



Consolidated Land Use Board Agenda

September 17, 2025

5:30 PM

City – County Complex, Community Room

Join Zoom Meeting

<https://us02web.zoom.us/j/86163549332?pwd=ccbqE90mVSmXOzqtsbOubDka8PjByo.1>

Meeting ID: 861 6354 9332

Passcode: 950436

Phone: 669-900-9128

1. Roll Call

2. Approval of Minutes

A. MINUTES FROM REGULAR MEETING OF JUNE 11, 2025

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. Planning Items

A. CONSIDERATION OF PROPOSED ZONING CODE UPDATE (TEXT AMENDMENT)

5. Zoning Items

6. Board Comments

7. Adjournment

To ensure that it is passed on to the voting members, written public comment should be submitted before noon the day of any public meeting. This deadline is set to ensure comments reach City Commission, Boards, Committees, and City Staff timely allowing all parties to review comments prior to the start of any public meeting. Comments received after this deadline are not guaranteed to reach the intended persons before the start of the meeting.

Consolidated Land Use Board Meeting Minutes

Date: June 11, 2025

Time: 5:30 PM

Location: Community Room, City/County Complex, 414 E. Callender St, Livingston, MT

Facilitated by: Chair Jessie Wilcox

Staff: Planning Director Jennifer Severson

1. Roll Call

Present: Jessie Wilcox (Chair), Baily Goodwine (Vice Chair), Caitlin Chiller, John Kalmon, Becky Moores, Forrest Huisman

Also Present: Quentin Schwarz (non-voting member, City Commission Chair)

2. Approval of Minutes

Chair Wilcox called for approval of the May 14, 2025 meeting minutes.

- Motion: Vice Chair Goodwine moved to approve the minutes.
- Second: Board member Kalmon.
- Vote: Unanimous in favor. Motion passed.

3. General Public Comment

Chair Wilcox opened the floor for general public comment.

- One member of the public inquired if comments on the Sheep Mountain PUD were appropriate at this time. Chair Wilcox clarified that general comment is for non-agenda items and directed them to wait until the scheduled item.
- No additional public comments were received in person or online.

4. Planning Items

There were no planning items scheduled for this meeting.

5. Zoning Items – Sheep Mountain Planned Unit Development (PUD)

Request: Brookstone Livingston LLC requested a zoning map amendment to rezone approximately 1.02 acres at 101, 103 and 105 Brookstone Street from High Density Residential (R-3) to Planned Unit Development (PUD). The project, titled “Sheep Mountain PUD,” proposes two residential buildings totaling 48 units, all deed-restricted affordable housing at or below 60% AMI for 50 years.

Staff Report:

- Director Severson presented the staff analysis, describing the proposal's compliance with the Growth Policy, affordable housing goals, and PUD ordinance objectives.
- Key project details: two buildings (max height 45 feet, which is less than the 50-foot max allowed in R-3 district), mix of one-, two-, and three-bedroom units, and 1,000 sq. ft. of resident amenity space including laundry and storage.
- Incentives/public benefits: 100% affordable housing (beyond the 10% minimum) in exchange for density bonus (39 units allowed by right, 9 additional granted) and impact fee waivers.
- Staff identified nine recommended conditions of approval, including:
 - Applicant must address Public Works concerns from Referral Letter dated June 4, 2025
 - Agreement between applicant and Brookstone Ditch Company prior to building permit to confirm ditch water rights are maintained.
 - Compliance with fire chief requirements from Referral Letter dated May 7, 2025.
 - Parking area design revisions, compact stall curb adjustments, and ADA accessibility.
 - Landscaping and screening requirements.
 - Establishment of a bus stop and shelter in coordination with Wind Rider Transit.
 - Wildlife-friendly fencing.
 - Annual certification of renter affordability at or below 60% AMI (as required to have impact fees waived for all units).
 - Applicant is subject to terms, conditions and commitments of record.

Applicant Presentation:

- Scott Freimuth (Aspekt Architecture) and Katherine Daly (HRDC, Park County Housing Coalition) emphasized the project's role in providing long-term affordable housing.
- Garrett Schultz (Headwaters Engineering) addressed site constraints, stormwater management, and ditch accommodations.
- Developer Crosby Branch (Boundary Development) explained financial feasibility, intent behind the PUD request, and commitment to transit coordination.

