



# Livingston City Commission Agenda

**February 18, 2025 — 5:30 PM**

City – County Complex, Community Room

<https://us02web.zoom.us/j/89792692672?pwd=p0BpyO8FVKdFQGGxDqc6clRl15GabZ.1>

**Meeting ID: 897 9269 2672**

**Passcode: 821323**

1. Call to Order

2. Roll Call

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 FEBRUARY 04, 2025, REGULAR MEETING PG.4**

**B. APPROVAL OF CLAIMS PAID 1/30/25 - 2/12/25 PG.13**

**C. PLEDGED SECURITIES PG.24**

**D. HPC BOARD APPOINTMENT/RENEWAL PG.28**

**E. APPROVAL OF AGREEMENT 20156 PG.31**

5. Proclamations

6. Scheduled Public Comment

7. Action Items

**A. PRESENTATION OF ENERGY ACTION PLAN PG.46**

**B. APPROVAL OF A CITY-COUNTY COMPACT CHAPTER (IT/GIS) PG.104**

**C. SUBDIVISION REGULATION REVIEW #3 PG.110**

8. City Manager Comment

9. City Commission Comments

10. Adjournment



## Supplemental Material

### Calendar of Events

#### 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.

**File Attachments for Item:**

**A. APPROVAL OF MINUTES FROM FEBRUARY 04, 2025, REGULAR MEETING**



# Livingston City Commission

## Minutes

**February 4, 2025 — 5:30 PM**

City – County Complex, Community Room

<https://us02web.zoom.us/j/86051371883?pwd=cNMG558C1FhvXK5uVdA8KCkdlSUbqB.1>

Meeting ID: 860 5137 1883

Passcode: 289211

### 1. Call to Order

Chair Schwarz called the meeting to order at 5:31pm

### 2. Roll Call

#### Commissioners Present

- Chair Schwarz
- Vice-Chair Nootz
- Commissioner Kahle
- Commissioner Lyons
- Commissioner Willich

#### City Staff Present

- City Manager Grant Gager
- Policy Analyst Greg Anthony
- City Attorney Jon Hesse
- Chief of Police Wayne Hard
- Planning Director Jennifer Severson





### 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)*

Chair Schwarz invited public comments on non-agenda or consent items and reminded speakers of the time limit and relevant rules

- Bill Stevens expressed appreciation for the equality proclamation located in the City Hall lobby.
- Patricia Grabow thanked the Commission for putting her information packet in the minutes from the previous meeting. She expressed her thoughts on bettering the community and in the community she likes to show support and assist with homelessness.

### 4. Consent Items

- A. APPROVAL OF MINUTES FROM JANUARY 21, 2025, REGULAR MEETING [PG.4](#)**
- B. APPROVAL OF CLAIMS PAID 1/16/25 - 1/29/25 [PG.118](#)**
- C. JUDGES MONTHLY REPORT DECEMBER 2024 [PG.129](#)**
- D. RE-APPOINTMENT OF ALLISON VICENZI TO THE LIVINGSTON URBAN RENEWAL AGENCY BOARD [PG. 131](#)**
- E. RATIFICATION OF PURCHASE ORDER 20154 FOR A GARBAGE TRUCK [PG.134](#)**

Commissioner Kahle motioned to approve consent items seconded by Vice Chair Nootz. Unanimously approved.

### 5. Proclamations

- A. A PROCLAMATION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON MONTANA, DECLARING FEBRUARY 4, 2025 AS ROSA PARKS DAY IN LIVINGSTON MONTANA [PG.149](#)**

Chair Schwarz read the proclamation.

The City Manager recognized Rosa Parks and what she stood for also wished her a happy birthday.

Commissioner Kahle thanked the City Manager for including this in the packet during black history month.

### 6. Scheduled Public Comment

- A. UPDATE REGARDING UPPER YELLOWSTONE CHANNEL MIGRATION ZONE MAPPING PROJECT [PG.152](#)**



This City Manager stated this report is from Jeanette Blank who will share findings from a recent study that followed the 2022 flood events.

Jeanette presented study highlights from her slides.

Commissioner Willich expressed appreciation for this study and presentation and stated it was easy to follow and understand.

Commissioner Lyons expressed appreciation for the study and presentation stating he learned a lot.

Commissioner Kahle thanked Jeanette for the presentation.

Jeanette stated her other presentation dates are:

February 18, 2025 at the County Commission Meeting

February 20, 2025 at the Park County Planning Board Meeting

February 24, 2025 at the Consolidated Land Use Board Meeting

Vice Chair Nootz asked about the special management area and asked for pros and cons on development vs. existing infrastructure in the city. Further she clarified her question as what should the Commission be thinking about on development pressures increase around the river in the special management area.

Jeanette stated that expanding beyond normal protocols is important such a requirements for flood modeling or analysis for bank armoring and how will it affect the opposite side of the river. She stressed that looking beyond the immediate project zone and assessing the affects downriver and in other locations.

Vice Chair Nootz asked how often they see neighboring property owner's work together when they are along the river. She stated it seems like what one person does impacts everyone around them.

Jeanette stated she really hasn't had to deal with that situation in our area because development has been a bit slower.

Chair Schwarz asked if this will become regulatory in the future.

Jeanette stated that it has not happened in Montana.

Public Comment was offered by:

- Michael Dechellis expressed gratitude and support for this kind of planning.
- Patricia Grabow expressed thanks to Jeanette for her support and knowledge.

## 7. Action Items



**A. RESOLUTION 5154: A RESOLUTION OF THE CITY OF LIVINGSTON, MONTANA, DECLARING CERTAIN ITEMS AS SURPLUS AND DIRECTING THAT SAID PROPERTY BE DONATED, SOLD OR DISPOSED OF. [PG.311](#)**

This City Manager stated this item is declaring three cardiac monitors from Livingston Fire & Rescue as surplus for trade with an outfit in South Dakota. We will be trading three Phillips monitors for three Zoll monitors.

Commissioner Lyons wondered why this type of decision comes to the Commission and not to the City Manager to decide on.

The City Manager stated this is legally required by Montana Code Annotated and is considered a public asset protection.

Commissioner Lyons motioned to approve this resolution seconded by Commissioner Willich.

Vice Chair Nootz expressed that this is fantastic use of staff time in saving taxpayer money and improving partnership across state lines, and as a result getting the city something they need at no cost.

Resolution unanimously approved.

**B. RESOLUTION 5155: A RESOLUTION OF THE CITY OF LIVINGSTON, MONTANA, ADOPTING THE 2024 WESTERN MONTANA HAZARD MITIGATION PLAN [PG.315](#)**

The City Manager stated this document is a technical piece of business and with the approval of this document it will enable potential grant funding for the city. This document was created in the aftermath of the 2022 floods. City staff working with county staff to identify the hazards affecting the city and county, and also appropriate mitigation projects for those hazards.

Vice Chair Nootz asked for insight into which staff work on this and overview from the administrative side.

The City Manager stated the departments involved were Public Works, Fire, Police, Recreation, Finance and him. He stated this was a really comprehensive review and referenced one slide that lists known hazards showing flooding as high for the city.

Vice Chair asked for next steps for the city moving forward.

This City Manager stated that FEMA does make Hazard Mitigation Grants available on an annual basis and the city would be able to apply for those.

Commissioner Willich motioned to approve this resolution seconded by Vice Chair Nootz

Public Comment was offered by:

- Jeanette Blank added that Livingston does qualify for certain Environmental Justice funding for Hazard Mitigation due to Livingston's economic standard.



- Patricia Grabow expressed concern about the fire that happened out in the area of Printing For Less.

Commissioner Willich believes this is something they should definitely consider.

Commissioner Kahle feels that any of the plans they can get in place to look at the hazards will be a good process moving forward.

Vice Chair Nootz thanked staff for working on this.

This resolution was unanimously approved.

