



# Consolidated Land Use Board

**February 24, 2025 — 5:30 PM**

City – County Complex, Community Room

<https://us02web.zoom.us/j/82474604551?pwd=0hSvISgTGMTGmYVbOmgEAoM56RpHVw.1>

**Meeting ID: 824 7460 4551**

**Passcode: 877191**

**Phone: 1-669-900-9128**

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A regular meeting of the Consolidated Land Use Board is scheduled for February 24, 2025 at 3:30 PM in Community Room of the City/County Complex at 414 E. Callender St. The meeting will be facilitated by the Chair-Elect, to be determined at the beginning of the meeting.

**1. Roll Call**

**2. ELECTION OF OFFICERS – CHAIR, VICE-CHAIR; The Chair-Elect will facilitate the rest of this meeting**

**3. Approval of Minutes - NONE – November 13, 2024 Minutes will be approved at the next LUB meeting.**

**4. General Public Comment**

**5. Planning Items - None**

**6. Zoning Items**

**A. ZONING MAP AMENDMENT –request to rezone two parcels owned by Livingston Healthcare, legally described as SO8, TO2, R10 E, P.M.M. County of Park, State of Montana, COS 2907RB, Parcel 5B, Acres 31.29 (Tract 5B) and SO8, TO2 S, R10 E, P.M.M. County of Park, State of Montana, COS 2907RB, Parcel 1D, Acres 80.71 Tract 1D), from Light Industrial (LI) to Mixed Use (MU). Action Requested.**

**7. Board Comments**

**8. Adjournment**



LivingstonMontana.org | PublicComment@LivingstonMontana.org |  
406.823.6000

February 24, 2025

## CONSOLIDATED LAND USE BOARD STAFF REPORT

### CHAPTER 30 ZONING MAP AMENDMENT – LIVINGSTON HEALTH CARE

#### Introduction & Background

The applicant, Livingston Health Care (LHC), has requested to rezone Tracts 5B and 1D (Figure 1 below), two undeveloped parcels of land adjacent to the parcel on which the hospital is located, from Light Industrial (LI) to Mixed Use (MU). An amendment is required to update the City's Official Zoning Map to reflect the new zoning designation. The legal descriptions of the properties proposed for rezoning are below:

Tract 5B - SO8, TO2, R10 E, P.M.M. County of Park, State of Montana, COS 2907RB, Parcel 5B, Acres 31.29

Tract 1D - SO8, TO2 S, R10 E, P.M.M. County of Park, State of Montana, COS 2907RB, Parcel 1D, Acres 80.71

When LHC acquired the property that now includes the Hospital and Tracts 5B and 1D, it was zoned LI to allow for a Hospital to be built. However, LI zoning does not currently allow for residential uses. LHC desires to develop multi-use types of services and housing on Tracts 5B and 1D to support the needs of the hospital as well as the greater Livingston community. MU zoning would allow for this type of development. (see Attachment B).

#### Analysis

The parcels proposed for rezoning are bounded by US Hwy 89 to the north, Swingley Road to the east, vacant land (zoned R3 High Density Residential) to the south, and predominantly undeveloped land (zoned R1 Low Density Residential) and the Hospital



complex to the west. The land across Swingley Road from Tract 1D is in unincorporated Park County and includes Industrial uses with some Commercial uses mixed in.

The subject parcels are both undeveloped and are currently zoned Light Industrial (LI), which is described as a “district intended to accommodate all types of light industry, including those defined as light manufacturing as well as business and professional offices”. The parcel that includes the Livingston Hospital, adjacent to Tract 5B, is zoned LI as well. All three parcels are included in the recently adopted Gateway Overlay Zoning District, which will mandate that new development meet the Building Design Standards in Section 30.46 (see Attachment C).

As described in the City’s Zoning Ordinance, the Mixed Use (MU) District is “intended to accommodate a mix of residential, neighborhood scale commercial services and offices, and small-scale manufacturing”. In the Growth Policy, the Future Land Use Map (see Attachment D) includes Mixed Use that is intended to “accommodate a mixture of retail, office, restaurant, entertainment, cultural, and residential uses”. The requested rezoning of Tracts 5B and 1D from LI to MU is consistent with their Future Land Uses identified Growth Policy.

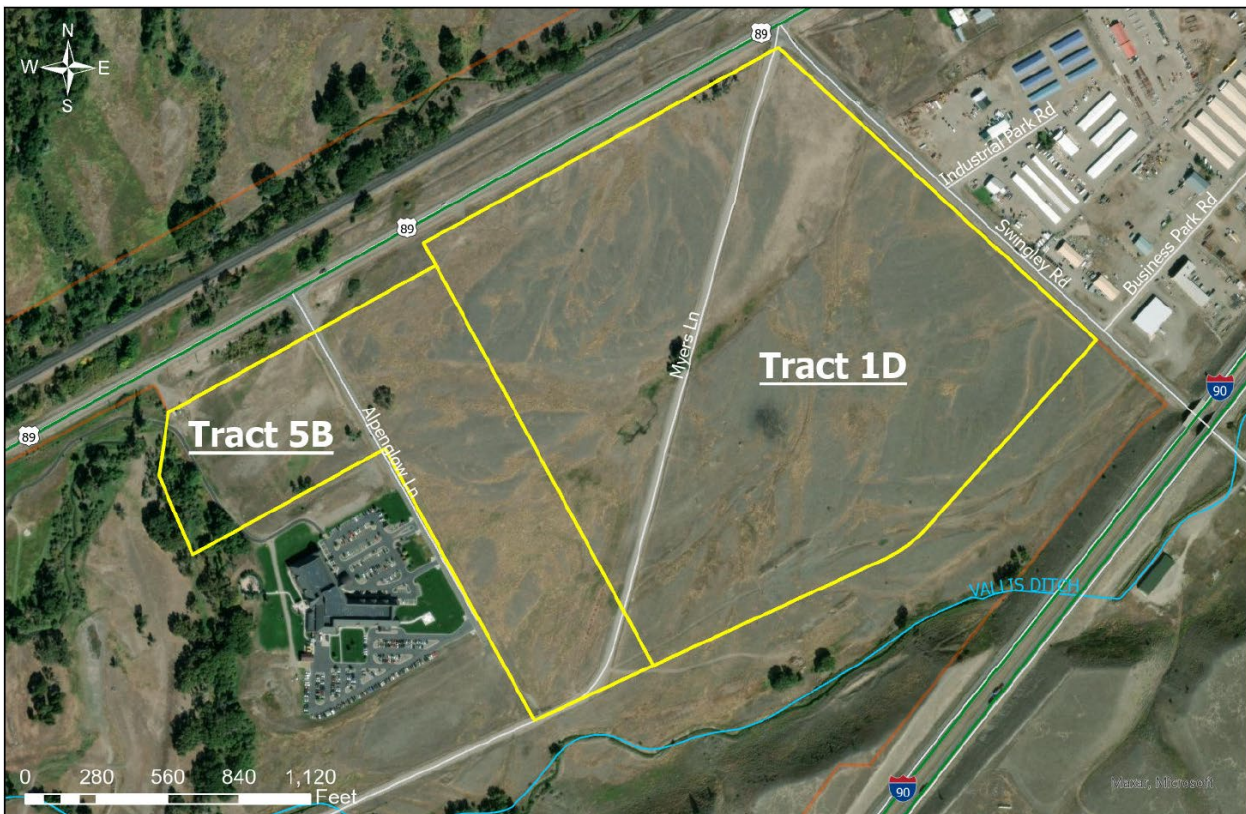


Figure 1- Tracts 5B and 1D proposed for rezoning from Light Industrial to Mixed Use



## Proposed Findings of Fact

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

(1) Zoning regulations must be:

(a) made in accordance with a growth policy:

As stated above, the area proposed to be rezoned to Mixed Use is also shown on the Future Land Use map in the Growth Policy as Mixed Use. Therefore, the proposed rezoning is consistent with the Future Land Use envisioned in the Growth Policy for that area.

(b) designed to:

(i) secure safety from fire and other dangers;

City Water and Sewer utilities serve the hospital and those lines are routed through Tract 5B. The City will require utility extensions to Tract 1B as it is developed and the cost to extend utilities and connect to them will be the responsibility of the developer, including the installation of fire hydrants. Additionally, future development must meet all adopted fire and building codes, ensuring safe conditions on the subject parcels and surrounding areas.

A portion of the area to be rezoned is located in the 500-year floodplain for the Yellowstone River, which is not currently regulated by FEMA and is not subject to Floodplain Permitting requirements. None of the land within the area proposed for rezoning is currently designated as 100-year floodplain (where development is regulated) or floodway (where development is prohibited). A flood study is in process that has the potential to result in a change to the floodplain designation on these properties; however, all future development must comply with floodplain permitting requirements in place at the time of building permit, including mitigation by elevating structures and/or meeting FEMA floodproofing requirements.

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

All future development on the subject parcels will be required to meet adopted fire and building codes to ensure safe conditions on the property and surrounding areas. As stated in the application narrative, LHC has a need to develop Assisted Living, Senior Housing, and Workforce Housing to help retain staff. The residential uses that are allowed under MU zoning would help meet LHC's needs and the greater community's need for housing. Furthermore, the mix of residential and commercial uses allowed in the MU zone will encourage amenities on the east side of town that may contribute to the general welfare of the Livingston and its citizens.



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

The subject parcels are adjacent to US Hwy 89, Alpenglow Lane and Swingley Road. Access requirements and design details will be determined as the parcels are developed; however, it is anticipated that there will be adequate transportation provisions to serve future development on the parcels. The existing public open space to the west has a trail network that connects the Hospital property to the central part of the City across the Hwy 89 bridge, promoting transportation connectivity as well as ample parkland for use by new development on Tracts 5B and 1D. As stated above, future development on the subject parcels must connect to existing City water and sewer lines and must comply with building and fire codes in place at the time of construction. New housing would contribute to the school district through property taxes, which will support additional student enrollment needs that might result from the new development.