Board Discussion:

- Board members asked about parking ratios, stormwater management, ditch agreements, and public transit feasibility.
- Clarifications were provided that 48 parking spaces meet City minimum requirements, and the development team committed to on-site laundry and amenity space for residents.
- The Board discussed whether requiring a bus shelter was enforceable, given reliance on Wind Rider's decision.

Public Comment:

- Several members of the public spoke in support of the project, citing community housing needs.
- Concerns raised included parking, stormwater, and traffic impacts.

Action:

- Motion: Board member Chiller moved to recommend approval of the zoning map amendment with staff's nine conditions.
- Second: Board member Kalmon.
- Roll Call Vote:
 - Goodwine – Yes

- Moores – Yes
 - Chiller – Yes
 - Huisman – Yes
 - Kalmon – Yes
 - Wilcox – Yes
 - Schwarz – Not Voting
- Motion passed 6–0. Recommendation forwarded to City Commission.

6. Board Comments

Director Severson reminded the Board that the next scheduled meeting is July 9, 2025.

7. Adjournment

The meeting adjourned at approximately 7:45 PM.



LivingstonMontana.org | PublicComment@LivingstonMontana.org | 406.823.6000

DATE: September 17, 2025
TO: Chair Wilcox and Consolidated Land Use Board Members
FROM: Jennifer Severson,
RE: **Staff Report for Livingston Zoning Code Update – Text Amendment**

Recommendation and Summary

Staff requests the Board recommend the City Commission approve the proposed text amendments to the City of Livingston Zoning Ordinance in Chapter 30 of the Livingston Municipal Code by adopting the following motion:

"I move to recommend the City Commission approve the proposed text amendments to the City of Livingston Zoning Code, Chapter 30 in the Municipal Code, as proposed by staff."

The reasons for the recommendation are as follows:

- The City must amend its zoning ordinance to align with the Growth Policy, adopted in 2021, and to comply with State-mandated changes to Montana Code Annotated related to municipal zoning.

Introduction and History

In 2021, Livingston adopted a Growth Policy to serve as a guide for future land use patterns and development decisions in the City. One of the key recommendations of the Growth Policy was to perform a comprehensive update to the City's Zoning Ordinance to ensure the code effectively supports the goals, objectives and strategies identified in the Growth Policy. The Zoning Code provides the City with the regulatory means to implement the Growth Policy, and it plays a critical role in shaping how the community grows and evolves by establishing rules that guide development.

Over the past year, the City, in partnership with SCJ Alliance, has engaged the citizens of Livingston to assist with revising the Zoning Code through an open and collaborative process. There were numerous opportunities for public participation throughout the process, including a Community



Open House, two online surveys (one, on the Social Pinpoint platform, that allowed for respondents to provide comments based on the posted feedback of others), and visits by City Planning Staff to the High School to share information about the update process with students. Public engagement is ongoing as the draft document to be considered for adoption is currently posted online and feedback will be accepted until September 26th to further inform and refine the proposed updates prior to public hearing by the City Commission.

In addition to general public outreach, the SCJ Team met with small “Focus Groups” several times throughout the process, both in person and virtually. Members of these Focus Groups provided insight and feedback in four specific areas important to the code update: Development Community; Housing, Transportation and Human Services; Business Owners; and, Preservation and Conservation. Members of the focus groups were invited from the broader community to participate based on their interests and areas of expertise to ensure diverse sectors of the community were involved. The SCJ Team also presented findings from initial meetings with the Focus Groups and provided an overview of the planning process to the Land Use Board in November, 2024 and the SCJ Team outlined preliminary recommendations to the City Commission in June, 2025.

The resulting updated Zoning Code reflects the values, priorities and vision of the citizens of Livingston identified in the Growth Policy by encouraging responsible growth that will maintain the City’s unique sense of place.