**C. RESOLUTION 5156: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ACCEPTING UTILITY AND ACCESS EASEMENTS GRANTED BY LIVINGSTON WEST LLC FOR THE MOUNTAIN VIEW SUBDIVISION AND AUTHORIZING CITY MANAGER TO SIGN ASSOCIATED DOCUMENTS. [PG.319](#)**

The City Manager stated this a follow up to last meeting where easements for Livingston West LLC were discovered as not granted, approved and recorded as part of subdivision back in 2012. So these easements are coming to the Commission for approval.

Commissioner Lyons asked if there are processes in places so easements are not missed to be recorded.

The City Manager stated yes, he and the Planning Department have worked to improved processes to ensure these are filed and recorded timely.

Commissioner Kahle motioned to approved this resolution seconded by Commissioner Willich

Vice Chair Nootz thanked the City Manager for his attention to detail

This resolution was unanimously approved

6:47pm Commission Kahle motioned for a 10 minute break seconded by Vice Chair Nootz. Unanimously approved

**D. DISCUSSION REGARDING DEVELOPMENT OF A CONFLICT OF INTEREST POLICY [PG.331](#)**

The City Manager stated this request came at the January 7<sup>th</sup> meeting and two Commissioners expressed interest in discussing a conflict of interest policy. In the packet he provided the Commission with reference material on this matter including sections from Montana Code Annotated and other conflict of interest policy examples from around Montana. If it is decided to create a conflict of interest policy there are four main areas to consider including scope of coverage, disclosure process, applicability of the policy, and codification.

Chair Schwarz would like to start with scope of coverage.



Commissioner Willich expressed that ethics is something he takes very seriously and understand sometimes people's ethics don't always align with others views of ethics, and feels as elected officials they should be held to a high standard. He would like to see a firm stance on disclosures and referenced the form they fill out and provide to the City Manager, and if the City Manager sees a topic on the agenda of potential conflict, he feels it should be addressed between the City Manager, City Attorney and the Commissioner.

Vice Chair Nootz expressed that ethics and trust in government is important. She felts that some of the examples provided were very helpful. Timing of disclosure is also an important part the potential policy and applicability could be expanded on more with more specifics.

Commissioner Kahle understands that Montana Code Annotated has laid this process out and stay within its guidelines. She appreciates the disclosure form that the City Manager created. She expressed that a policy to strict could discourage community participation. She would like to see something included in the policy that directs Commissioners to speak with the City Manager and the City Attorney about potential conflicts to receive guidance on how that Commission should proceed into discussion and voting for an item. She stated for applicability it should be taken into consideration they City Commission, City Staff and Advisory Boards are all held to different standards in different ways.

Chair Schwarz expressed that as part of this he wants to avoid having to make decisions that should be made by the City Attorney. He stated he likes Bozeman's example best. He is only looking at this policy for the City Commission and feels the City Manager to be in charge of employee regulations and guidelines.

Commissioner Lyons expressed thoughts that other cities conflict of interest polices vary, and he believes they were written reactively to an incident that city had, rather than proactively before something happens. He would like to see a well-structured and replicable policy written that is also easy to understand. He would like to see this put into the Livingston Municipal Code so it is more available to everyone not just Commissioners.

Commissioner Willich expressed simply that a conflict of interest is not something that should be seen as negative and should deter folks from being Commissioners, it just is a conflict where a little overlap exists between personal life and Commissioner duties.

Vice Chair Nootz expressed that she feels the state doesn't show enough between legal conflict of interest vs. the appearance of impropriety, and would like to see the policy they develop be a little more clear, but not overly restrictive. She believes this policy should apply to the City Commission and Advisory Boards because we do have two boards that don't require the City Commission to vote on the final outcome, and they should be held to the same standard. Her thoughts are that the staff handbook be developed by the City Manager and she discussed a few examples of things she would like to see in there for staff. She agreed with Commissioner Lyons about this policy appearing in Livingston Municipal Code. She did express that Commissioners should not be discussing potential conflict of interest with the City Manager and City Attorney as it can be seen unfavorably for everyone involved.



Chair Schwarz agreed with not meeting with the City Manager and City Attorney in a one-on-one it would be more appropriate to do that in a public setting when discussing conflict of interest.

Commissioner Kahle agreed with putting the policy into Livingston Municipal Code. She would be interested in hearing the City Attorney and City Managers thoughts on this policy.

The City Manager reviewed a portion of Missoula's policy regarding subsequent employment of Commissioners.

Vice Chair Nootz expressed that if this applied to Commissioners, it should be considered from staff in some way so consistency remains on multiple levels.

Commissioner Lyons expressed the example polices are a good place to start.

Commissioner Kahle agreed with Commissioner Lyons and also stated she thinks disclosure is really important and something they all should do, but would like to see good balance within the policy.

Public Comment was offered by:

- Patricia Grabow expressed being against codifying these types of things.
- Ken Cochrane feels that navigating conflicts of interest is critical for individuals who serve in dual roles involving Commissioners.

The City Manager will bring this back at the first meeting in March.

Vice Chair Nootz motioned to move into closed session seconded by Commissioner Kahle. Unanimously approved.

#### **E. CLOSED SESSION TO DISCUSS MATTERS OF INDIVIDUAL PRIVACY PURSUANT TO MCA 2-3-203(3)**

##### 8. City Manager Comment

The City Manager thanked the City Commissioner for their work at this meeting.

##### 9. City Commission Comments

Commissioner Willich commented on winter.

Commissioner Lyons stated that this past January is colder than previous January months.

Commissioner Kahle recognized Bill Stevens for his comments at the beginning of the meeting and is proud of Livingston's diverse community.



Vice Chair Nootz thanked the City Manager for the agenda and conversations tonight.

Chair Schwarz expressed it was a good meeting

#### 10. Adjournment

8:52pm Commissioner Schwarz motioned to adjourn seconded by Commissioner Willich. Unanimously approved

#### Calendar of Events

#### Supplemental Material

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**File Attachments for Item:**