*(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 rezoning will in any way inhibit the reasonable provision of adequate light and air to the subject parcels or the surrounding properties. New structures must comply with applicable property setbacks for the MU District in the City's zoning code as well as applicable setbacks required by the International Building Code, which will be assessed during building permit review.

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

At this time, it is not known if rezoning the subject parcels to MU would impact transportation systems. Different types of development allowed in the MU and LI districts would generate traffic volumes and patterns specific to those uses. However, Staff anticipates the impacts to motorized transportation systems would be minimal as the parcels have direct access to Highway 89. Additionally, the mix of residential, retail and commercial uses allowed by MU zoning may lead to a localized increase in non-motorized transportation by encouraging walking and biking between the residential uses and commercial amenities.

*(c) promotion of compatible urban growth;*

Although there is no residential development in the area immediately surrounding the subject parcels, it is expected that new residential development on Tracts 5B and 1D will directly support the existing hospital and clinic. As stated in the narrative included in the





application materials, the hospital has the desire for Assisted Living, Senior Independent Living, Long Term Care and Workforce Housing to be established on the subject parcels. These types of housing would both support, and be supported by, the existing hospital and clinic.

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

The area proposed for rezoning is undeveloped and, other than the existing hospital complex to the west, the surrounding area is predominantly rural agricultural land uses. Although there are some Light Industrial and Commercial land uses across Swingley Road to the west, this area is outside the City and is not included in future land use considerations in the City's Growth Policy. Staff finds that mixed use development that could accommodate Assisted Living, Senior Independent Living, Long Term Care and Workforce Housing in close proximity to the hospital is appropriate and particularly well suited to these parcels.

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

As previously stated, Tracts 5B and 1D are vacant and there are no buildings on the parcels. Rezoning the parcels will allow a mix of residential and commercial uses that directly support and benefit the only Hospital in the Livingston area. Consequently, Staff considers the potential for mixed use development to be an appropriate use of the land.

## **Fiscal Impacts**

Although the act of rezoning Tracts 5B and 1D will not have direct fiscal impacts to the City, it is likely the mix of uses that will be established in a Mixed Use vs. Light Industrial zoning district would lead to more opportunities for development, as well as higher land values to generate property taxes from new development on the site.

## **Strategic Alignment**

### **The proposed rezoning from LI to MU aligns with the Growth Policy as identified below:**

*Future Land Use Analysis for Future Residential Land Use (GP, page 102-103) states that "a large tract of vacant land next to hospital is available for development. There is a public preference for denser urban style development near the new hospital with a mixture of residential types to accommodate the workforce".*

*Objective 3.1.1.8: Reduce Urban sprawl through the compact development consistent with the Future Land Use Map of this Growth Policy.*



*Objective 5.1.5:* Create housing programs to retain employees, the elderly, and long-term residents.

*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.

*Objective 7.2.2:* Support services that meet the needs of the aging population.

*Strategy 7.2.2.4:* Collaborate with entities supporting and advocating for older adults' quality of life such as assisted living providers...and Livingston HealthCare... to promote their services throughout the community.

*Strategy 7.2.2.5:* Collaborate with entities supporting and advocating for older adults' quality of life such as assisted living providers...and Livingston HealthCare... to assess unmet needs of Livingston's residents.

*Goal 3.4:* Encourage the responsible growth of Livingston by evaluating proposed developments against the ten principles of Smart Growth, which include:

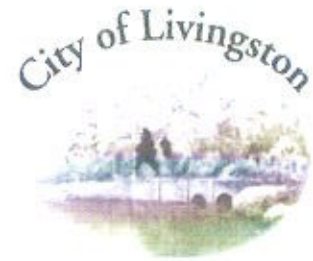
1. Mix Land Uses
3. Create a Range of Housing Opportunities and Choices
4. Create Walkable Neighborhoods

### **Staff Recommendation**

Based on the reasons discussed above, Staff finds the proposed Zoning Map Amendment to comply with the requirements of State statute and supports the City's adopted Growth Policy. Therefore, Staff recommends the Consolidated Land Use Board, acting in its capacity as the Zoning Commission, recommend the City Commission approve the proposed rezoning request.

### **Attachments**

- A. Application Packet
- B. Table 1: Uses Allowed in MU and LI Zoning Districts
- C. Sec 30.46 Building Design Standards (within Gateway Overlay District)
- D. Growth Policy Future Land Use Map



City of Livingston  
Department of Planning  
220 E. Park St.  
Livingston, MT 59047  
(406)222-4903  
[planning@livingstonmontana.org](mailto:planning@livingstonmontana.org)

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## City of Livingston Zoning Map Amendment Application Instructions

A Zoning Map Amendment (ZMA) is required to change the zoning designation on any parcel or parcels within the City of Livingston.

Zoning Map Amendments require a public hearing before the Zoning Commission for a recommendation to the City Commission, and are approved or denied by the City Commission. All ZMAs are evaluated by the Zoning Commission and City Commission based upon the following criteria:

1. What reasons prevent the property from being used for any of the uses allowed under the existing Zoning?
2. Why is there a need for the intended use of the property at this location?
3. How will the public interest be served if this application is granted?
4. Compliance with 76-2-304 MCA:
  - In accordance with the adopted Growth Policy.
  - Designed to secure safety from fire and other dangers.
  - Promote public health, public safety, and general welfare.
  - Facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.
  - Consider the adequate provision of light and air.
  - Consider the effect on motorized and non-motorized transportation systems.
  - Consider the promotion of compatible urban growth.
  - Consider the character of the district and its peculiar suitability for particular uses.
  - Consider conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area.
5. The spot zoning criteria:
  - The proposed use is significantly different from the prevailing use in the area.
  - The area in which the requested use is to apply is rather small from the perspective of concern with the number of separate landowners benefited from the proposed change.
  - The change is special legislation designed to benefit only one or a few landowners at the expense of the surrounding landowners or the general public.

**It is highly recommended that you meet with planning staff prior to applying for a ZMA.**

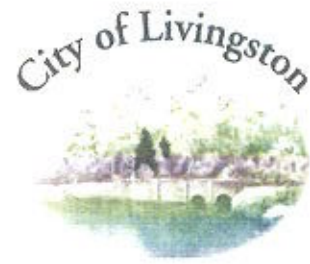
### Submittal Requirements:

- Completed Application Form.



- Cover letter with a description of the project and how the project meets the criteria included in these instructions.
- A map showing the dimensions, acreage and location of the tract(s) and adjacent land uses.
- The ZMA review fee.

All documents shall be submitted on either 8 ½" x 11" or 11" x 17" paper. Additionally, digital copies of the submittal in PDF file format are required.



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Department of Planning  
220 E. Park St.  
Livingston, MT 59047  
(406)222-4903  
[planning@livingstonmontana.org](mailto:planning@livingstonmontana.org)

**City of Livingston Zoning Map Amendment Application**

1. **Property Owner Name:** Livingston Health Care

2. **Location of Property**

General Location: 320 Alpenglow Lane

Address: 320 Alpenglow Lane, Livingston, Montana 59047

Subdivision: \_\_\_\_\_ Lot: \_\_\_\_\_ Block: \_\_\_\_\_

Zoning District: \_\_\_\_\_

3. **Contact Information**

*Property Owner*

Home Address: Livingston Health Care

320 Alpenglow Lane, Livingston, Montana 59047

Phone Number: 406.293.0625

Email Address: bruce.whitfield@livhc.org

*Primary Contact/ Applicant*

Name: Bruce Whitfield, CEO

Address: 320 Alpenglow Lane

Livingston, Montana 59407

Phone Number: 406.293.0625

Email Address: bruce.whitfield@livhc.org

*Secondary Contact*

Name: Rick Ojala, 1 Graydog LLC

Address: 2482 Annie Street

Bozeman, Montana 59718

Phone Number: 406.579.0108

Email Address: rickojala@gmail.com

4. Property Information

Existing Structures on Property: none

\_\_\_\_\_

\_\_\_\_\_

Proposed Zoning Designation: MU

I hereby certify that the information included in this application is true and accurate.

Bruce A. Hatfield  
Applicant's Signature

12/18/24  
Date

**Zone Map Amendment Application  
Tract 5B C.O.S. 2907RB and Tract 1D C.O.S 2907RB  
Change of Zoning from L-I Light Industrial to MU Mixed Use  
Livingston, Montana  
12/19/24**

**Background**

In 2021, the City adopted a Growth Policy that included recommendations to look at future development of land to be considered for Mixed Use (MU). “The MU land use designation accommodates a mixture of retail, office, restaurant, entertainment, cultural, and residential use.” (P.102 Livingston Growth Policy 2021). “A Large tract of vacant land next to the Hospital is available for development. There is a public preference for a denser urban style development near the new Hospital with a mixture of residential types to accommodate the workforce.” (P.103 Livingston Growth Policy 2021).

To build the new Livingston Health Care hospital, the zoning for Tract 2B C.O.S. 2557RB was changed from R-1 to L-I to meet the zoning requirement for a hospital to be constructed. It was decided at that time that all the land that the hospital owned Tract 5A and Tract 1C would be rezoned to L-I also. The L-I zoning does not allow for any kind of residential housing to be constructed. Livingston Health Care desires to develop multi-use types of services and housing on this land to meet the needs of Livingston. Mixed Use zoning would allow for both of these things to happen and would meet several objectives of the City of Livingston Growth Policy.

