starting to track that. Chair Nootz asked for the Commission to receive positive updates that come from this program and training. Janella stated that people can always request CIT trained Officer to respond.

## 7. Public Hearings

*Individuals are reminded that testimony at a public hearing should be relevant, material, and not repetitious. (MCA 7-1-4131 and Livingston City Code Section 2-21)*

## 8. Ordinances

### A. ORDINANCE 3043, AN ORDINANCE OF THE CITY OF LIVINGSTON, MONTANA, AMENDING CHAPTER 30 OF THE LIVINGSTON MUNICIPAL CODE ENTITLED ZONING BY ADDING NEW

**SECTION 30.47 ENTITLED PLANNED UNIT DEVELOPMENTS AND PROVIDING A REPEALER, SAVINGS, SEVERABILITY AND EFFECTIVE DATE. PG. 37**

Chair Nootz called on the City Manager to introduce the item.

The City Manager reminded this ordinance came before the Commission in August and September and staff has updated this ordinance based on Commissioner feedback, and outreach to housing and development communities.

Planning Director Severson shared her presentation starting with Intent: Encourage more efficient use of land and public services than traditional zoning allows.

Changes include: (1) reducing the minimum size to .5 acre, (2) allowing PUDs in R-II, RII-MH, R-III, RMO, MU, CBD, and HC zoning districts and (3) Commercial Uses not are no longer required. Light Industrial Uses may be allowed, and Heavy Industrial Uses will not be allowed.

Commissioner Lyons inquired about height bonuses for PUDs that are entirely commercial and whether they would be entitled to a height increase. The City Manager referred to section B stating the administrative process would catch this situation and may not allow the application to move forward.

Commissioner Lyons also inquired about enforcement and tenure going forward. The City Manager stated that if an applicant is looking for affordable housing or deed restricted housing the public benefits are that the housing is deed restricted, the duration of the level of affordability would be included in the deed restriction.

Commissioner Lyons asked for clarification for the purpose of the max 50% on developed open space. The City Manager stated it is similar and consistent with the subdivision regulations, but understands it can be changed by the Commission if the 50% is not seen as appropriate for these types of developments.

Commissioner Lyons asked why are we considering this PUD Ordinance now when there is going to a whole overhaul of the Zoning Ordinance. The City Manager replied that the Zoning overhaul will be a lengthy process and they don't anticipate it be complete for 15 -18 months from today. Further, the Growth Policy called for this ordinance and provided a model template to follow which staff has modified for Livingston.

Vice Chair Kahle asked who is going to make the AMI determination in the application phase. The City Manager stated that achieving affordability in the current market where labor cost are high, material are high, and interest rates are high so creating units that are affordable at 60% AMI or lower is not feasible. The ability to create affordable units does fluctuate with the economic cycle. Vice Chair Kahle then questioned if that application goes through only staff or will it come through the Commission as well. The City Manager stated the application will be reviewed by staff, but can show the application to the Commission when submitted.

Chair Nootz asked if the commercial will be deed restricted. The City Manager stated when live work units are involved in PUD in order to achieve that public benefit of commercial use, in that situation they would want to have deed restriction. Chair Nootz asked about public review process. Chair Nootz asked the Manager to walk through a hypothetical situation to see where staff falls in the process. The City Manager stated the staff involvement begins in the pre-application phase, and they expect several points of contact before the application is even approved, to ensure it meets the PUD guidelines.

Commissioner Schwarz moved to approve the ordinance and Vice Chair Kahle seconded the motion

Public Comments were offered by:

- Katherine Daly on behalf of HRDC who thanked Commission and Staff for refinement on this PUD Ordinance. A letter was submitted late in the day from HRDC where it was expressed opposition to the proposed PUD Ordinance and feels this does not meet the needs for middle income community housing.
- Patricia Grabow thanked the Commission for the PUD Ordinance and expressed interest in reviewing the letter from HRDC.

Chair Nootz clarified when items and public comment need to be submitted to be included in the packet. The City Manager stated the packet goes out on the Thursday before a meeting so anything received before then will go in the packet, and anything received by noon the day of the meeting is forwarded to Commissioners via email, and anything that comes in after noon the day of the meeting is not always guaranteed to be reviewed by Commissioners before a meeting.

Commissioner Lyons expressed concern about (1) not including thresholds for affordability and regulation, (2) Commercial Height Increases, and (3) clarifying language in the Ordinance to remove any ambiguity.