**B. APPROVAL OF CLAIMS PAID 1/30/25 - 2/12/25**



Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
<b>AAA CLEANING, LLC</b>							
3727	AAA CLEANING, LLC	247	city hall cleaning	01/31/2025	2,000.00	2,000.00	01/30/2025
3727	AAA CLEANING, LLC	248	Bennett St cleaning	01/31/2025	156.25	156.25	01/30/2025
3727	AAA CLEANING, LLC	248	Bennett St cleaning	01/31/2025	156.25	156.25	01/30/2025
3727	AAA CLEANING, LLC	248	Bennett St cleaning	01/31/2025	156.25	156.25	01/30/2025
3727	AAA CLEANING, LLC	248	Bennett St cleaning	01/31/2025	156.25	156.25	01/30/2025
3727	AAA CLEANING, LLC	249	cIVIC CENTER	01/31/2025	2,600.00	2,600.00	01/30/2025
Total AAA CLEANING, LLC:					5,225.00	5,225.00	
<b>ALL SERVICE TIRE &amp; ALIGNMENT</b>							
22	ALL SERVICE TIRE & ALIGNME	69572	Flat repair	01/30/2025	4.00	4.00	02/11/2025
22	ALL SERVICE TIRE & ALIGNME	69572	Flat repair	01/30/2025	4.00	4.00	02/11/2025
22	ALL SERVICE TIRE & ALIGNME	69572	Flat repair	01/30/2025	4.00	4.00	02/11/2025
22	ALL SERVICE TIRE & ALIGNME	69572	Flat repair	01/30/2025	4.00	4.00	02/11/2025
22	ALL SERVICE TIRE & ALIGNME	69572	Flat repair	01/30/2025	4.00	4.00	02/11/2025
22	ALL SERVICE TIRE & ALIGNME	69597	Oil Change	02/05/2025	72.00	72.00	02/11/2025
22	ALL SERVICE TIRE & ALIGNME	69607	Flat repair	02/10/2025	20.00	20.00	02/11/2025
Total ALL SERVICE TIRE & ALIGNMENT:					112.00	112.00	
<b>BALCO UNIFORM COMPANY, INC.</b>							
3371	BALCO UNIFORM COMPANY, IN	12323	CREDIT - MANLEY	02/05/2025	110.00-	110.00-	02/11/2025
3371	BALCO UNIFORM COMPANY, IN	82332-1	Uniform-MANLEY	01/24/2025	486.67	486.67	02/11/2025
3371	BALCO UNIFORM COMPANY, IN	82355	Uniform-BRUMMEL	01/13/2025	210.96	210.96	02/11/2025
Total BALCO UNIFORM COMPANY, INC.:					587.63	587.63	
<b>BETTER DAYS CLEANING</b>							
10004	BETTER DAYS CLEANING	1369	CLEANING	01/30/2025	875.00	875.00	02/11/2025
Total BETTER DAYS CLEANING:					875.00	875.00	
<b>BIGHORN FIRE ACADEMY, INC.</b>							
3399	BIGHORN FIRE ACADEMY, INC.	2025.1.8.1	CPR Class-911 DISPATCH	01/08/2025	480.00	480.00	02/11/2025
Total BIGHORN FIRE ACADEMY, INC.:					480.00	480.00	
<b>BLACKWATER DRAIN SOLUTIONS</b>							
10007	BLACKWATER DRAIN SOLUTIO	1374	CAMERA/CLEAN LINE	12/13/2024	650.00	650.00	02/11/2025
Total BLACKWATER DRAIN SOLUTIONS:					650.00	650.00	
<b>BNSF RAILWAY COMPANY</b>							
10006	BNSF RAILWAY COMPANY	25001191	LAND LEASE MR600249	01/13/2025	733.50	733.50	02/11/2025
Total BNSF RAILWAY COMPANY:					733.50	733.50	
<b>BOUND TREE MEDICAL, LLC</b>							
2662	BOUND TREE MEDICAL, LLC	85633464	Patient Supplies	01/22/2025	169.00	169.00	01/30/2025
2662	BOUND TREE MEDICAL, LLC	85636926	Patient Supplies	01/24/2025	182.78	182.78	01/30/2025
2662	BOUND TREE MEDICAL, LLC	85636927	Patient Supplies	01/24/2025	12.00	12.00	01/30/2025
Total BOUND TREE MEDICAL, LLC:					363.78	363.78	
<b>BRIDGER ANALYTICAL LAB</b>							
3820	BRIDGER ANALYTICAL LAB	2410593	ANALYSIS	11/19/2024	228.00	228.00	02/11/2025

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
3820	BRIDGER ANALYTICAL LAB	2412168	ANALYSIS	12/30/2024	288.00	288.00	02/11/2025
Total BRIDGER ANALYTICAL LAB:					516.00	516.00	
<b>BRUCE E. BECKER, P.C.</b>							
10000	BRUCE E. BECKER, P.C.	2025.1.31	Contracted service	01/31/2025	4,000.00	4,000.00	02/11/2025
Total BRUCE E. BECKER, P.C.:					4,000.00	4,000.00	
<b>CANON FINANCIAL SERVICES, INC</b>							
1747	CANON FINANCIAL SERVICES, I	37570790	Printer	01/12/2025	29.31	29.31	01/30/2025
1747	CANON FINANCIAL SERVICES, I	37571635	Printer	01/12/2025	29.75	29.75	01/30/2025
Total CANON FINANCIAL SERVICES, INC:					59.06	59.06	
<b>CASELLE</b>							
3763	CASELLE	138939	APPLICATION SOFTWARE	02/01/2025	3,159.00	3,159.00	02/11/2025
3763	CASELLE	138939	APPLICATION SOFTWARE	02/01/2025	99.00	99.00	02/11/2025
3763	CASELLE	138939	APPLICATION SOFTWARE	02/01/2025	99.00	99.00	02/11/2025
3763	CASELLE	138939	APPLICATION SOFTWARE	02/01/2025	191.00	191.00	02/11/2025
3763	CASELLE	138939	APPLICATION SOFTWARE	02/01/2025	191.00	191.00	02/11/2025
3763	CASELLE	138939	APPLICATION SOFTWARE	02/01/2025	291.00	291.00	02/11/2025
Total CASELLE:					4,030.00	4,030.00	
<b>COMDATA</b>							
2671	COMDATA	XW716-204237	CG72P	02/01/2025	255.77	255.77	02/11/2025
2671	COMDATA	XW716-204237	CG72R	02/01/2025	177.53	177.53	02/11/2025
2671	COMDATA	XW716-204237	CG73C	02/01/2025	438.58	438.58	02/11/2025
2671	COMDATA	XW716-204237	CG73H	02/01/2025	94.23	94.23	02/11/2025
2671	COMDATA	XW716-204237	CG73L	02/01/2025	107.34	107.34	02/11/2025
2671	COMDATA	XW716-204237	CG73L	02/01/2025	41.73	41.73	02/11/2025
2671	COMDATA	XW716-204237	CG73S	02/01/2025	698.98	698.98	02/11/2025
2671	COMDATA	XW716-204237	CG73S	02/01/2025	405.30	405.30	02/11/2025
2671	COMDATA	XW716-204237	CG74G	02/01/2025	420.19	420.19	02/11/2025
2671	COMDATA	XW717-204237	CCG72S	02/01/2025	2,063.59	2,063.59	02/11/2025
Total COMDATA:					4,703.24	4,703.24	
<b>CORE &amp; MAIN LP</b>							
3733	CORE & MAIN LP	W267872	PLUG-BOLT AND NUT KIT	01/24/2025	1,481.70	1,481.70	02/11/2025
3733	CORE & MAIN LP	W276802	COLLISION REP KIT	01/30/2025	1,693.92	1,693.92	02/11/2025
3733	CORE & MAIN LP	W308205	METER COUPLING	01/17/2025	495.23	495.23	02/11/2025
3733	CORE & MAIN LP	W313270	RUBBER MTR WASHER	01/30/2025	1,303.43	1,303.43	02/11/2025
3733	CORE & MAIN LP	W355699	SHELL CUTTER	01/30/2025	323.44	323.44	02/11/2025
Total CORE & MAIN LP:					5,297.72	5,297.72	
<b>D&amp;R COFFEE SERVICE INC</b>							
10002	D&R COFFEE SERVICE INC	187198	rental fee	01/31/2025	50.00	50.00	02/11/2025
Total D&R COFFEE SERVICE INC:					50.00	50.00	
<b>DANA SAFETY SUPPLY, INC.</b>							
3234	DANA SAFETY SUPPLY, INC.	947590	2025 FORD INTERCEPTOR	01/27/2025	22,287.31	22,287.31	02/11/2025
3234	DANA SAFETY SUPPLY, INC.	947731	2025 FORD INTERCEPTOR	01/28/2025	21,632.00	21,632.00	02/11/2025