1. **What reasons prevent the property from being used for any of the uses allowed under the existing Zoning?** Livingston Health Care has different needs for land development that are not allowed under the L-I zoning. (e.g., Assisted Living, Senior Independent Living, Long Term Care, and Workforce Housing or any other Residential Housing.)
2. **Why is there a need for the intended use of the property at this location?** Livingston Health Care has a need to develop Assisted Living, Senior Housing, and Workforce Housing to help retain staff. Overall, housing available in Livingston is limited, and this land would allow for the development of residential housing to meet both the community’s needs and Livingston Health Care’s needs. This land sits in a Gateway Overlay District and offers easy access for future development.
3. **How will the public interest be served if this if this application is granted?** The public interest would be served by bringing new services and housing opportunities to the community that would serve the elderly and workforce housing in Livingston. City of Livingston Growth Policy, Land Use, Objective 3.1.1.8, “Reduce Urban sprawl through the compact development consistent with the Future Land Use Map of this Growth Policy.” Objective 5.1.5, “Create housing programs to retain employees, the elderly, and long-term residents.” (P. 116 Livingston Growth Policy 2021).



**4. Compliance with 76-2-304 MCA - Zoning regulation must be:**

- In accordance with the adopted Growth Policy.

The proposed map amendment to change Zoning from L-I to MU supports the City's 2021 Growth Policy By furthering the following recommendations:

1. Exhibit 11.1 Recommended Future Land Use Map (P.109) showed Mixed Use for Tracts 5B and 1D.
2. Objective 5.1.1 Create housing programs to retain employees, the elderly and long-term residents.
3. 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.
4. Objective 7.2.1 Support services that meet the needs of the ageing population.
5. Under the Principles of Smart Growth:
  - #1. Mix Land Uses.
  - #2. Create a range of Housing opportunities and choices.

- Designed to secure safety from fire and other dangers.

The proposed map amendment is to change the zoning and allowed uses. This change will not impact safety from fire and other dangers. New construction resulting from Mixed Use development will be subject to building permit requirements, including compliance with fire codes. Construction within a regulatory floodplain will also require a floodplain development plan and compliance with current FEMA floodproofing requirements.

- Promote public health, public safety, and general welfare.

Any future development on tracts within the zone map amendment will be required to follow the City's building and fire codes and floodplain regulations in place at the time of construction. This will ensure safe conditions on properties within the zone map amendment. Additionally, the Building Design Standards in Section-30.46 include requirements that promote an enhanced pedestrian environment, which will improve pedestrian connectivity to Healthcare Services and promote public health, safety and welfare of the general public.



- Facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other requirements.

Any future development on tracts within the zone map amendment will be required to follow the City’s building and fire codes and the current FEMA floodplain regulations in place at the time of construction. The provision of park space, water, and sewer will be designated in these building codes. In addition, MU zoning allows for a mixture of residential, commercial, and retail development together promoting less travel for residents to obtain those services and more pedestrian activity to do so.

- Consider the adequate provision of light and air.

Then proposed map amendment will not impact the reasonable provision of adequate light and air. Consideration for adequate light and air will be addressed through compliance with City Building codes in place at the time of construction.

- Consider the effect on motorized and non-motorized transportation systems.

It is not anticipated that the proposed map amendment will directly affect motorized and non-motorized transportation systems. Any construction within these tracts will be governed by the applicable Building Design Standards. Mixed Use zoning allows for construction of residential, retail, and other professional services in the same area. Improved connectivity within these developments is expected to result in a localized increase in pedestrian activity. Under Livingston Growth Policy, Land Use, Objective 3.1.1.6, “Encourage residential developments to provide neighborhood commercial areas serving residents within walking distance.”

- Consider the promotion of compatible urban growth.

The zone map amendment will allow Mixed Use development to follow the applicable Building Design Standards. “The public has expressed a desire for more dense development on these tracts, and Mixed Use will allow for that.” (P. 103 Livingston Growth Policy). Any future development will be encouraged to be aesthetically and physically compatible with Livingston’s historic design traditions and reflect the City’s unique character. The Tracts proposed for Mixed Use are surrounded by residential zoning, R1 on the West and R3 on the South. Adding Mixed Use to this adjacent residential zoning makes sense by adding multiple types of housing and service availability thus increasing the ability to walk to these services.

- The character of the district and it’s peculiar suitability for particular uses.

The tracts within the proposed Zone Map Amendment are undeveloped. There are no buildings on these tracts other than Livingston Health Care hospital. Any new development will not have to match any existing building, but will be subject to applicable Building Design Standards for Mixed Use Zoning and the Gateway Overlay District and will be encouraged to be aesthetically and physically compatible with Livingston’s historic design traditions and reflect the City’s unique character and any requirements under the Gateway Overlay Zoning District.

- Conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area.

The tracts within the proposed Zone Map Amendment are undeveloped. There are no buildings on these tracts other than Livingston Health Care hospital. All future development will be directed by the Building Design Standards for Mixed Use, any current FEMA floodplain development and permitting requirements, along with the requirements of the Gateway Overlay Zoning District.

Legal Descriptions

Tract 5B

SO8, TO2 S, R10 E, P.M.M. County of Park, State of Montana, COS 2907RB, Parcel 5B, Acres 31.29

Tract 1D

SO8, TO2 S, R10 E, P.M.M. County of Park, State of Montana, COS 2907RB, Parcel 1D, Acres 80.71

  
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 Signature Bruce-Whitfield, CEO

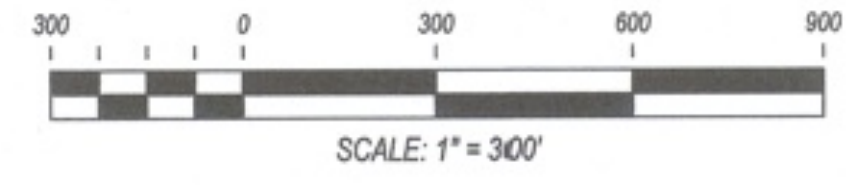
  
 \_\_\_\_\_  
 Date

Attachments: Exhibit 11.1 Recommended Future Land Use Map, Livingston Growth Policy 2021  
 Map of Tract 5B and 1D, COS 2907RB  
 List of Surrounding Property Owners Within 300’ of ZMA

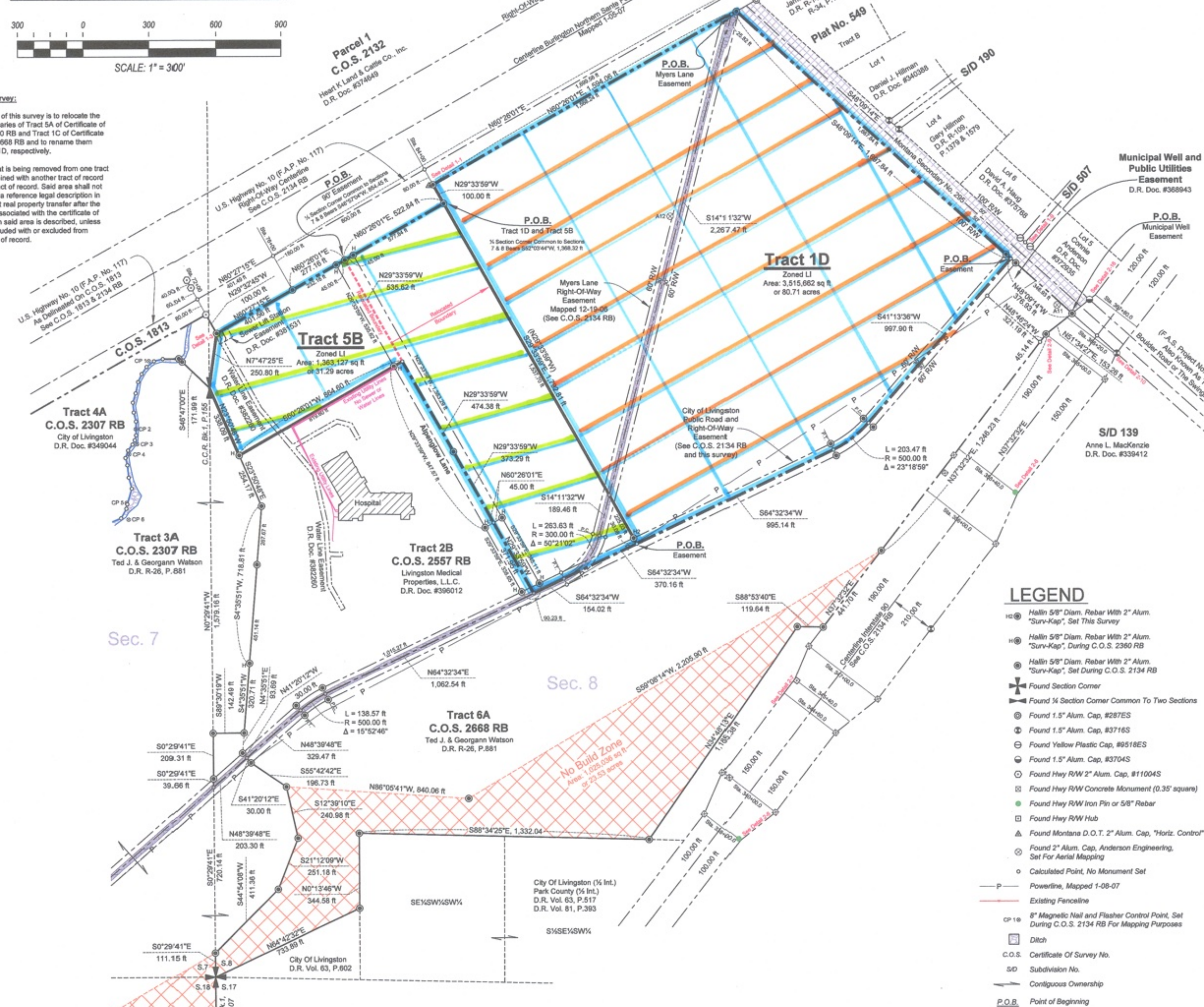


# A Survey Of THE RELOCATION OF COMMON BOUNDARIES OF TRACT 5A OF CERTIFICATE OF SURVEY NO. 2360 RB AND TRACT 1C OF CERTIFICATE OF SURVEY NO. 2668 RB