Vice Chair Kahle agreed with Commission Lyons about clearing up language in the Ordinance, and setting thresholds. The thresholds being 80 – 120% of Area Median Income and including that in the Ordinance. Vice Chair Kahle would like to figure out who gets in these properties, how they qualify for them, reaching the targeted population, and what is deed restricted and what is not.

Chair Nootz appreciates that this PUD is moving forward, and feels this ordinance has come a long way. Chair Nootz inquired if AMI was presented this way based on outreach that was done. The City Manager stated they spoke to affordable housing groups and heard that there are times that 60% affordable housing is possible and can be built. Chair Nootz agreed with Vice Chair Kahle on the topic of who gets into property and how, and wondered how that part the application is going to be handled. The City Manager talked with nonprofits including HRDC.

7:05 PM Vice Chair Kahle motioned for a 10 minute break seconded by Commissioner Lyons. Unanimously approved.

**(Starts at Video Mark 1:31:57)**

Commissioner Friedman wondered how PUD are successful in other communities and does staff have any insight on where they are being used, or how they are benefiting the communities. The City Manager stated PUD Ordinance are utilized all over even in Montana to create affordable units. He understands why the Growth Policy used this model ordinance because it is one the most concrete land use recommendations within the Growth Policy.

Vice Chair Kahle asked the City Manager about his past experience with a PUD Ordinance and he explained the City he came from previously had one for over 20 years and he remember 3 that came through while he was there and all of them had a noticeable component of affordable units and come were created at the 60% level and some created at the 80 – 120%. It was stated by the City Manager that we cannot make walkable neighborhoods if we don't give people something to walk to. He feels this PUD Ordinance will really achieve many of the goals within the Growth Policy. Vice Chair Kahle asked the City Manager if they had specifically stated a percentage of AMI. The

City Manager stated they did not have affordability targets in the Ordinance where he was previously, they were adopted by City Council and Mayor in that community.

Commissioner Schwarz stated he is happy with the ordinance as is.

Chair Nootz indicated that finding the balance between what they put in ordinance and what is not is important, and understanding that changing an ordinance is harder than changing something via resolution. Overall indicating with some small edits she is comfortable with the PUD.

The Commission proposed amendments including:

1. Wording: A PUD shall further a majority of the following objectives.
2. Section D.B 4. iii. Increased Open Space: delete *;no more than half of dedicated open space may be for passive use as defined in LMC Sec 28-VI-A-16.b1.a*
3. Section C. 2. Adding *PUD shall include residential uses*

8:35 PM Vice Chair Kahle motioned for a 5 minute break seconded by Commissioner Schwarz. Unanimously approved.

**(Starts at Video Mark 2:50:34)**

Vice Chair Kahle moved to amend the original motion and Commissioner Schwarz seconded the motion.

The amended motion was approved unanimously by the five commissioners present.

The original motion as amended was then approved unanimously by the five commissioners present.

**B. ORDINANCE 3045: AN ORDINANCE OF THE CITY OF LIVINGSTON MONTANA REMOVING FEES FROM THE MUNICIPAL CODE** **PG. 64**

Chair Nootz called on the City Manager to introduce the item.

The City Manager stated this is the second reading of removing fee from Livingston Municipal Code that will be set by City Commission in separate resolution in the form of a Fee Schedule.

Vice Chair Kahle moved to approve the ordinance and Commissioner Lyons seconded the motion.

The item was approved unanimously by the five commissioners present.

**9. Resolutions**

**A. RESOLUTION 5110: ESTABLISHING A FEE SCHEDULE AND CHARGES FOR ALL DEPARTMENTS** **PG. 82**

Chair Nootz called on the City Manager to introduce the item.

The City Manager stated this item is to adopt a Citywide Fee Resolution. He worked directly with Finance Director Paige Fetterhoff and department heads to identify current fees, and possible new fees to be collected. All fees have been compiled into this resolution.

Commissioner Schwarz asked about fees for construction vehicles downtown. He remembers there was a fee in the past, but cannot find one now in the current fee schedule. For example a lift occupying two spaces downtown, he wants to make sure we are charging enough to hold that space because it takes away parking space for downtown businesses. The City Manager called on the Finance Director who stated that fee did not make it onto this list.