Analysis

Although the recommended revisions to the current zoning code are too numerous to list here, some of the most significant changes are summarized below:

- Introduce Short-Term Rental uses (Tbl 30.40) and regulate their use (Sec 30.57) to balance economic benefits with housing needs
- Allow for small-scale commercial uses with minimal neighborhood impacts in residential zones (Tbl 30.40) through conditional use permits (Sec 30.84)
- Reconfigured NC, RIII and MU districts, resulting in LMU and HMU districts; HC renamed as GC (Sec 30.30)
- Environmental Protection: added riparian setback requirements and mitigation requirements for development on slopes > 25% (Sec 30.58)
- Building Heights: Changed unlimited building height allowed in I and CBD districts to 60-foot minimum allowed by new state law; increased building height allowed in GC and LI districts to 60-foot minimum allowed by new state law. Increased height allowed in R1 to 30’ or 36 feet if



roof pitch $\geq 3:12$ (from 27 feet or 34 feet if roof pitch $\geq 3:12$). Increased height allowed in R2 to 36 feet (from 34 feet) regardless of roof pitch. Reduced height allowed in MU (60 feet) to LMU (36 feet). HMU maximum height of 50 feet is same as RIII. (TbIs 30.41.1 and 30.41.2)

- Parking: updated Parking Requirements to align with current best practices for measurement and to comply with recent state mandates for minimums; added compact parking allowance for commercial development and (Sec 30.51.A.5 and B.6) and vehicular parking reduction allowance for additional bike parking in the CBD (Sec 30.51.J)
- Reorganized definitions (Sec 30.20) and classified uses (Sec 30.40) into Residential, Community, Commercial, Industrial, and Other.
- Renamed HC as GC and reduced HC area along Park Street, reclassifying blocks between Geyser and J Streets as LMU, where height is limited to 36 feet (vs. 60 feet for GC). (Tbl 30.41.2)
- Remove R2MH and RMO districts from code to align with existing laws that allow mobile/manufactured homes anywhere single-family homes are allowed
- Move the following regulations from elsewhere in the Municipal Code to Chapter 30: Site Plan Review Process (Chapter 2); Dark Sky Ordinance (Chapter 18); and Historic Preservation Commission (Chapter 31)
- Incorporate state-mandated changes resulting from the 2025 Montana Legislative session

Below are bills passed by the 2025 State Legislature that necessitate this zoning code update and a brief summary of the impacts to the City's zoning code:

SB 214: Employees of a municipality must review and determine compliance with local design review standards; the municipality may not require review by an external board (such as the Historic Preservation Commission).

SB 243: Sets 'By Right' building heights on buildings located in downtown commercial, heavy commercial and industrial zones at a minimum of 60 feet.

HB 492: Reduces parking minimum requirements. No parking is required for existing buildings undergoing a change of use, child-care facilities, deed-restricted affordable housing units, and assisted living facilities. One-half (1/2) parking space is required for each residential unit under 1,200 square feet in size. One (1) parking space is required for each residential unit over 1,200 square feet in size.



HB 713: Provides for zoning map amendments to be adopted by resolution only (previously, an Ordinance was required); the boundary change is effective immediately (previously, 30 days until effective). Additionally, this bill repealed the public's right to file a formal petition to protest a zoning map amendment. NOTE: adoption by resolution requires only a single public hearing and reading; therefore, the review of map amendments will be performed by the City Commission.

A link to a version of the proposed text amendments showing language removed (red strikethrough) and new language (blue text) is included as Attachment A. A link to a clean copy of the updated zoning code showing only the proposed text is included as Attachment B.

A link to the proposed zoning map associated with the proposed text amendments presented in this Staff Report has been included as Attachment C; however, as noted above, per HB713, no action will be taken or recommendation made to the City Commission by the Land Use Board about the proposed zoning map amendment. Instead, the map is provided to provide context for the proposed zoning text amendments.

Criteria and Guidelines for Zoning Regulations (MCA 76-2-304):

(1) Zoning regulations must be:

(a) made in accordance with a growth policy:

- While some of the proposed text amendments are mandated by the State, the majority are proposed to align the zoning code with the adopted Growth Policy. Staff finds the proposed text amendments to the City's Zoning Ordinance support the goals and strategies identified in the Growth Policy.