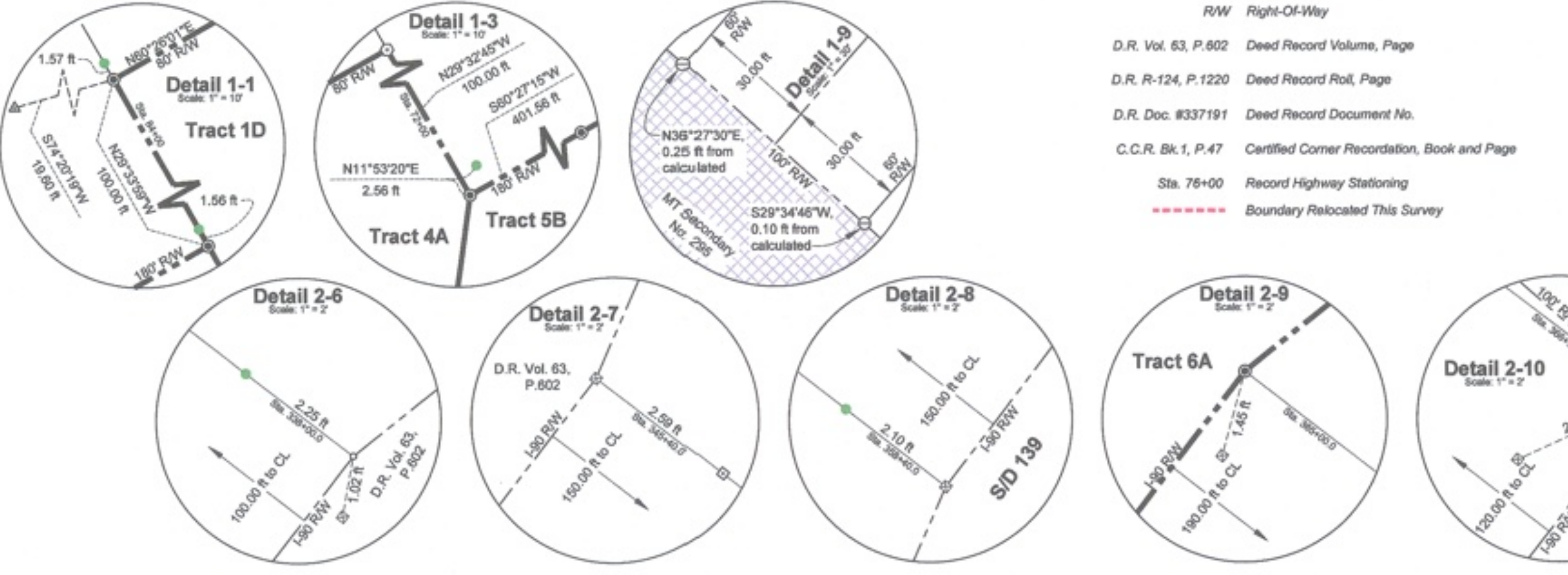
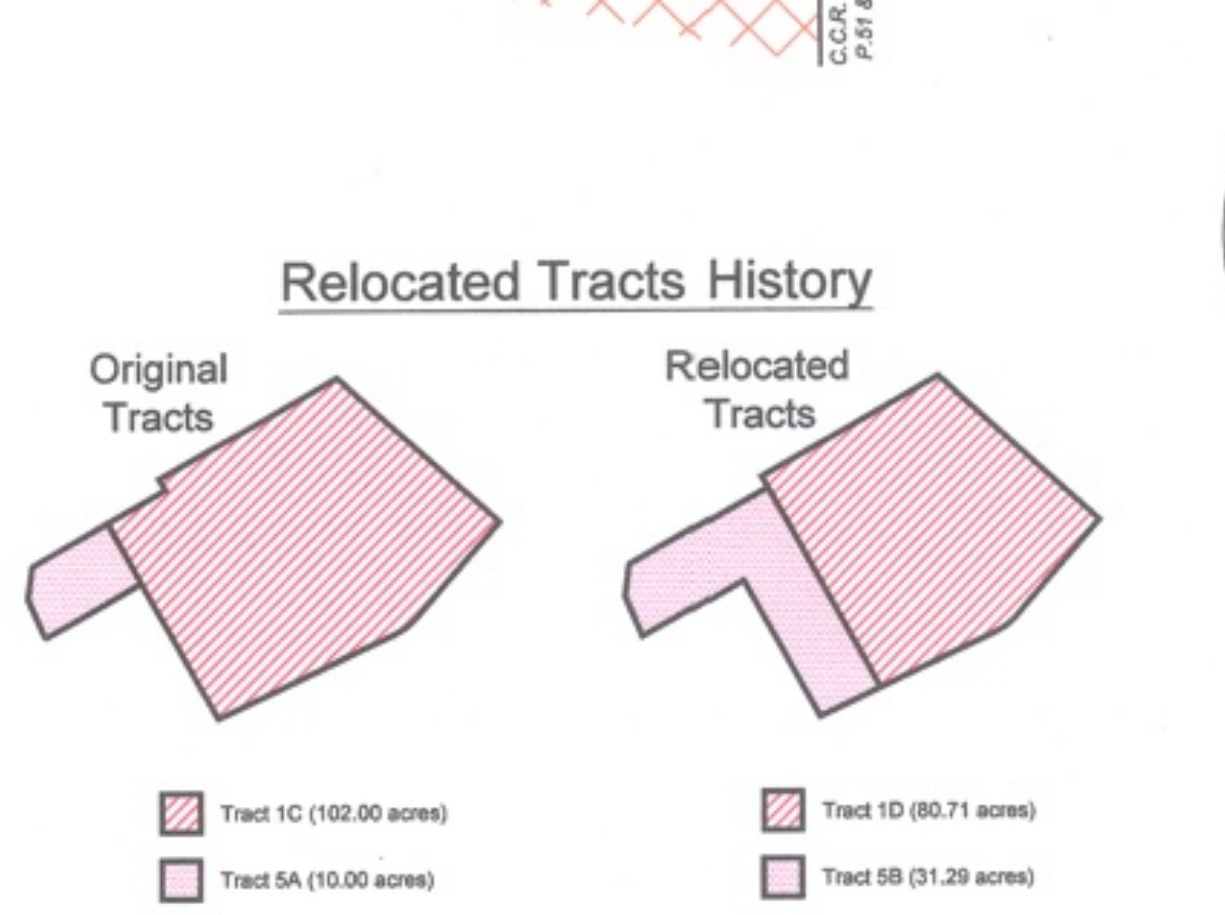
Located In Section 8, Township 2 South, Range 10 East, P.M.M.  
City Of Livingston, County Of Park, State Of Montana



**Purpose of Survey:**  
The purpose of this survey is to relocate the common boundaries of Tract 5A of Certificate of Survey No. 2360 RB and Tract 1C of Certificate of Survey No. 2668 RB and to rename them Tracts 5B and 1D, respectively.  
The area that is being removed from one tract of record and joined with another tract of record is not itself a tract of record. Said area shall not be available as a reference legal description in any subsequent real property transfer after the initial transfer associated with the certificate of survey on which said area is described, unless said area is included with or excluded from adjoining tracts of record.



Certificate Of Survey No. 2907RB



### DESCRIPTION - TRACT 1D

A tract of land located in Section 8, Township 2 South, Range 10 East, P.M.M., County of Park, State of Montana, more particularly described as follows:  
BEGINNING at a point on the southeasterly right-of-way of U.S. Highway No. 10, from which the 1/4 section corner common to Sections 7 and 8 of said Township and Range bears S82°03'44"W, 1,368.32 feet; thence along said right-of-way N29°33'59"W, 100.00 feet to a point; thence N60°26'01"E, 1,584.06 feet to the intersection of said right-of-way and the southeasterly right-of-way of Montana Secondary No. 295; thence leaving said U.S. Highway No. 10 right-of-way and along said Montana Secondary No. 295 right-of-way S48°09'47"E, 1,897.84 feet to a point on the centerline of the sixty-foot wide right-of-way easement delineated on Certificate of Survey No. 2134 RB; thence along said centerline S29°33'59"W, 1,792.81 feet to the point of beginning, containing 3,515,662 square feet or 80.71 acres.  
SUBJECT TO portions of a sixty-foot wide right-of-way easement for Myers Lane delineated on Certificate of Survey No. 2134 RB, lying thirty feet on each side of the following described centerline when measured at right angles, with the side lines being shortened or extended to terminate at the boundaries of said Tract 1D, said centerline is more particularly described as follows:  
BEGINNING at a point on the southeasterly right-of-way of U.S. Highway No. 10, from which the northeasterly corner of said Tract 1D bears N60°26'01"E, 25.82 feet; thence along said centerline S14°11'32"W, 2,267.47 feet to a point on the boundary common to Tracts 1D and 5B described herein.  
ALSO, SUBJECT TO the northwesterly thirty feet of a sixty-foot wide right-of-way easement for ingress, egress and utilities delineated on Certificate of Survey No. 2134 RB, lying thirty feet northwesterly of the following described centerline when measured at right angles, said side lines being shortened or extended to terminate at the southeasterly right-of-way of Montana Secondary No. 295, said centerline is more particularly described as follows:  
BEGINNING at a point on the southeasterly right-of-way of U.S. Highway No. 10, from which the southeasterly corner of said Tract 1D bears N60°26'01"E, 1,792.81 feet to a point of curvature, thence southwesterly 203.47 feet on a curve concave to the northwest with a radius of 500.00 feet through a central angle of 23°18'59" to a point of tangency; thence S64°32'34"W, 995.14 feet to a point; thence leaving said centerline N29°33'59"W, 1,792.81 feet to the point of beginning, containing 3,515,662 square feet or 80.71 acres.  
TOGETHER WITH AND SUBJECT TO all easements of record or apparent from visual inspection of the land.  
ALL according to Certificate of Survey No. 2907RB on record in the office of Clerk and Recorder of said county.