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
Total DANA SAFETY SUPPLY, INC.:					43,919.31	43,919.31	
<b>EFI MID-AMERICA INC</b>							
10007	EFI MID-AMERICA INC	1440	SERVICE TRIP	01/29/2025	1,980.00	1,980.00	02/11/2025
Total EFI MID-AMERICA INC:					1,980.00	1,980.00	
<b>ENERGY LABORATORIES, INC.</b>							
424	ENERGY LABORATORIES, INC.	657018	SAMPLE MANAGEMENT	09/10/2024	333.00	333.00	02/11/2025
424	ENERGY LABORATORIES, INC.	659893	Analysis parameter	09/20/2024	264.00	264.00	02/11/2025
424	ENERGY LABORATORIES, INC.	668513	Analysis parameter	10/25/2024	186.00	186.00	02/11/2025
424	ENERGY LABORATORIES, INC.	674565	Analysis parameter	11/22/2024	304.00	304.00	02/11/2025
424	ENERGY LABORATORIES, INC.	685229	Analysis parameter	01/17/2025	304.00	304.00	02/11/2025
Total ENERGY LABORATORIES, INC.:					1,391.00	1,391.00	
<b>FERGUSON WATERWORKS #1701</b>							
2386	FERGUSON WATERWORKS #17	0909011	AMI TOWER PROJECT	01/27/2025	7,957.00	7,957.00	02/11/2025
Total FERGUSON WATERWORKS #1701:					7,957.00	7,957.00	
<b>GENERAL DISTRIBUTING COMPANY</b>							
1845	GENERAL DISTRIBUTING COM	0001463205	Oxygen	01/21/2025	577.47	577.47	01/30/2025
1845	GENERAL DISTRIBUTING COM	0001467420	Acetylene	01/31/2025	37.51	37.51	02/11/2025
1845	GENERAL DISTRIBUTING COM	0001469163	NITROUS	01/31/2025	175.96	175.96	02/11/2025
Total GENERAL DISTRIBUTING COMPANY:					790.94	790.94	
<b>HANSER'S AUTOMOTIVE &amp; WRECKER</b>							
1687	HANSER'S AUTOMOTIVE & WR	LIV6276	Towing-JEEP	01/31/2025	100.00	100.00	02/11/2025
Total HANSER'S AUTOMOTIVE & WRECKER:					100.00	100.00	
<b>HAWKINS, INC</b>							
470	HAWKINS, INC	6976536	Chlorine	02/03/2025	1,362.12	1,362.12	02/11/2025
Total HAWKINS, INC:					1,362.12	1,362.12	
<b>HIGH COUNTRY WILDLIFE CONTROL</b>							
10002	HIGH COUNTRY WILDLIFE CON	34987	PEST CONTROL	01/28/2025	210.00	210.00	02/11/2025
Total HIGH COUNTRY WILDLIFE CONTROL:					210.00	210.00	
<b>HORIZON AUTO PARTS</b>							
1920	HORIZON AUTO PARTS	022923	battery cable terminal	02/06/2025	4.99	4.99	02/11/2025
Total HORIZON AUTO PARTS:					4.99	4.99	
<b>HUMAN RESOURCE DEVELOPMENT COUNCIL OF DI</b>							
10004	HUMAN RESOURCE DEVELOP	2025.1.22	WARMING CENTER	01/22/2025	25,000.00	25,000.00	02/11/2025
Total HUMAN RESOURCE DEVELOPMENT COUNCIL OF DI:					25,000.00	25,000.00	
<b>IRRIGATION INNOVATIONS</b>							
10002	IRRIGATION INNOVATIONS	8632	PLOWING PARKING LOT	01/23/2025	370.00	370.00	02/11/2025

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
Total IRRIGATION INNOVATIONS:					370.00	370.00	
<b>JON M HESSE PC</b>							
10005	JON M HESSE PC	46093.2/3/2025	PROFESSIONAL SERVICES	02/03/2025	1,004.62	1,004.62	02/11/2025
Total JON M HESSE PC:					1,004.62	1,004.62	
<b>KELLEY CREATE</b>							
10006	KELLEY CREATE	38451932	112-1689019	01/31/2025	568.60	568.60	02/11/2025
10006	KELLEY CREATE	IN1859143	jh13670	01/24/2025	472.23	472.23	01/30/2025
10006	KELLEY CREATE	IN1870523	JH16414	02/03/2025	9.32	9.32	02/11/2025
10006	KELLEY CREATE	IN1870524	JH16414	02/03/2025	17.77	17.77	02/11/2025
10006	KELLEY CREATE	IN1871298	JH16535	02/04/2025	95.80	95.80	02/11/2025
10006	KELLEY CREATE	IN1871498	JH13332	02/04/2025	16.01	16.01	02/11/2025
10006	KELLEY CREATE	IN1871498	JH13332	02/04/2025	16.01	16.01	02/11/2025
10006	KELLEY CREATE	IN1871498	JH13332	02/04/2025	16.01	16.01	02/11/2025
10006	KELLEY CREATE	IN1871498	JH13332	02/04/2025	16.02	16.02	02/11/2025
Total KELLEY CREATE:					1,227.77	1,227.77	
<b>KENYON NOBLE</b>							
776	KENYON NOBLE	474454	DIAMOND DISC	12/26/2024	33.98	33.98	02/11/2025
776	KENYON NOBLE	474950	FENCE	12/26/2024	105.98	105.98	02/11/2025
776	KENYON NOBLE	475901	HARDBOARD	12/27/2024	17.89	17.89	02/11/2025
776	KENYON NOBLE	476251	TURBO MAS CO	12/27/2024	95.98	95.98	02/11/2025
776	KENYON NOBLE	476252	TURBO MAS CO	12/27/2024	47.99	47.99	02/11/2025
776	KENYON NOBLE	478470	DOOR SWEEP	12/30/2024	38.98	38.98	02/11/2025
776	KENYON NOBLE	478929	HEX BOLT	12/30/2024	2.92	2.92	02/11/2025
776	KENYON NOBLE	479142	FAUCET	12/30/2024	199.99	199.99	02/11/2025
776	KENYON NOBLE	480630	CONST BTR FIR	12/31/2024	51.80	51.80	02/11/2025
776	KENYON NOBLE	481067	RECIP BLADE	01/02/2025	42.98	42.98	02/11/2025
776	KENYON NOBLE	481298	SCREEW TORX VISE	01/02/2025	76.27	76.27	02/11/2025
776	KENYON NOBLE	485855	PLYWOOD	01/06/2025	23.61	23.61	02/11/2025
776	KENYON NOBLE	487415	SCREWS RIVETS	01/07/2025	25.99	25.99	02/11/2025
776	KENYON NOBLE	493214	TRASH BAGS	01/11/2025	59.98	59.98	02/11/2025
776	KENYON NOBLE	499559	TREAD TAPE	01/16/2025	32.58	32.58	02/11/2025
776	KENYON NOBLE	499811	FLEX CONNECTOR, CONDUIT	01/16/2025	474.10	474.10	02/11/2025
776	KENYON NOBLE	499921	DRAWER SLIDE	01/16/2025	109.35	109.35	02/11/2025
776	KENYON NOBLE	499998	FASTENERS	01/16/2025	12.81	12.81	02/11/2025
776	KENYON NOBLE	500287	THREADED COUPLING	01/16/2025	43.41	43.41	02/11/2025
776	KENYON NOBLE	506674	EXTENSION CORD	01/21/2025	46.96	46.96	02/11/2025
776	KENYON NOBLE	507843	BATTERY, RIVETS	01/22/2025	354.14	354.14	02/11/2025
776	KENYON NOBLE	508206	SCREWS RIVETS	01/22/2025	16.32	16.32	02/11/2025
776	KENYON NOBLE	512197	REAMING PEN, COUPLING	01/25/2025	31.06	31.06	02/11/2025
776	KENYON NOBLE	512276	COPPER TUBING FLARE NUT	01/25/2025	61.45	61.45	02/11/2025
Total KENYON NOBLE:					2,006.52	2,006.52	
<b>KIMBALL MIDWEST</b>							
2863	KIMBALL MIDWEST	102999721	LOCKWASHERS	01/24/2025	600.26	600.26	02/11/2025
Total KIMBALL MIDWEST:					600.26	600.26	
<b>KOIS BROTHERS EQUIPMENT COMPANY INC</b>							
10007	KOIS BROTHERS EQUIPMENT	56472	GARBAGE TRUCK	01/13/2025	395,912.10	395,912.10	02/11/2025