Vice Chair Kahle had a question about the tree planting permit and the specifics on what and where this permit would be used. The City Manager stated this permit is intended for planting trees on the boulevards.

Commissioner Schwarz moved to approve the resolution and Commissioner Lyons seconded the motion.

Vice Chair Kahle doesn't want to discourage folks from planting trees with this \$50.00 tree planting permit fee. Commissioner Lyons understand the need for the permit process and doesn't feel this fee would an issue for the community. Chair Nootz agreed it would be a good idea to lower this fee. The City Manager indicated they could lower the fee to \$25.00 and reminded the City Arborist is out during Livingston Loves Trees event doing locates for boulevard tree. Chair Nootz and Vice Chair Kahle liked the idea of \$25.00 for the permit for those folks who didn't make it on list for the City Arborist during the Livingston Loves Trees event.

Chair Nootz asked about compost fees wondering if it was free. Public Works Director Shannon Holmes stated they implemented a fee of \$5.00 per front end loader and have asked that it be increased to \$10.00 as it takes away from operation in the Solid Waste Department. Chair Nootz and Commissioners appreciated the clarification about front end loader.

Commission Schwarz would like to add a fee for construction type vehicles taking up multiple spaces for longer periods of time in the downtown two hour parking zone. The City Manager offered that a good spot for this fee would be in Parking Space Rent, adding a line as Temporary Use of on Street Spot. Currently we charge \$10.00 per day for that. Commissioner Schwarz felt \$100.00 per day would be a sufficient amount for this parking permit.

Chair Nootz clarified the 3 amendments: (1) reducing tree planting permit from \$50.00 to \$25.00 and specifying the permit is for boulevard trees, (2) clarifying a front end loader bucket that costs \$10.00, and (3) under parking space rental adding temporary use of on street spot as \$50.00 for half day and \$100.00 for full day.

Commissioner Schwarz moved to approve the resolution with the three amendments and Commissioner Lyons seconded the motion.

The item with amendments was approved unanimously by the five Commissioners present.

The original item was approved unanimously by the five Commissioners present.

Chair Nootz thanked the City Manager and staff for updating the fees to this format

**B. RESOLUTION 5111: AUTHORIZING THE SUBMISSION OF A COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION FOR CONSTRUCTION OF WATER AND SEWER IMPROVEMENTS AT THE VIEW VISTA COMMUNITY. PG. 98**

Chair Nootz called on the City Manager to introduce the item.

The City Manager stated this a follow up from the last meeting and stated they heard strongly from the View Vista Community and that the CDBG would be very helpful to them in upgrading their water and sewer infrastructure. They would like to move forward with the application and partnership with NeighborWorks Montana to pursue this grant for construction of water and sewer improvement in the View Vista Community.

Commissioner Lyons moved to approve the resolution and Vice Chair Kahle seconded the motion.

Commissioner Lyons stated the importance of maintaining existing affordable housing and feels our mobile home parks are huge asset to our community and they remain that way if they are functioning well. He expressed support for this project and grant.

Vice Chair Kahle expressed thanks to NeighborWorks in helping the mobile home parks become resident owned. Knowing the View Vista Community needs the help Vice Chair Kahle expressed full support of this project.

Chair Nootz expressed her gratitude toward NeighborWorks. Thanks was also given to City Staff in their collaboration with staff and residents of View Vista.

The item was approved unanimously by the five Commissioners present.

**C. RESOLUTION 5113: AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE MONTANA COAL ENDOWMENT PROGRAM FOR A PRELIMINARY ENGINEERING REPORT REGARDING WATER SERVICES IN THE CITY OF LIVINGSTON. PG. 102**

Chair Nootz called on the City Manager to introduce the item.

The City Manager stated the intent of the application is to create a preliminary engineering report related to the construction of water improvements in the City of Livingston, specifically in the Northeast part of the City. The City was approached by NeighborWorks Montana related to their work in the Sleeping Giant Community and improving the private water system that exists there. After discussions with City staff they realized property adjacent to the Sleep Giant Community could use some water improvements. Working with NeighborWorks and City staff they were able to come up with a joint application that would create a PER for larger portion of the City. This would be the first step to bringing water to certain subdivisions in the Northeast part as well as redoing the private water system that exists there.