### DESCRIPTION - TRACT 5B

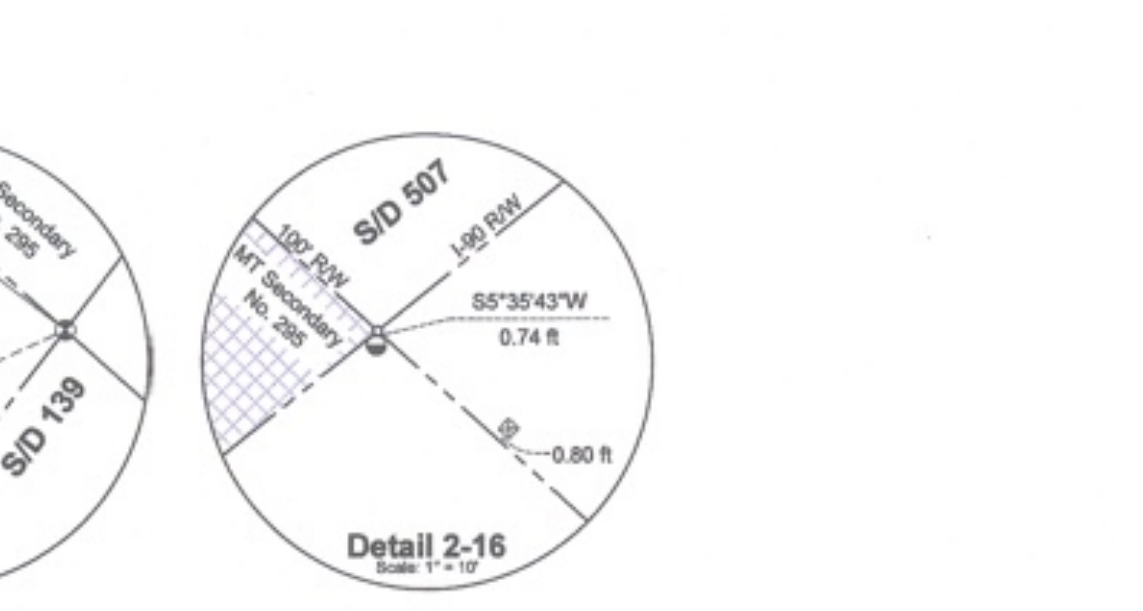
A tract of land located in the W1/2 of Section 8, Township 2 South, Range 10 East, P.M.M., County of Park, State of Montana, more particularly described as follows:  
BEGINNING at a point on the southeasterly right-of-way of U.S. Highway No. 10, from which the 1/4 section corner common to Sections 7 and 8 of said Township and Range bears S82°03'44"W, 1,368.32 feet; thence leaving said right-of-way S29°33'59"W, 1,792.81 feet to a point on the centerline of the sixty-foot wide right-of-way easement delineated on Certificate of Survey No. 2134 RB; thence along said centerline S64°32'34"W, 370.16 feet to a point on the centerline of Myers Lane; thence along said centerline S64°32'34"W, 154.02 feet to a point on the centerline of the 90-Foot Right-Of-Way Easement (Alpenglow Lane) being the southeasterly corner of Tract 2B of Certificate of Survey No. 2557 RB; thence leaving said centerline of Myers Lane and along said 90-Foot Easement and the easterly boundary of said Tract 2B N29°33'59"W, 371.95 feet to a point; thence N29°33'59"W, 373.29 feet to a point; thence N29°33'59"W, 474.38 feet to the corner common to said Tract 2B and Tract 5A of Certificate of Survey No. 2360 RB, thence leaving the centerline of said easement and along the boundary common to said Tracts 2B and 5A S64°32'34"W, 995.14 feet to the corner common to said Tracts 2B and Tract 3A of Certificate of Survey No. 2307 RB; thence leaving said tract boundaries and along the boundaries common to said Tracts 3A and 5A N23°50'48"W, 338.09 feet to the 1/4 section corner common to Sections 7 and 8 of said Township and Range; thence continuing along said tract common boundaries N47°25'E, 250.80 feet to a point on the southeasterly right-of-way of U.S. Highway No. 10; thence leaving said tract boundaries and along said right-of-way N60°27'15"E, 401.56 feet to a point; thence N60°27'15"E, 277.16 feet to a point; thence N60°26'01"E, 522.84 feet to the point of beginning, containing 1,363,327 square feet or 31.29 acres.  
TOGETHER WITH AND SUBJECT TO portions of the 90-Foot Right-Of-Way Easement (Alpenglow Lane) described on Certificate of Survey Nos. 2360 RB, 2557 RB and 2668 RB and described herein.  
SUBJECT TO portions of a sixty-foot wide right-of-way easement for Myers Lane delineated on Certificate of Survey No. 2134 RB, lying thirty feet on each side of the following described centerline when measured at right angles, with the side lines being shortened or extended to terminate at the boundaries of said Tract 5B, said centerline is more particularly described as follows:  
BEGINNING at a point on the southeasterly right-of-way of U.S. Highway No. 10, from which the northeasterly corner of Tract 1D described herein bears N60°26'01"E, 25.82 feet; thence along said centerline S14°11'32"W, 2,267.47 feet to a point on the boundary common to said Tract 1D and Tract 5B being the true point of beginning; thence S14°11'32"W, 189.46 feet to a point of curvature; thence southerly and southwesterly 263.63 feet on a curve concave to the northwest with a radius of 300.00 feet through a central angle of 50°21'02" to a point of tangency; thence S64°32'34"W, 154.02 feet to a point on the centerline of the 90-Foot Right-Of-Way Easement (Alpenglow Lane) being the southeasterly corner of said Tract 5B.  
ALSO, SUBJECT TO the northwesterly thirty feet of a sixty-foot wide right-of-way easement for ingress, egress and utilities delineated on Certificate of Survey No. 2134 RB, lying thirty feet northwesterly of the following described centerline when measured at right angles, said side lines being shortened or extended to the boundaries of said Tract 5B, said centerline is more particularly described as follows:  
BEGINNING at the southeasterly corner of said Tract 5B; thence S64°32'34"W, 370.16 feet to a point on the centerline of Myers Lane.  
ALSO, SUBJECT TO the Sanitary Sewer Lift Station Easement as delineated and described in Deed Record Document No. 381531.  
ALSO, SUBJECT TO the Water Line Easement as delineated and described in Deed Record Document No. 382260.  
ALSO, TOGETHER WITH AND SUBJECT TO all easements of record or apparent from visual inspection of the land.  
ALL according to Certificate of Survey No. 2907RB on record in the office of Clerk and Recorder of said county.

### DESCRIPTION - 90-FOOT RIGHT-OF-WAY EASEMENT (ALPENGLAW LANE)

A ninety-foot wide non-exclusive right-of-way easement for ingress, egress and utilities, lying forty-five feet on each side of the following described centerline when measured at right angles, appurtenant to the Watson Annexation to the City of Livingston, located in the W1/2 of Section 8, Township 2 South, Range 10 East, P.M.M., County of Park, State of Montana, with its side lines being shortened or extended to terminate at the boundaries of the southeasterly right-of-way of U.S. Highway No. 10 and the northwesterly right-of-way of Myers Lane, with the centerline of said easement more particularly described as follows:  
BEGINNING at a point on the southeasterly right-of-way of U.S. Highway No. 10, 10 being the corner common to Tracts 1A and 5A of Certificate of Survey No. 2360 RB, from which the 1/4 section corner common to Sections 7 and 8 of said Township and Range bears S82°03'44"W, 1,368.32 feet; thence leaving said right-of-way and along the boundary common to said Tracts 1A and 5A S64°32'34"W, 995.14 feet to the corner common to said Tracts 1A, 2A and 5A of said survey; thence leaving said boundary and along the boundary common to said Tracts 1A, 2A and 5A S29°33'59"E, 474.38 feet to a point; thence S29°33'59"E, 373.29 feet to the southeasterly corner of said Tract 2A; thence leaving said boundary and along the boundary common to Tracts 1B and 2B S29°33'59"E, 371.95 feet to a point on the centerline of Myers Lane and the southerly boundary of said Tracts 1B and 2B.  
ALL according to Certificate of Survey No. 2360 RB (and also delineated on Certificate of Survey No. 2557 RB) on record in the office of Clerk and Recorder of said county.

There are three county roads within the Watson Annexation to the City of Livingston, which are shown on Certificate of Survey No. 2134 RB and Certificate of Survey No. 2307 RB. After annexation, control of the roads was transferred to the City of Livingston. The county roads surveyed in 1908 and 1917 do not precisely follow the as-built roads. It is the intent of the surveys and the City of Livingston that the rights-of-ways for the county roads are located within the 60-foot rights-of-ways as shown on Certificate of Survey Nos. 2134 RB, 2307 RB, 2360 RB, 2557 RB and this survey.