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
Total KOIS BROTHERS EQUIPMENT COMPANY INC:					395,912.10	395,912.10	
<b>LEHRKIND'S COCA-COLA</b>							
2830	LEHRKIND'S COCA-COLA	2217445	Water	01/30/2025	64.50	64.50	02/11/2025
2830	LEHRKIND'S COCA-COLA	2221496	Water	02/04/2025	37.50	37.50	02/11/2025
2830	LEHRKIND'S COCA-COLA	2221504	Water	02/05/2025	42.50	42.50	02/11/2025
2830	LEHRKIND'S COCA-COLA	2221505	Water	02/04/2025	13.50	13.50	02/11/2025
Total LEHRKIND'S COCA-COLA:					158.00	158.00	
<b>LIVINGSTON ACE HARDWARE - #122005</b>							
26	LIVINGSTON ACE HARDWARE -	D61370	PADLOCK	01/03/2025	19.99	19.99	02/11/2025
26	LIVINGSTON ACE HARDWARE -	F58057	SHOVEL	12/26/2024	73.74	73.74	02/11/2025
26	LIVINGSTON ACE HARDWARE -	F58066	VINYL TUBING	12/26/2024	5.16	5.16	02/11/2025
26	LIVINGSTON ACE HARDWARE -	F59577	STARTER CORD	12/30/2024	9.99	9.99	02/11/2025
26	LIVINGSTON ACE HARDWARE -	F59647	SOCKET PUL CHAIN	12/30/2024	7.99	7.99	02/11/2025
26	LIVINGSTON ACE HARDWARE -	F60041	NIPPLE PRESSURE WASHER W	12/31/2024	67.97	67.97	02/11/2025
26	LIVINGSTON ACE HARDWARE -	F60230	EMT 2H STRAP	12/31/2024	10.12	10.12	02/11/2025
26	LIVINGSTON ACE HARDWARE -	F60713	FASTNERS	01/02/2025	134.60	134.60	02/11/2025
26	LIVINGSTON ACE HARDWARE -	F60952	PLUG GROUND	01/02/2025	5.99	5.99	02/11/2025
26	LIVINGSTON ACE HARDWARE -	F61350	LATH SCREW	01/03/2025	15.99	15.99	02/11/2025
26	LIVINGSTON ACE HARDWARE -	F62293	ELEC TAPE	01/06/2025	29.98	29.98	02/11/2025
26	LIVINGSTON ACE HARDWARE -	F63057	KEY BLANK	01/08/2025	2.59	2.59	02/11/2025
26	LIVINGSTON ACE HARDWARE -	F63698	DUCT TAPE	01/10/2025	28.98	28.98	02/11/2025
26	LIVINGSTON ACE HARDWARE -	F65032	TRASH BAGS	01/13/2025	48.97	48.97	02/11/2025
26	LIVINGSTON ACE HARDWARE -	F65036	BALL VALVE	01/13/2025	29.99	29.99	02/11/2025
26	LIVINGSTON ACE HARDWARE -	F65202	EXT TUBE	01/14/2025	5.99	5.99	02/11/2025
26	LIVINGSTON ACE HARDWARE -	F65355	BaTTERIES	01/14/2025	51.96	51.96	02/11/2025
26	LIVINGSTON ACE HARDWARE -	F65362	NIPPLE TAPE	01/14/2025	11.37	11.37	02/11/2025
26	LIVINGSTON ACE HARDWARE -	F65987	LATCH STORAGE BOX	01/16/2025	35.97	35.97	02/11/2025
26	LIVINGSTON ACE HARDWARE -	F66486	ICE SCRAPER	01/17/2025	66.98	66.98	02/11/2025
26	LIVINGSTON ACE HARDWARE -	F66532	DECOR PLATE, WIRE	01/17/2025	40.57	40.57	02/11/2025
26	LIVINGSTON ACE HARDWARE -	F66532	RESIRATOR SUPPLY KIT	01/17/2025	141.96	141.96	02/11/2025
26	LIVINGSTON ACE HARDWARE -	F67886	CHISEL PAINT BRUSH	01/21/2025	42.98	42.98	02/11/2025
26	LIVINGSTON ACE HARDWARE -	F67948	CRBN MNOXDE DETC	01/21/2025	93.98	93.98	02/11/2025
26	LIVINGSTON ACE HARDWARE -	F67963	BOX FAN	01/21/2025	65.98	65.98	02/11/2025
26	LIVINGSTON ACE HARDWARE -	F68245	FILING GUIDE	01/22/2025	45.99	45.99	02/11/2025
26	LIVINGSTON ACE HARDWARE -	F68638	DOUBLE SIDE TAPE	01/23/2025	19.99	19.99	02/11/2025
26	LIVINGSTON ACE HARDWARE -	F68682	HAMMER	01/23/2025	39.99	39.99	02/11/2025
26	LIVINGSTON ACE HARDWARE -	F68999	CORED HEX PLUG	01/24/2025	15.56	15.56	02/11/2025
26	LIVINGSTON ACE HARDWARE -	F690496	PIPE NIPPLE, ELBOW	01/24/2025	48.55	48.55	02/11/2025
26	LIVINGSTON ACE HARDWARE -	F69083	PIPE GALV TUBE	01/24/2025	7.96	7.96	02/11/2025
26	LIVINGSTON ACE HARDWARE -	X40149	SNOW PUSHER	01/06/2025	67.97	67.97	02/11/2025
26	LIVINGSTON ACE HARDWARE -	X40322	ABSORBENT OIL	01/08/2025	16.99	16.99	02/11/2025
26	LIVINGSTON ACE HARDWARE -	X40882	TOOLS	01/16/2025	117.76	117.76	02/11/2025
26	LIVINGSTON ACE HARDWARE -	X41167	UTILITY HEATER, PRESSURE W	01/21/2025	604.96	604.96	02/11/2025
26	LIVINGSTON ACE HARDWARE -	X41472	TUBING CUTTER	01/25/2025	35.97	35.97	02/11/2025
Total LIVINGSTON ACE HARDWARE - #122005:					2,071.48	2,071.48	
<b>LIVINGSTON HEALTH CARE</b>							
55	LIVINGSTON HEALTH CARE	2025.2.1	MEDICAL DIRECTOR SERIVCES	02/01/2025	1,250.00	1,250.00	02/11/2025
Total LIVINGSTON HEALTH CARE:					1,250.00	1,250.00	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
<b>MASTERCARD</b>							
3184	MASTERCARD	2025_01 DEM	OFFICE SUPPLIES	02/02/2025	21.58	21.58	02/06/2025
3184	MASTERCARD	2025_01 DEM	OFFICE SUPPLIES	02/02/2025	6.17	6.17	02/06/2025
3184	MASTERCARD	2025_01 DEM	MUNICIPAL GOVERNMENT COU	02/02/2025	25.00	25.00	02/06/2025
3184	MASTERCARD	2025_01 DEM	MUNICIPAL GOVERNMENT COU	02/02/2025	25.00	25.00	02/06/2025
Total MASTERCARD:					77.75	77.75	
<b>MED ONE CAPITAL FUNDING LLC</b>							
10007	MED ONE CAPITAL FUNDING LL	M00343941	CMS075884	01/22/2025	425.00	425.00	01/30/2025
Total MED ONE CAPITAL FUNDING LLC:					425.00	425.00	
<b>MIDWAY RENTAL, INC.</b>							
3040	MIDWAY RENTAL, INC.	2041600-0001	RENTAL HAND CRANK LIFT	01/15/2025	77.25	77.25	02/11/2025
Total MIDWAY RENTAL, INC.:					77.25	77.25	
<b>MONTANA DEPT. OF PUBLIC SERVICE REGULATI</b>							
10007	MONTANA DEPT. OF PUBLIC SE	2025.2.1	APPLICATION-TRANSPORT TR	02/01/2025	500.00	500.00	02/11/2025
Total MONTANA DEPT. OF PUBLIC SERVICE REGULATI:					500.00	500.00	
<b>MONTANA FIRST RESPONDER PSYCHOLOGICAL SE</b>							
10007	MONTANA FIRST RESPONDER	1018	PRE EMPLOYMENT EVAL	01/26/2025	600.00	600.00	02/11/2025
Total MONTANA FIRST RESPONDER PSYCHOLOGICAL SE:					600.00	600.00	
<b>MONTANA RURAL WATER SYSTEMS, INC.</b>							
530	MONTANA RURAL WATER SYST	536	BOOKS	01/16/2025	200.00	200.00	02/11/2025
Total MONTANA RURAL WATER SYSTEMS, INC.:					200.00	200.00	
<b>MONTANA URBAN AND COMMUNITY FORESTRY ASS</b>							
10004	MONTANA URBAN AND COMMU	2025	MUCFA COMMUNITY MEMBERS	01/23/2025	100.00	100.00	02/11/2025
Total MONTANA URBAN AND COMMUNITY FORESTRY ASS:					100.00	100.00	
<b>MOUNTAIN FRESH CLEANING</b>							
10005	MOUNTAIN FRESH CLEANING	FB0000148	JANITORIAL SERVICES	02/01/2025	2,800.00	2,800.00	02/11/2025
Total MOUNTAIN FRESH CLEANING:					2,800.00	2,800.00	
<b>MSU EXTENSION SERVICE</b>							
3275	MSU EXTENSION SERVICE	2502	ECONOMIC & COMMUNITY DEV	10/10/2024	7,500.00	7,500.00	02/11/2025
3275	MSU EXTENSION SERVICE	2503	ECONOMIC & COMMUNITY DEV	10/10/2024	7,500.00	7,500.00	02/11/2025
3275	MSU EXTENSION SERVICE	46	ECONOMIC & COMMUNITY DEV	02/07/2025	2,797.72	2,797.72	02/11/2025
Total MSU EXTENSION SERVICE:					17,797.72	17,797.72	
<b>MUNICIPAL EMERGENCY SERVICES</b>							
2604	MUNICIPAL EMERGENCY SERV	IN2197206	PPE	02/03/2025	682.77	682.77	02/11/2025
Total MUNICIPAL EMERGENCY SERVICES:					682.77	682.77	
<b>MURDOCH'S RANCH &amp; HOME SUPPLY</b>							
3688	MURDOCH'S RANCH & HOME S	INV-012029102	NIPPLE AIR	12/30/2024	27.58	27.58	02/11/2025