Commissioner Lyons questioned the struggles to supply the demand on our water system, and what could be the impacts on that demand, but realizes this question may be answered the engineering report. The City Manager stated the engineering report will help identify how we extend water service to those portions of the City that are not currently served, but it is not intended to look at the overall capacity.

Vice Chair Kahle moved to approve the resolution and Commissioner Schwarz seconded the motion.

Chair Nootz stated the topic of Green Acres has been a long conversation and gratitude was expressed that the City kept its promise to the community that they would go after as much funding as possible to serve this part of the community and offset the cost to all taxpayers.

Vice Chair Kahle stated she was happy to see NeighborWorks help another mobile home community become resident owned. In this past this community was under boil water orders, and Vice Chair Kahle expressed just how important it is for everyone in the community to have clean drinking water.

The item was approved unanimously by the five Commissioners present.

## 10. Action Items

### **A. UPDATE ON CITY LOGO AND REBRANDING PROJECT.**

**PG. 105**

Chair Nootz called on the City Manager to introduce the item.

The City Manager stated this item is an update on a project starting back in March to come up with a new logo for the City of Livingston. The came at the request of the Commission and some staff as it is hard to produce, the current logo does represent Livingston history, but is not ideal going forward for many reason. The Commission awarded the contract to Abbi Agency back in May to work on logo concepts. It has been narrowed down to five concepts that are being presented to Commission. The hope for this conversation is to gather input on the five concepts from Commissioners and then reach out again to the community to solicit further feedback on the presented concepts then staff will work with the design team to refine one or more of the concepts that the Commissioners approve.

Chair Nootz asked the City Manager to review an email they received from Jack where it was stated that the year 1889 was the incorporation date for the State of Montana, when actually land surveyors with the railroad arrived in Livingston in 1882. It was expressed by Jack that 1882 would be a more appropriate date to use than 1889. The City Manager stated they did find that 1882 was a valid date and felt it would be appropriate to use that date as another possibility instead of 1889.

Chair Nootz asked for clarification on where the logo will be used. The City Manager stated it will have widespread use not only letterhead and envelopes, but also used on the side of vehicles, signage, uniforms and promotional materials. The new logo will be created to use across departments. Chair Nootz asked if this logo would be included on a flag. The City Manager stated yes, and even on the tents we use at Farmers Markets.

Concept 1.

Chair Nootz lead the conversation with concerns about the direction the river flows and felt it was not an accurate representation of the river and this mountain range. It was felt that some of the detail would be hard to reproduce for embroidery. The font was brought up as potentially problematic as sizes are adjusted, and really felt is not a clean font. With the changes this one is her favorite.

Commissioner Lyons stated Concept 1 was his favorite. He did like the bend in Concept 4, and thought that would be nice to use that in Concept 1.

Vice Chair Kahle liked the blue/green color.

Concept 2.



Vice Chair Kahle stated she is not in favor of this logo, and Commissioner Lyons agreed in dislike for Concept 2.

Concept 3.

Commissioner Schwarz expressed thoughts that this looks like a “big city” logo which is something we are not. Chair Nootz agreed with that comment from Commissioner Schwarz.

Vice Chair Kahle stated she thought this design looked like Livingston wind, but is not in favor of this design.

Concept 4.

Commission Friedman stated he likes this design, and likes how the date reads.

Commissioner Schwarz also likes this design.

Vice Chair Kahle feels this designer was cleaner than Concept 1.

Commissioner Lyons humorously expressed that the sun in Concept 4 may be misleading to what it is really like in Livingston, but if the river bend was put into Concept 1 he felt that would make a good logo.

Chair Nootz stated the sun seems to be in the wrong places in this design as it rises a little further left.

Concept 5.

Commissioner Schwarz would like to lose the bridge and keep the mountains.

Vice Chair Kahle is not a fan of the L in this design.

Ultimately Chair Nootz stated the Commission is in favor of Concept 1 and 4.

Chair Nootz stated she would like to see some examples from the logo team that will be real time for the City such as email signatures, side of vehicle and possibly a flag, so they are able to see what it could potentially look like for us in real life.

Commissioner Lyons stated they are all great designs.

#### 11. City Manager Comment

Thanks was given to Commission and staff for work on the PUD. The City Manager introduced Greg Anthony the Policy Analyst for the City. And reminded that the City has a new HR Director Cari Rubin.