The first road begins in the County Quarry Tract where the old bridge to Livingston used to be and runs along the flats in a northeasterly direction. This road was surveyed in 1908 by Flaherty (see Certificate of Survey 1940) for additional information on this road. The plotted bearings and distance centerline from the original field notes is shown on Certificate of Survey No. 2134 RB and Certificate of Survey No. 2307 RB. It follows the general shape and layout of the current county road known as Myers Lane until the intersection of the road surveyed in 1917 by Wilcomb (second road). After this intersection, Myers Lane roughly follows the general shape of the Wilcomb road. The Flaherty road continues on, but there is no current road at this location. However, a practical location has been delineated and monumented on said surveys.  
The third road forks from the first road shortly after heading east from the old bridge site and is the beginning of the Dry Creek Road. This road was also surveyed in 1908 by Flaherty. The plotted bearings and distances for the centerline from the original field notes are shown on Certificate of Survey No. 2134 RB and Certificate of Survey No. 2307 RB. The road was changed from its original location. The original road ran up a gully to the east of the current road. Again, it is the intent of the surveys and the City of Livingston that the right-of-way for this county road is located within the 60-foot right-of-way as shown on Certificate of Survey No. 2134 RB and Certificate of Survey No. 2307 RB which follows the as-built road.



**CERTIFICATE OF SURVEYOR**  
State of Montana) ss.  
County of Park)  
I hereby certify that the accompanying Certificate of Survey was completed by me, or under my supervision, on October 2, 2024 pursuant to Section 76-3-101, et seq., M.C.A., in particular Section 76-3-207(1)(a), M.C.A., and the City Of Livingston Subdivision Regulations; that to the best of my knowledge, the information shown is true and correct, and the monuments set, together with those found, are sufficient to enable the survey to be retraced.  
BASIS OF BEARINGS: all bearings and distances are based on grid coordinates using GPS measurements at the corner common to Sections 7, 8, 17 & 18, Township 2 South, Range 10 East, P.M.M., taken on a plane with the origin at approximately 4,500 feet above the ellipsoid, North American Datum of 1983.  
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this 02 day of October, 2024.  
*[Signature]*  
Bernard T. Hallin  
Montana Registration No. 10,356 L.S.  
1318 West Front Street  
Livingston, Montana 59047  
Phone: (406) 222-1303

**CERTIFICATE OF COUNTY TREASURER**  
State of Montana) ss.  
County of Park)  
I, Kevin Larkin, Treasurer of said county, do hereby certify that the accompanying Certificate of Survey has been duly examined and that all real property taxes assessed and levied on the land are paid.  
Dated this 02 day of October, 2024.  
*[Signature]*  
Kevin Larkin, Treasurer  
Deputy

**CERTIFICATE OF PLAT APPROVAL**  
CITY OF LIVINGSTON  
State of Montana) ss.  
County of Park)  
THE CITY COMMISSION of the City of Livingston does hereby certify that it has examined the accompanying Certificate of Survey and find that it conforms with the requirements of the Montana Subdivision and Platting Act and the City of Livingston Subdivision Regulations.  
ALSO, THE CITY COMMISSION of the City of Livingston accepts as the locations of the existing public road rights-of-ways as coinciding with the 60-foot rights-of-ways delineated on Certificate of Survey No. 2134 RB, Certificate of Survey No. 2307 RB and this survey.  
IN WITNESS WHEREOF, I have hereunto set our hands this 02 day of October, 2024.  
*[Signature]*  
Chief of City Commission  
Attest:

**LAND OWNERS' CERTIFICATE OF EXEMPTION FOR RELOCATION OF COMMON BOUNDARIES**  
State of Montana) ss.  
County of Park)  
I, the undersigned, hereby certify that the purpose of this survey is to relocate the common boundaries of Tract 5A of Certificate of Survey No. 2360 RB and Tract 1C of Certificate of Survey No. 2668 RB and to rename them Tracts 5B and 1D, respectively, that no additional tracts are created and, therefore, this survey is exempt from review as a subdivision pursuant to Section 76-3-207(1)(a), M.C.A.  
IN WITNESS WHEREOF, the party hereto has subscribed their name.  
Livingston Healthcare  
By: *[Signature]* Date: 10/2/24  
PRINTED NAME: *[Name]* TITLE: CEO  
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of Montana ss.  
County of Park  
On 10-02-2024 before me, a Notary Public, personally appeared France Whitefield  
who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that they executed the same in their authorized capacity, and that by their signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument. I certify under PENALTY OF PERJURY under the laws of the State of Montana that the foregoing paragraph is true and correct. WITNESS MY HAND and official seal.  
Signature: *[Signature]*  
PRINTED NAME: *[Name]*  
Notary Public for the State of Montana  
Residing at: Livingston, Montana  
My Commission Expires: November 19, 2024

**Road Right-Of-Ways Note:**  
(See Certificate of Survey No. 2134RB)  
The right-of-way shown on this plat extending easterly and northeasterly from Myers Lane is described as a sixty-foot wide easement burdening the adjoining tracts and has been accepted by the City of Livingston as a City of Livingston Public Road and Right-Of-Way Easement. The road has not been constructed but will be upon subdivision of the adjoining tracts.  
The boundary lines shown on this survey for the tracts bordering the westerly portion of U.S. Highway No. 10 and the entirety of Montana Secondary No. 295 are to the right-of-way lines only according to statute 76-3-209, M.C.A. If the right-of-way for U.S. Highway No. 10 becomes extinguished in the future, the boundaries of Tracts 1C and 5A will be extended at right angles to the southeasterly right-of-way of the Burlington Northern Santa Fe Railroad. If the right-of-way for Montana Secondary No. 295 becomes extinguished in the future, the boundaries of Tracts 1C and 6A will be extended at right angles to the centerline of the extinguished right-of-way.

Filed in the Office of the Clerk and Recorder for the County of Park, State of Montana, this			
25th day of October, 2024, A.D., at			
8:46 AM			
County Clerk and Recorder			
By: <i>[Signature]</i> Deputy			
Document No. 443000			
Fee: 2 Lots at \$0.50 Total \$1.00			

CERTIFICATE OF SURVEY			
1/4	Sec.	T.	R.
8	2S	10E	
Drawn By:	K. Loberg		
Checked By:	B. T. Hallin		
Revised By:			
Document No.	2907RB		
City/County	Livingston, Montana		
Sheet No.	1 of 1		



**Zone Map Amendment Application  
Tract 5B C.O.S. 2907RB and Tract 1D C.O.S. 2907RB  
Change of Zoning From LI-Light Industrial to MU Mixed Use  
01/08/25**

**Current Zoning and Uses of Surrounding Parcels**

Enclosed is a map showing current zoning and current uses within this zoning related to Livingston Health Care's ZMA application. The basis for this map is the ArcGIS Web Map found on the City of Livingston's website. Each surrounding parcel next to Tract 5B and Tract 1D is identified by its current zoning and the actual current use of each parcel. This information was done through visual inspection and Google Earth Mapping.