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
3688	MURDOCH'S RANCH & HOME S	INV-012090779	ICE SCRAPER	01/03/2025	60.97	60.97	02/11/2025
3688	MURDOCH'S RANCH & HOME S	INV-012091100	SHACKLE SPA	01/03/2025	53.92	53.92	02/11/2025
3688	MURDOCH'S RANCH & HOME S	INV-012165563	GRND WHL	01/07/2025	33.96	33.96	02/11/2025
3688	MURDOCH'S RANCH & HOME S	INV-012179996	FLINT STRIKER TARP	01/08/2025	174.94	174.94	02/11/2025
3688	MURDOCH'S RANCH & HOME S	INV-012203522	NOZZLE DIESLE	01/09/2025	189.99	189.99	02/11/2025
3688	MURDOCH'S RANCH & HOME S	INV-012213958	DIESEL EXTREME	01/10/2025	72.97	72.97	02/11/2025
3688	MURDOCH'S RANCH & HOME S	INV-012342789	PRY BAR	01/17/2025	33.28	33.28	02/11/2025
3688	MURDOCH'S RANCH & HOME S	INV-012442888	SAN ANGELO BAR	01/22/2025	54.98	54.98	02/11/2025
Total MURDOCH'S RANCH & HOME SUPPLY:					702.59	702.59	
<b>O'REILLY AUTOMOTIVE, INC</b>							
2437	O'REILLY AUTOMOTIVE, INC	1558-378965	WINTER BLADES	02/03/2025	38.00	38.00	02/11/2025
2437	O'REILLY AUTOMOTIVE, INC	1558-379018	Battery, tools	02/04/2025	171.61	171.61	02/11/2025
Total O'REILLY AUTOMOTIVE, INC:					209.61	209.61	
<b>PONY EXPRESS LUBE</b>							
10001	PONY EXPRESS LUBE	11-0113104	COMMAND 2 OIL CHANGE	01/29/2025	115.90	115.90	02/11/2025
Total PONY EXPRESS LUBE:					115.90	115.90	
<b>RECYCLED EARTH</b>							
10007	RECYCLED EARTH	1027	2018 IMCO WALKING FLOOR	01/13/2025	47,000.00	47,000.00	01/30/2025
10007	RECYCLED EARTH	3144	2015 IMCO WALKING FLOOR	01/13/2025	40,000.00	40,000.00	01/30/2025
Total RECYCLED EARTH:					87,000.00	87,000.00	
<b>RIVERSIDE HARDWARE LLC</b>							
3659	RIVERSIDE HARDWARE LLC	241980	pull door	01/16/2025	30.95	30.95	02/11/2025
3659	RIVERSIDE HARDWARE LLC	241989	CONNECTORS FITTING CONDU	01/16/2025	56.41	56.41	02/11/2025
3659	RIVERSIDE HARDWARE LLC	242163	FITTING CONDUIT	01/21/2025	82.24	82.24	02/11/2025
Total RIVERSIDE HARDWARE LLC:					169.60	169.60	
<b>ROCKY MOUNTAIN SUPPLY INC</b>							
10006	ROCKY MOUNTAIN SUPPLY INC	01694	ISO 32	01/24/2025	823.85	823.85	02/11/2025
10006	ROCKY MOUNTAIN SUPPLY INC	4587	DIESEL 229G	01/13/2025	1,839.28	1,839.28	02/11/2025
10006	ROCKY MOUNTAIN SUPPLY INC	4598	DIESEL 254G	01/16/2025	1,462.68	1,462.68	02/11/2025
10006	ROCKY MOUNTAIN SUPPLY INC	4617	DIESEL 450G	01/29/2025	2,596.50	2,596.50	02/11/2025
Total ROCKY MOUNTAIN SUPPLY INC:					6,722.31	6,722.31	
<b>SAFETRAC</b>							
3143	SAFETRAC	47111	CDL Services	02/01/2025	90.75	90.75	02/11/2025
3143	SAFETRAC	47111	CDL Services	02/01/2025	82.23	82.23	02/11/2025
3143	SAFETRAC	47111	CDL Services	02/01/2025	151.25	151.25	02/11/2025
3143	SAFETRAC	47111	CDL Services	02/01/2025	224.94	224.94	02/11/2025
3143	SAFETRAC	47111	CDL Services	02/01/2025	82.23	82.23	02/11/2025
3143	SAFETRAC	47111	CDL Services	02/01/2025	60.50	60.50	02/11/2025
Total SAFETRAC:					691.90	691.90	
<b>SCJ ALLIANCE CONSULTING SERVICES</b>							
10006	SCJ ALLIANCE CONSULTING S	79872	ZONING CODE UPDATE	01/28/2025	29,302.55	29,302.55	02/11/2025
10006	SCJ ALLIANCE CONSULTING S	79933	ZONING CODE UPDATEE	02/04/2025	10,253.75	10,253.75	02/11/2025