#### 12. City Commission Comments

Commissioner Lyons reminisced about how he met Greg on plane before he worked for the City. Commission Friedman and Commission Schwarz wished the community a nice evening. Vice Chair Kahle thanked fellow Commissioners for working through the new Ordinance. Chair Nootz stated it was about 1 year ago they were looking into the current City Manager on paper and it thankful for his hard work he has done in the year he has been here.

#### 13. Adjournment

10:01 pm Commissioner Lyons motioned to adjourn the meeting seconded by Commissioner Friedman. Unanimously approved.

## Calendar of Events

## Supplemental Material

### Notice

- **Public Comment:** The public can speak about an item on the agenda during discussion of that item by coming up to the table or podium, signing-in, and then waiting to be recognized by the Chairman. Individuals are reminded that public comments should be limited to items over which the City Commission has supervision, control, jurisdiction, or advisory power (MCA 2-3-202).
- **Meeting Recording:** An audio and/or video recording of the meeting, or any portion thereof, may be purchased by contacting the City Administration. The City does not warrant the audio and/or video recording as to content, quality, or clarity.
- **Special Accommodation:** If you need special accommodations to attend or participate in our meeting, please contact the Fire Department at least 24 hours in advance of the specific meeting you are planning on attending.



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# HRDC

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e: hello@

October 3, 2023

Jennifer Severson  
Planning Director  
City of Livingston  
220 E. Park St.  
Livingston, MT 59047

**Re: HRDC Comment on Proposed Planned Unit Development Ordinance**

Ms. Severson and City of Livingston Commissioners:

Thank you for the continued opportunity to review and comment upon the proposed Planned Unit Development Ordinance. HRDC appreciates and supports the City of Livingston’s efforts to enact regulations that align with the City’s Growth Policy and its addendum, the 2022 Park County Housing Action Plan (HAP).

Despite HRDC’s support of this effort, we are writing to oppose the proposed draft ordinance. Our primary concern is significant: The draft lacks income targets, save one that is tied to waived impact fees. These other critical targets will be defined in the PUD application form rather than being clearly specified in the regulation. Regulations lose efficacy, transparency, and accountability when key criteria—in this case, affordability as defined through income targets—are only stipulated in an administrative document. Furthermore, other recommendations from HRDC and community partners related to objectives, incentives, compliance, and evaluation criteria are not present in this draft of the regulation.

There are two components to affordability: the cost of a home and the income of its inhabitants. A home must be put on the market at a price affordable to those whose earnings fall within specified income targets. That home must then be rented or sold to people whose incomes actually meet those targets. These targets are commonly expressed as a percentage of the area median income (AMI) established annually by the Department of Housing and Urban Development (HUD). The table on the following page shows HUD’s 2023 annual income limits for a household of two in Park County for the AMIs referenced in the proposed ordinance and this letter (along with the monthly rents these households can afford). Typically, similar ordinances match a studio to the AMI targets of a one-person household, a one-bedroom matched a two-person household, a three-bedroom matched to a four-person household and a four-bedroom match to a five-person household or larger.

<b>Affordability by % of AMI for 2-Person Households in Park County</b>		
<b>AMI</b>	<b>Annual Income</b>	<b>Affordable Monthly Rent (30% of monthly income)</b>
60%	\$42,000	\$1,050
80%	\$56,000	\$1,400
100%	\$70,000	\$1,750
120%	\$84,000	\$2,100
<b>Estimated Monthly 2023 Market-Rate Housing Costs in Park County</b>		
Rent for a 2-bedroom home		\$1,550 to \$1,700
Payment for a townhome/condominium		\$1,862 to \$2,212
Payment for a single-family home		\$3,152 to \$3,743

Market rent for a standard two-bedroom home in Livingston ranged from \$1,550 to \$1,700 this year. **Households of two earning \$56,000 or less (80% AMI) are cost-burdened by the current market rents for two-bedroom homes.** Households of two earning \$70,000 annually (100% AMI) can afford market rent for two-bedroom homes.

Median sales prices for single-family homes and condominiums/townhouses this year are about \$550,000 and \$324,950, respectively. Assuming an interest rate of 7.75% for a 30-year fixed-rate mortgage and down payments ranging from 5% to 20%, monthly costs for a single-family home would be range from \$3,152 to \$3,743; monthly costs for a condominium or townhouse would range from \$1,862 to \$2,212. It is worth mentioning the amount of a 20% down payment required for buyers to avoid mortgage insurance for homes offered at the median sales price: \$110,000 for single-family homes and \$64,990 for condominiums/townhomes. **No prospective buyers earning \$70,000 to \$84,000 annually (100% to 120% AMI) can afford single-family homes under current market conditions without assistance.** Therefore, both groups are competing for a limited number of condominiums and townhomes.