(b) designed to:

(i) secure safety from fire and other dangers;

- Staff does not anticipate the proposed text amendments will adversely impact public safety with regards to fire and other dangers.

(ii) promote public health, public safety, and the general welfare; and

- The proposed amendments are not anticipated to negatively impact public health, safety or welfare as all development must comply with zoning setbacks, fire and building codes.

(iii) facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.



- It is not anticipated the proposed text amendments will impact the adequate provision of transportation, water, sewerage, schools, or parks. In fact, encouraging infill development and additional height allowance in some commercial districts will allow for a more effective use of public infrastructure and services.

(2) In the adoption of zoning regulations, the municipal governing body shall consider:

(a) reasonable provision of adequate light and air;

- It is not anticipated the proposed text amendments will impact the reasonable provision of adequate light or air. In fact, reducing the maximum height allowed in the CBD and Industrial districts may be expected to improve that provision.

(b) the effect on motorized and nonmotorized transportation systems;

- Although the proposed code update will eliminate off-street parking requirements for some residential development, those revisions are mandated by the state. Additional text revisions recommended by staff include reductions in vehicular parking in the CBD if replaced with additional bike parking, which may be expected to slightly improve vehicular traffic movements within and to the CBD.

(c) promotion of compatible urban growth;

- Staff does not find the proposed amendments to be incompatible with the City's existing urban growth pattern. Although the state-mandated changes for height increases in certain commercial zones could impact viewsheds and community character, staff has proposed to introduce the LMU district along much of Park Street, where building height is limited to 36 feet. This should help to preserve existing community character, particularly near the core area of the City.

(d) the character of the district and its peculiar suitability for particular uses;

- It is not anticipated that the proposed text amendments recommended by Staff (vs. those mandated by the state) will adversely impact the character of any zoning district nor its suitability for particular uses.

(e) conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area.



- It is anticipated that the proposed text amendments will encourage the most appropriate use of land in the City of Livingston, while not adversely impacting the building values in the City.

Therefore, as proposed, staff finds these text amendments to the City of Livingston Zoning Code comply with MCA 76-2-304 for Zoning Regulations.

Strategic Alignment

Although several of the proposed text amendments are required to comply with state-mandated updates to Montana Code Annotated, the majority of the proposed updates represent an important step toward implementation of the 2021 Growth Policy. The proposed updates to the zoning code support the following strategies and objectives identified in the Growth Policy:

Strategy 2.1.2.3 Update codes to promote traditional neighborhood designs that are compatible with existing neighborhoods;

Objective 2.2.3: Support traditional neighborhood design and active transportation.

Objective 3.1.1: Encourage higher densities and a wider range of land uses that are compatible with adopted plans and where existing or planned shortrange community facilities and infrastructure can support them.

Strategy 3.1.1.2: Evaluate and amend the zoning ordinance to allow for higher densities and wider land uses in areas that can support such development.

Strategy 3.1.1.8: Reduce urban sprawl through compact development consistent with the Future Land Use Map of this Growth Policy.

Strategy 3.2.2.1: Initiate a comprehensive review of the Zoning Ordinance and adopt changes based on the Growth Policy; and

Strategy 3.4.1.1: Amend Zoning Ordinance and Subdivision Regulations to include Smart Growth strategies as requirements for all development prior to approval.

Strategy 3.4.3.2: Encourage development near transit routes and active transportation infrastructure to promote development that produces minimal strain on the environment and existing transportation infrastructure.

Strategy 4.1.3.3: Reduce climate disruption through compact growth and increased transportation choices that reduce the need for driving.



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.

Staff Recommendation

Based on the reasons stated above, Staff finds the proposed amendments to Chapter 30 comply with the requirements of State statute and support the goals, objectives and strategies identified in the Growth Policy. Staff recommends the Consolidated Land Use Board, acting in its capacity as the Zoning Commission, recommend the City Commission adopt the text amendments to the Livingston Zoning Ordinance as proposed.

Attachments

- A. [Redlined Draft Zoning Code Text Amendments](#)
- B. [Clean copy of Draft Zoning Code Text Amendments](#)
- C. [Link to Current and Proposed Zoning Maps](#)