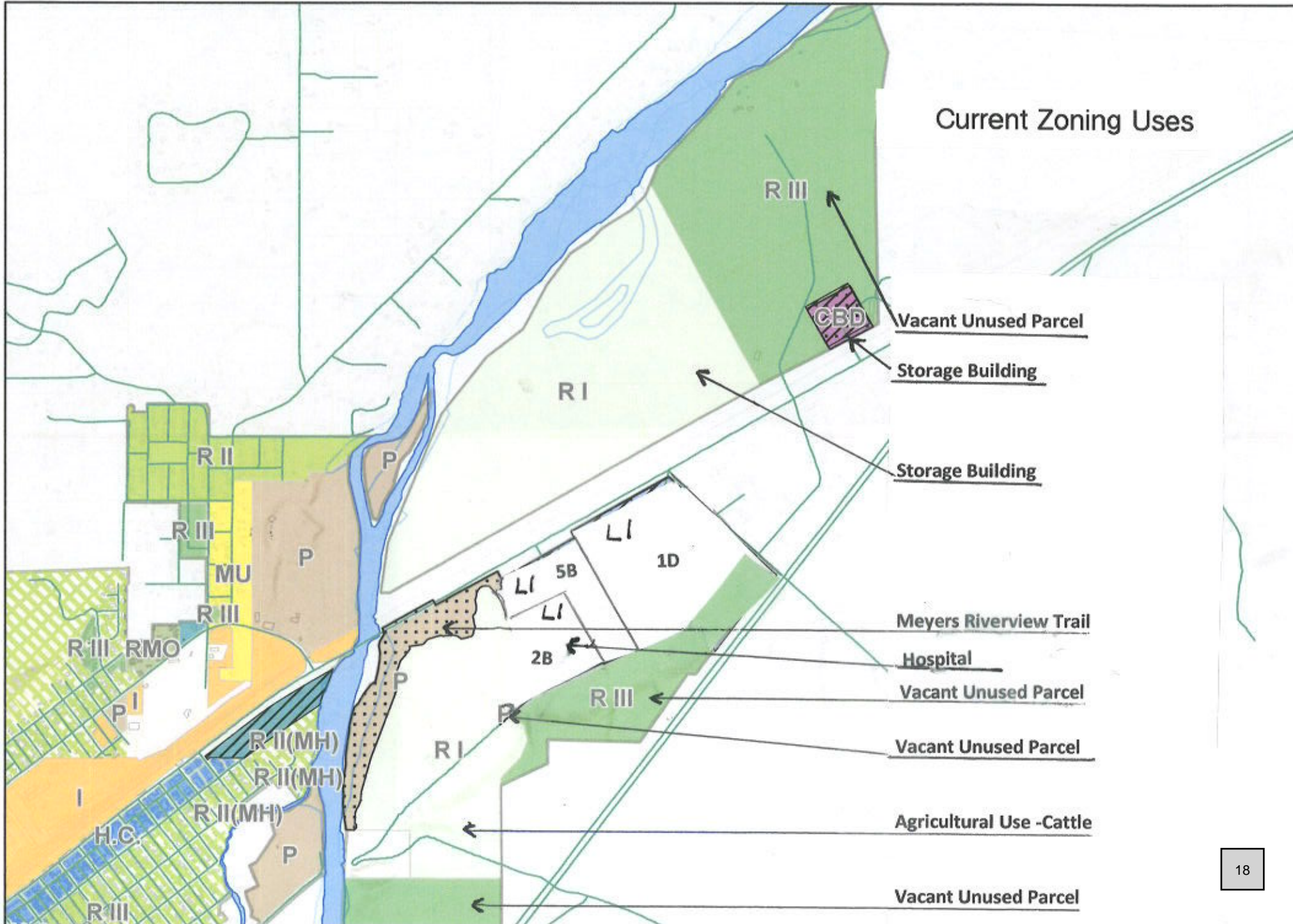
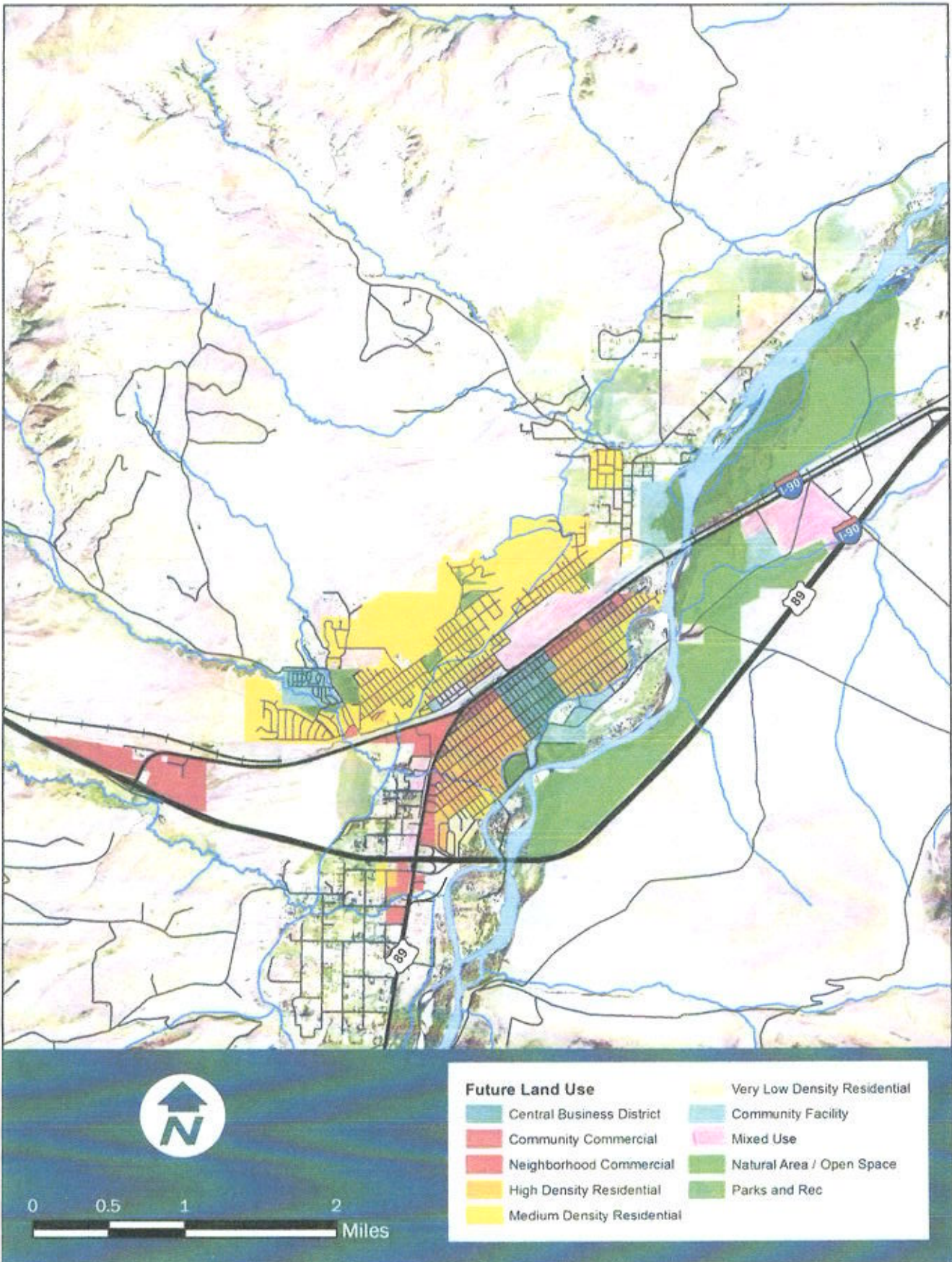




Exhibit 11.1: Recommended Future Land Use Map



**List of Property Owners  
Within 300 Feet  
Of Livingston Health Care  
Request for ZMA**

Bennett Holdings & Investments LLC  
PO Box 98  
Wilsall, Montana 59066-0098

Connie Anderson  
935 Briarwood Drive  
East Wenatchee, Washington 98802-8303

David A Haug  
33 Willow Creek Road  
Livingston, Montana 59047-9222

City of Livingston  
414 E Callender Street  
Livingston, Montana 59047-2746

Spoon Full Farm Properties LLC  
PO Box 2003  
Livingston, Montana 59047-4706

Livingston Medical Properties LLC  
320 Alpenglow Lane  
Livingston, Montana 59047-8506

Gary Hillman  
PO Box 2474  
Livingston, Montana 59047-4715

Daniel James Hillman  
PO Box 902  
Livingston, Montana 59047-0902

James O Murray  
5702 US Highway 89 South  
Livingston, Montana 59047-9245

Ted J and Georgann Watson  
PO Box 433  
Livingston, Montana 59047-0433

Table 30.40

## List of Uses Allowed in Mixed Use and Light Industrial Zoning Districts

A = Allowed S = Special Exception Permit Required N = Not Allowed

	<u>MU</u>	<u>LI</u>
One (1) Family Dwellings*	A	N
Two (2) Family Dwellings	A	N
Multifamily Dwellings	A	N
Accessory Dwellings	A	N
Townhouses	A	N
Tiny Homes	A	N
Accessory Buildings	A	A
Mobile Homes	N	N
Modular Homes	A	N
Churches	S	N
Schools, Public, Private and Parochial	S	N
Schools, Trade	S	A
Hospitals/Institutions	S	A
Medical/Dental Clinics	A	A
Adult Foster Care Center <sup>3</sup>	A	A
Personal Care Center	A	N
Child Care Center	A	A
Veterinarian Clinics	A	A
Kennels and Catterys	N	A
Laundromat	A	A
Bed and Breakfasts	A	N
Motels/Hotels	N	A
Travel Trailer Parks	N	N
Business and Professional Offices	A	A
Retail	A	A
Large-scale Retail	N	S
Personal Service Stores	A	A
Eating and Drinking Establishments (Sit-Down)	A	A
Drive-Thru Restaurants	N	A
Banks	A	A
Mortuary	S	A
Wholesale Businesses	N	A
Commercial Greenhouses	S	A
Gasoline Service Stations	N	N
Auto Repair Garage	N	N
Automobile Dealerships	N	A
Auto Salvage and Storage	N	N
Warehouse and Enclosed Storage	N	A

	<u>MU</u>	<u>LI</u>
Machine Shop	N	S
Artisan Manufacturing	A	A
Limited Manufacturing	A	A
General Manufacturing	N	A
Intensive Manufacturing	N	A
Cidery	A	A
Microbrewery/ Microdistillery	A	A
Winery	A	A
Bowling Alley	S	S
Theater	S	A
Open-Air Stadiums, Sports Arenas, Amphitheaters	S	A
Lumberyards	N	A
Transportation Terminals	N	A
Radio Stations <sup>4</sup>	A	A
Utility Substations	S	S
Armory	N	N
Cemetery	N	N
Government Offices	A	N
Public Recreation Facility	S	A
Health and Exercise Establishment	A	A
Marijuana Production Facility	N	A
Sexually Oriented Business	N	A



Sec. 30.46. - Building design standards.

- A. This Section provides policies and standards for the design of buildings in the Design Review Overlay Zone. In general, they focus on promoting buildings that will be compatible in scale and appear to "fit" in the community by using materials and forms that are a part of Livingston's design traditions.
- B. Applicability of the Building Design Standards. The standards and requirements found in this Section shall apply to any commercial and/or industrial project that requires a building permit within any adopted Design Review Overlay zone, and any large-scale retail uses regardless of location within the City.
- C. Objectives for Building Design.
  - 1. Achieve High Quality Design. Buildings in the overlay zone shall convey a high quality of design, in terms of their materials and details, as well as through a consistent organization of forms and elements. This quality shall establish a standard for design throughout the community.
  - 2. Reflect the Design Traditions of Livingston. Buildings shall reflect the design traditions of the region, in terms of building and roof forms. Distinctive roof forms are a key part of this tradition. Sloping roofs, in gable, hip and shed varieties are historical precedents to promote and they also help reduce the apparent bulk of larger buildings and help to shed snowfall. Flat roofs with varied parapet lines and cornices are also a part of the City's design traditions and shall be encouraged. Buildings that appear to be in scale with those seen traditionally also shall be encouraged. Where a new building would be larger than those existing in the area, it shall establish a transition in scale, to reduce the impact of building scale on the adjacent property, as well as on the neighborhood.
  - 3. Promote Buildings that Fit with the Natural Setting. Structures shall be sited to fit with the land and incorporate colors seen in the natural setting.
  - 4. Promote Buildings that Reflect Pedestrian Scale. Structures shall demonstrate pedestrian friendly design that relate to the adjoining public streets, sidewalks, and spaces.
- D. Building and Topography.
  - 1. Policy. A building shall respect the natural topography of the site.
  - 2. Standards. Step a building foundation to follow the slope of the site when feasible. In general, an exposed building foundation shall not exceed three (3) feet in height.
- E. Building Character.
  - 1. Policy. Buildings shall reflect the regional urban character.
  - 2. Guideline.
    - a.