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
Total SCJ ALLIANCE CONSULTING SERVICES:					39,556.30	39,556.30	
<b>SECURITY SOLUTIONS, INC.</b>							
3020	SECURITY SOLUTIONS, INC.	14243	ALARM MONITORING	01/15/2025	1,772.00	1,772.00	02/11/2025
3020	SECURITY SOLUTIONS, INC.	20364-A	ALARM MONITORING	02/01/2025	114.00	114.00	02/11/2025
Total SECURITY SOLUTIONS, INC.:					1,886.00	1,886.00	
<b>SHAMROCK FOODS COMPANY</b>							
10006	SHAMROCK FOODS COMPANY	8120765	STATION SUPPLIES	12/28/2024	412.61	412.61	02/11/2025
Total SHAMROCK FOODS COMPANY:					412.61	412.61	
<b>SHI INTERNATIONAL CORP.</b>							
2907	SHI INTERNATIONAL CORP.	B19270700	SOFTWARE-FETTERHOFF	01/17/2025	450.50	450.50	01/30/2025
Total SHI INTERNATIONAL CORP.:					450.50	450.50	
<b>SLEEPING GIANT ANIMAL CLINIC</b>							
3645	SLEEPING GIANT ANIMAL CLINI	73769	BRIGGS	01/02/2025	309.99	309.99	02/11/2025
Total SLEEPING GIANT ANIMAL CLINIC:					309.99	309.99	
<b>SPARK LASER CREATIONS</b>							
3361	SPARK LASER CREATIONS	1881	Name Plates	02/03/2025	60.50	60.50	02/11/2025
Total SPARK LASER CREATIONS:					60.50	60.50	
<b>TD&amp;H ENGINEERING, INC</b>							
3390	TD&H ENGINEERING, INC	41143.1.9.2025	VIEW VISTA WATER & SEWER	01/09/2025	1,272.87	1,272.87	01/30/2025
Total TD&H ENGINEERING, INC:					1,272.87	1,272.87	
<b>THE ABBI AGENCY</b>							
10005	THE ABBI AGENCY	3510	LOGO PROJECT	02/01/2025	600.00	600.00	02/11/2025
Total THE ABBI AGENCY:					600.00	600.00	
<b>THOMSON REUTERS - WEST</b>							
2823	THOMSON REUTERS - WEST	851439619	SOFTWARE	02/01/2025	405.73	405.73	02/11/2025
Total THOMSON REUTERS - WEST:					405.73	405.73	
<b>TOWN &amp; COUNTRY FOODS - LIVINGSTON</b>							
2595	TOWN & COUNTRY FOODS - LI	54	StaION SUPPLIES	01/24/2025	34.87	34.87	01/30/2025
Total TOWN & COUNTRY FOODS - LIVINGSTON:					34.87	34.87	
<b>TRANSUNION RISK &amp; ALTERNATIVE</b>							
3376	TRANSUNION RISK & ALTERNA	380349-20250	investigative resear	02/01/2025	75.00	75.00	02/11/2025
Total TRANSUNION RISK & ALTERNATIVE:					75.00	75.00	
<b>TREEBIZ LLC</b>							
10007	TREEBIZ LLC	1599	ARROW PACKAGE	01/21/2025	704.00	704.00	02/11/2025
10007	TREEBIZ LLC	1599	ARROW PACKAGE	01/21/2025	704.00	704.00	02/11/2025



Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
10007	TREEBIZ LLC	1599	ARROW PACKAGE	01/21/2025	704.00	704.00	02/11/2025
10007	TREEBIZ LLC	1599	ARROW PACKAGE	01/21/2025	704.00	704.00	02/11/2025
10007	TREEBIZ LLC	1599	ARROW PACKAGE	01/21/2025	704.00	704.00	02/11/2025
Total TREEBIZ LLC:					3,520.00	3,520.00	
<b>TW ENTERPRISES, INC.</b>							
1568	TW ENTERPRISES, INC.	CD99000908	2 MILL BOOSTER STATION BAC	01/31/2025	46,212.58	46,212.58	02/11/2025
Total TW ENTERPRISES, INC.:					46,212.58	46,212.58	
<b>UPS STORE #2420, THE</b>							
292	UPS STORE #2420, THE	2/5/2025	ShipPING	02/05/2025	6.85	6.85	02/11/2025
292	UPS STORE #2420, THE	2025.1.27	Shipment	01/27/2025	1.15	1.15	02/11/2025
Total UPS STORE #2420, THE:					8.00	8.00	
<b>US BANK</b>							
10005	US BANK	7619236	0068485NS	01/24/2025	400.00	400.00	02/11/2025
Total US BANK:					400.00	400.00	
<b>UTILITIES UNDERGROUND LOCATION</b>							
3472	UTILITIES UNDERGROUND LO	4085097	Excavation Notifica	08/31/2024	52.74	52.74	02/11/2025
3472	UTILITIES UNDERGROUND LO	4085097	Excavation Notifica	08/31/2024	52.75	52.75	02/11/2025
3472	UTILITIES UNDERGROUND LO	4085097	Excavation Notifica	08/31/2024	52.75	52.75	02/11/2025
3472	UTILITIES UNDERGROUND LO	5015098	Excavation Notifica	01/31/2025	8.75	8.75	02/11/2025
3472	UTILITIES UNDERGROUND LO	5015098	Excavation Notifica	01/31/2025	8.75	8.75	02/11/2025
3472	UTILITIES UNDERGROUND LO	5015098	Excavation Notifica	01/31/2025	8.75	8.75	02/11/2025
Total UTILITIES UNDERGROUND LOCATION:					184.49	184.49	
<b>YELLOWSTONE NEWS GROUP</b>							
10005	YELLOWSTONE NEWS GROUP	586067	WATER EXTENSION	01/16/2025	96.00	96.00	02/11/2025
10005	YELLOWSTONE NEWS GROUP	599481	PUBLIC NOTICE	02/04/2025	26.00	26.00	02/11/2025
Total YELLOWSTONE NEWS GROUP:					122.00	122.00	
Grand Totals:					729,382.88	729,382.88	

---

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
--------	-------------	----------------	-------------	--------------	-----------------------	-------------	-----------

---

Dated: \_\_\_\_\_

Mayor: \_\_\_\_\_

City Council: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

City Recorder: \_\_\_\_\_

**File Attachments for Item:**

**C. PLEDGED SECURITIES**

**DEPOSITORY BONDS AND SECURITIES**  
**December 31, 2024**

	<u>MATURITY</u>	<u>CUSIP NO.</u>	<u>TOTAL AMOUNT PLEGDED</u>
<b>FIRST INTERSTATE BANK</b>			
All Accounts			
Federal Deposit Insurance Corporation			\$ 250,000.00
FEPC	1/1/2035	3132D54K5	1,131,003.80
FMNT	4/27/2029	3134GWEL6	7,000,000.00
FMNT	7/29/2030	3134GWGJ9	6,000,000.00
FNNT	12/24/2029	3135GAAR2	10,000.00
FERM	9/25/2049	3137FPZX6	565,601.98
FERM	12/25/2048	3137H1MS2	843,117.01
FGRM	3/15/2045	3137H52U0	285,275.30
MNAR	7/1/2029	3140LGSA1	595,000.00
FFNT	11/18/2030	31422B2Z2	175,000.00
<b>TOTAL - First Interstate Bank</b>			<u><u>\$ 16,854,998.09</u></u>

**OPPORTUNITY BANK**

All Accounts			
Federal Deposit Insurance Corporation			\$ 250,000.00
Lake Elmo MN GO Bonds	1/15/2026	509624MC3	99,771.00
Marion OH LTD Tax GO	12/1/1931	569832MU9	390,000.00
<b>TOTAL - Opportunity Bank</b>			<u><u>\$ 739,771.00</u></u>

**PLEDGED SECURITIES AND CASH IN BANK**  
**As of**  
**December 31, 2024**

**First Interstate Bank**

---

	<u>Total</u>
Cash & CD's on Deposit	\$ 13,957,453.72
FDIC Coverage	250,000.00
Amount Remaining	<u>13,707,453.72</u>
Pledges required @ 50%	6,853,726.86
Actual Amount of Pledges	16,604,998.09
Over (Under) Pledged	<u><u>\$ 9,751,271.23</u></u>

**PLEGGED SECURITIES AND CASH IN BANK**  
**As of**  
**December 31, 2024**

**Opportunity Bank of Montana**

---

	<u>Total</u>
Cash & CD's on Deposit	\$ 533,248.87
FDIC Coverage	250,000.00
Amount Remaining	<u>283,248.87</u>
Pledges required @ 50%	141,624.44
Actual Amount of Pledges	489,771.00
Over (Under) Pledged	<u><u>\$ 348,146.57</u></u>

**File Attachments for Item:**

**D. HPC BOARD APPOINTMENT/RENEWAL**



LivingstonMontana.org | PublicComment@LivingstonMontana.org | 406.823.6000

**DATE:** February 18, 2025  
**TO:** Chair Schwarz and City Commissioners  
**FROM:** Jennifer Severson, Planning Director  
**RE:** Staff Report **for Reappointment of Historic Preservation Commission Members**

**Recommendation and Summary**

Staff recommends the Commission reappoint two members to the Historic Preservation Commission by adopting the following motion:

"I move to reappoint Jack Luther and Lindie Gibson to the Historic Preservation Commission for three-year terms ending on December 31, 2027."