Our recommendations are detailed below.

1. HRDC recommends that the AMI targets generated during the August 29, 2023 meeting with the Planning Director, the City Manager, HRDC, and a group of regional affordable housing developers are incorporated into the proposed ordinance. These targets can provide necessary definition for the objective of "affordable housing," so that the intent of the regulation is clear and its impact is measurable. These targets are:
  - Homes for rent priced to be affordable to those earning 80% AMI
  - Homes for sale priced to be affordable to those earning 120% AMI

2. HRDC recommends that the 60% AMI threshold for impact fee waivers be increased and targeted by tenancy, in accordance with feedback provided by developers during the August 29th meeting. These proposed targets are:

- Homes for rent priced to be affordable to those earning 80% AMI
- Homes for sale priced to be affordable to those earning 100% AMI

3. HRDC would like to see consideration given to the inclusion of parking reductions as an incentive. This was another idea generated during the meeting on August 29th.

4. Finally, we have proposed edits below that were detailed in our initial public comment on this project and generally endorsed by the City Commission during the August 1, 2023 public hearing, but do not appear to be incorporated into the most recent draft. These include the following:

a. **Proposed Section 30.47.B - Objectives**

At the August 1st hearing, the City Commission agreed (02:37:50 in [meeting recording](#)) that the objectives of the proposed ordinance should be “revisited” to ensure they are “comprehensive” and “are on the same page with goals.” The Commission voiced explicit support for HRDC’s recommendation to add an objective promoting the diversification of our community’s housing stock; Chair Nootz specified that the ordinance incorporate HRDC’s proposed language:

“Promote a mix of housing that supports a variety of household income levels, household sizes, household age groups, and housing types.”

Adding this objective would align with Growth Policy objective 5.1.4: “Promote a mix of housing within neighborhoods that supports a variety of household income levels, household age groups, and housing types.” The Growth Policy acknowledges that 73% of homes in Livingston are single-unit structures and that all of the building permits issued between 2008 and 2018 were for single-family or townhouse style homes. The HAP notes that average household sizes are small (2.07 persons) in the county and that there are 1.65 single-person households for every studio or one-bedroom unit.

b. **Proposed Section 30.47.E**

HRDC strongly recommends requiring additional information as part of PUD applications and specifying key components in the body of the regulation, rather than in the application. The proposed additional information will help ensure that the homes whose rent or sale prices have been calibrated to be affordable to people within certain income ranges are ultimately inhabited by those people, rather than those who earn more. Without these measures, it is possible that higher earners could filter into new homes that have been priced below market rate. This information includes:

- documentation ensuring units designated as affordable will remain so for a predetermined period,

- plans to ensure that prospective renters and/or owners do not exceed AMI limits for affordable units, and
- evidence that affordable units are to be exclusively occupied by the property owner or long-term leaseholder.

**c. Proposed Sections 30.47.F.2.a, 30.47.F.2.b, and 30.47.F.2.c**

HRDC recommends strengthening the proposed evaluation criteria for PUD applications to better reflect the objectives of the ordinance and spotlight the extent of public benefits provided. There are a couple of approaches that would meet this aim. The broader approach would be to provide a criterion for either or both the Zoning Commission and Planning Board that clearly references the PUD objectives, so that each of these objectives may be considered as part of the evaluation process. Alternatively, new Planning Board criteria could be added that are specific to the two public benefits for which there are no specific evaluation criteria (affordable housing and commercial use).

Example language: “The proposed PUD supports one or more objectives of the PUD Ordinance.”

Example language:

“The proposed PUD creates homes affordable to income targets specified in this ordinance.”

“The proposed PUD creates a mix of housing affordable to a variety of household income levels, household sizes, household age groups, and housing types.”

We look forward to collaborating with City staff to implement any proposed changes that are supported by both the staff and the City Commission. We understand how important it is to get regulations right prior to implementation and thank you for the consideration of these comments and commitment to this project.

Respectfully,

Katherine Daly

Park County Housing Coalition  
Program Manager

Lila Fleishman

Community Development Director

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