Designs that draw upon regional design traditions are preferred. Standardized "franchise" style architecture will be strongly discouraged by following these standards.

- b. Higher density buildings are encouraged with mixed use multi-story buildings and shared parking.
- c. Incorporating smaller retail shops facing the street is encouraged.
- d. Secondary buildings on a site should be placed around the perimeter of the site to visually shield the public from the parking areas.
- e. Where possible main entrances should face away from the prevailing winds.
- f. Buildings should have multiple entrances to minimize the distance from parking spot to the building.
- g. If present on site, wildlife corridors shall be included in the site plan.
- h. On site generation of electricity using renewable energy is highly encouraged.
- i. The primary entrance to a building shall have a human scale. A one (1) story element at the building entrance to help establish a sense of scale shall be provided.
- j. Where no windows or other obvious indication exists, the position of each floor in the external skin design of a building shall be expressed to establish a human scale.
  - i. Use belt courses or other horizontal trim bands of contrasting color and materials to define floor lines.
  - ii. Articulate structural elements, or change materials as a method of defining floors.
- k. Building materials that help establish a human scale shall be utilized.
  - i. For example, use brick in a standard module to express a human scale.
  - ii. Avoid using large surfaces of panelized products or featureless materials.
  - iii. A large surface of stucco or similar material that lacks articulation or detailing shall not be allowed.
  - iv. The mix of exterior materials should form a cohesive design package. One (1) material and color should be chosen for eighty (80) percent of the building, with accent materials and colors used to articulate openings, building foundations and roof terminations.
- l. New construction shall relate to adjacent residential and historic resources. Where a new project abuts a residential neighborhood or a historic structure, step the building down at the property edge to minimize abrupt changes in scale, or increase side yards to reduce the impact.

F. Primary Building Entrance.

1. Policy. The primary entrance of a structure shall orient to a street, major sidewalk, pedestrian

way, plaza, courtyard or other outdoor public space.

2. Standards.

- a. The main entrance shall be designed to be clearly identifiable.
  - i. A sheltering element such as a canopy, awning, arcade or portico shall be provided to signify the primary entrance to a building.
  - ii. Where more than one (1) user shares a structure, each individual entrance shall be identified.
  - iii. Customer amenities such as seating areas, coffee shops, customer service stations are encouraged to be located near the main entrance.
  - iv. Shopping cart storage at the entrance, either outside or in the vestibule of the building is encouraged to be avoided.
- b. The primary entrance of a building to face a street, plaza or pedestrian way.
  - i. Focusing an entrance toward a parking lot without also addressing the street is inappropriate.
  - ii. If the building is adjacent to a street "double-fronted" design providing an entrance to parking and to the street is required. That is, provide a door to the street and another to the parking lot.
  - iii. A transitional area, including landscaping, between the parking lot and entrance to the building shall be provided. Consider locating a pedestrian plaza at the entrance; this may be enhanced with streetscape furnishings.

G. Street Level Interest.

1. Policy. When a building is located close to a street or walkway, it shall be designed to provide interest to pedestrians. For example, commercial buildings with storefronts are of interest to passersby. Such features encourage pedestrian activity and shall be used whenever feasible. The overall mass of a building shall appear to be in scale with buildings seen traditionally. This will help new structures fit with the Livingston context. At the same time, newer structures may be larger than those seen before; they shall simply be articulated in their form and materials such that they convey proportions that are similar to those seen traditionally.
2. Standards.
  - a. Develop the street level of a building to provide visual interest to pedestrians. All sides of a building shall include interesting details and materials to avoid presenting a "back side" to neighboring properties. A large expanse of blank wall is not permitted on any street-oriented facade.
  - b. All building walls located within ten (10) feet of a public sidewalk shall have a minimum of sixty (60) percent coverage of wall square footage with ground floor windows.

- c. Loading docks, trash collection areas, outdoor storage, and similar facilities must be incorporated into the overall design of the building. Loading docks, trash collection areas, outdoor storage, and similar facilities must be shielded from view from adjacent properties and public rights-of-way with screening such as fencing, landscaping or walls.

Item A.

#### H. Building Mass and Scale.

1. Policy. A building shall appear to have a "human scale." In general, this can be accomplished by using familiar forms and elements that can be interpreted in human dimensions, as noted throughout this Chapter, e.g., "small details/visible to pedestrians."
2. Standards. In order to reduce the visual impacts building scale, each major building project shall provide all of the following:
  - a. Divide a building into visual modules that express dimensions of structures seen traditionally.
    - i. Buildings shall employ all of the following design techniques:
      - (A) Change material or color with each building module to reduce the perceived mass;
      - (B) Change the height of a wall plane or building module;
      - (C) Change roof form to help express the different modules of the building mass; and
      - (D) Change the arrangement of windows and other facade articulation features, such as columns or strap work that divide large wall planes into smaller components.
      - (E) Large expanses of plate glass shall be avoided by breaking up window arrays with mullions. Repletion and patterns of windows shall be used to create interest.
      - (F) On multi-story walls, windows shall be placed in courses that reflect potential interior floors. Upper windows shall be coordinated vertically with windows below.
      - (G) Secondary uses or departments including pharmacies, photo finishing/development, snack bars, dry cleaning, offices, storage, etc. should be oriented to the outside of the building by projecting them outward or recessing them inward. This includes providing the individual uses with separate entrances and windows facing the outside of the building.
    - ii. Express facade components in ways that will help to establish a human scale (details oriented towards pedestrians).
      - (A) Establish a pattern and rhythm on exterior walls to establish a human scale;
      - (B) Windows, columns and other architectural treatments used repetitively can create this effect;
      - (C) Using windows and doors that are similar in scale to those seen traditionally also can help establish a human scale;
      - (D)

Also, recess these elements, even if slightly, and articulate them with headers, sills, columns and/or mullions.

(E) If possible, windows such that exterior views of the mountains are framed by users of the building are highly encouraged.

I. Roof Form.

1. Policy. The primary roof form of a structure shall help reduce the perceived scale of the building. For that reason, sloping roofs shall be used in most contexts. These also will help the building fit into the mountain backdrop. Varied roof forms in the appropriate context are also encouraged.
2. Standards.
  - a. Using sloping roof forms to reduce the perceived scale of a building is encouraged.
    - i. Varying roof forms is encouraged.
    - ii. Providing variety in ridgeline height is encouraged.
    - iii. Rooftop mechanical equipment shall be screened from view from adjacent public rights-of-way. Rooftop solar panels are excluded from this requirement but may not reflect sunlight or create glare onto neighboring properties or rights-of-way.
  - b. All roof forms shall have no less than two (2) of the following features:
    - i. A flat roof with parapet;
    - ii. A cornice or molding to define the top of a parapet;
    - iii. Overhanging eaves;
    - iv. Sloping roofs with a minimum pitch of 6:12;
    - v. Multiple roof planes.

J. Signage.

1. Policy. Signage shall be sensitive to the natural surroundings and shall not detract from the overall visual design of the site. Because signage can easily become the focal point of a development, it will be important within this overlay zone to keep signage as minimal and unobtrusive as possible.
2. Standards.
  - a. Free standing and monument signs will be constructed of materials and contain details which match those of the building being advertised.
    - i. Use brick, wood or stone facades on signage structures to help them blend into and match the site;
    - ii. Simulate architectural details of the building, such as colors, textures, and geometric forms, in designing sign structures.



b. Signs that detract from the site design of a development shall be avoided. The use of internally backlit signs will not be allowed. Spotlighting or other lighting methods shall be explored.

K. Design Standards Administration. The building design standards and review procedures contained herein shall apply to all large-scale retail uses and all nonresidential property annexed into the City and falling within the Gateway Overlay Zoning District, which has been mapped and amended to the City's Official Zoning Map. If meeting the above criteria, all new construction, exterior remodels and additions to existing buildings will be subject to the following application and review process:

1. Application Submittal Requirements.

- a. A completed application form.
- b. A site plan and other detailed drawings, including, but not limited to, building elevations indicating exterior materials, colors and necessary architectural details required to determine compliance with this Section, shall be submitted to the Planning Department along with the required application fee.
- c. An economic analysis, including types and volumes of goods and services to be offered, impact on existing businesses, wage scales, percentage of local ownership and employees.
- d. A traffic impact study, certified by a professional engineer if the project is anticipated to generate over 250 ADT.
- e. A wildlife and natural resource study, including effect on existing wildlife habitat and migration routes; water run-off, how natural viewsheds are to be maintained.

If a plan is rejected for noncompliance, it will be returned to the applicant with an explanation as to how the plan fails to comply with City standards and/or this Section. The applicant will then be allowed to resubmit the application, with no additional application fee, provided the City receives the revised application within sixty (60) days from the original rejection.

2. Review Fees. The fee for design review shall be established by separate resolution.

(Ord. 1974, 9/5/07; Ord. No. 3003, § 1, 4/6/21; Ord. No. 3021, § 1, 11/16/21)

Attachment D: Growth Policy Future Land Use Map

Exhibit 11.1: Recommended Future Land Use Map