The reasons for the recommendation are as follows:

- Chapter 31 of the Livingston Municipal Code establishes the Historic Preservation Commission.
- The board shall consist of five (5) citizen members appointed to three (3) year overlapping terms.
- The terms of board members Jack Luther and Lindie Gibson expired on December 31, 2024; both have expressed interest in continuing to serve on the Historic Preservation Commission.

**Introduction and History**

Ordinance 1692 established a Historic Preservation Commission (HPC) to promote the preservation of historically significant buildings, within the Downtown Historic Overlay District, that reflect the cultural and architectural past of the City of Livingston.





The HPC shall consist of five (5) residents of the City or owners of property within the downtown historic district and, inasmuch as possible, shall consist of the following mix:

1. Two (2) members with professional expertise in the disciplines of history, planning, archaeology, architecture, architectural history, historic archaeology, or other historic preservation-related disciplines such as cultural geography or cultural anthropology.
2. One (1) locally licensed contractor.
3. One (1) resident knowledgeable about the historical aspects of Livingston.
4. One (1) owner or lessee of property within the historical district.

**Analysis**

Mr. Luther and Ms. Gibson are both knowledgeable about the City’s rich history and both are actively engaged members of the HPC. Their understanding of Livingston’s past, and their passion for its preservation, provide valuable insights during discussion and consideration of design reviews within the district.

**Fiscal Impact**

There is no fiscal impact to the City resulting from the reappointments of Mr. Luther and Ms. Gibson to this volunteer board.

**Strategic Alignment**

Filling vacancies on City advisory boards and committees will enable to the City to fulfill its strategic objectives.

**Attachments**

None

**File Attachments for Item:**

**E. APPROVAL OF AGREEMENT 20156**



**DATE:** February 18, 2025  
**TO:** Chair Schwarz and City Commissioners  
**FROM:** Grant Gager, City Manager  
**RE:** Agreement 20156

---

**Recommendation and Summary**

Staff is presenting the Commission with Agreement 20048 based on direction previously received. If desired, the Commission may approve by adopting the following motion:

**"I move to approve Agreement 20156 and authorize the Chair to sign."**

The reasons for the recommendation are as follows:

- The City Commission has provided direction on amending an existing agreement.

**Introduction and History**

The City Commission has previously approved a contract that it desires to modify.

**Analysis**

The proposed contract contains the amendments sought by the Commission.

**Fiscal Impact**

There is minimal fiscal impact from the requested changes.

**Strategic Alignment**

The contract is consistent with City goals.

**Attachments**

- Attachment A: Proposed Agreement 20156

**Employment Agreement 20156 - City Manager**

City of Livingston, Montana And

Grant Gager

**INTRODUCTION**

This Agreement, made and entered into this ~~5th~~ 18th day of ~~December~~ February, ~~2023~~ 2025, by and between the City of Livingston, Montana (City), a municipal corporation, and Mr. Grant Gager (Manager), an individual who has the education, training and experience in leadership, public administration and local government management, agree as follows:

**WITNESSETH:**

**WHEREAS**, the Commission previously contracted for the services of Manager, as City Manager of the City of Livingston; and

**WHEREAS**, the Commission desires to retain the services of Manager, as City Manager of the City of Livingston, as provided in Chapter 2 of the Livingston Municipal Code (the "LMC"); and

**WHEREAS**, it is the desire of the Commission to provide certain benefits, establish certain conditions of employment, and to set working conditions of the Manager; and

**WHEREAS**, it is the desire of the Commission (1) to secure the services of Manager and to provide inducement for him to remain in such employment, (2) to make possible full work productivity by assuring Manager's morale and peace of mind with respect to future security, and (3) to provide a just means for terminating the Manager's services at such time as he may

be unable to fully discharge his duties, within the discretion of the Commission, due to disability, or when the Commission may otherwise desire to terminate his employment; and,

**WHEREAS**, Manager desires employment as City Manager of the City;

**NOW, THEREFORE**, in consideration of the promises and of the mutual covenants and agreements herein set forth, and for other good and valuable consideration, receipt of which is hereby acknowledged, the parties hereto agree as follows:

**Section A. Term**

The term of this Agreement is for an ~~initial term of three (3) years beginning November 2, 2023 through December 1, 2026~~ indefinite period beginning February 18, 2025. ~~Dates may be amended by mutual agreement of the parties based on transition time and relocation status. In the event the Agreement is not renewed, all compensation, benefits, and requirements of the agreement shall remain in effect until the expiration of the term of the Agreement unless Manager voluntarily resigns.~~ The Agreement may be terminated as provided in Section P.

**Section B. Duties and Authority**

Commission agrees Manager is to perform the functions and duties specified in any relevant existing or future enactments of the LMC, Resolution, or State Statue governing the City of Livingston and to perform other legally permissible and proper duties and functions.

**Section C. Salary**

At the commencement of the contract term a base annual wage of \$~~160~~180,000, payable in accordance with normal City policy and pay practices shall be paid to the Manager. Salary Base annual wage considerations will be made at each renewal of the Agreement based on merit and/or market adjustment or at the discretion of the Commission shall increase to \$195,000 on November 1, 2025. Manager will accrue longevity according the standards set out in the City of Livingston Employee Policy and Procedure Manual.

**Section D. Performance Evaluation**

The Commission will conduct a facilitated performance evaluation at the six (6) month anniversary of Manager’s start date which will be completed and finalized within 30 days of the six-month anniversary. Facilitated evaluations will occur at the anniversary of the Manager's employment anniversary date (November 1). The process, at a minimum, shall include the opportunity for both parties to:

- a. prepare a written evaluation
- b. meet and discuss the evaluation and agree to the process
- c. present a written summary of the evaluation results
- d. review compensation

The final written evaluation should be completed and delivered to the Manager within thirty (30) days of the annual anniversary date.

**Section E. City Vehicle**

Manager shall be provided a monthly vehicle allowance of \$400 per month for use of personal vehicle for City related business. Mileage beyond 50 miles per trip will be reimbursed at the current Internal Revenue Service mileage allowance for when travel occurred.

**Section F. Health Benefits**

Commission agrees that the Manager will be provided the standard stipend received by all City employees for the purchase of health insurance benefits provided by the City.

**Section G. Sick Leave Accrual**

Commission agrees the Manager will accrue sick days at a rate of one (1) sick day per month. Upon first day of active employment, Manager shall be credited with 40 hours of sick time and shall accrue sick time based on the normal accrual from that date forward. Upon the end of employment, the Manager will receive the value of one quarter (¼) the value of accrued and unused sick time.

**Section H. Vacation**

Commission agrees the Manager will accrue vacation at a rate of 120 hours (15 days per year) and shall follow the accrual rates of all other staff as tenure increases. Manager may carry up to two times the total allowance in the next year. Vacation in excess of this limit must be used in the first ninety (90) days of the calendar year. Any remaining excess vacation at the

end of this time period will be forfeit. For the purpose of calculation and using vacation, one (1) vacation day equals eight (8) work hours. At the end of employment, the Manager will be compensated for any accrued unused vacation at his current rate of salary.

**Section I. Administrative / Personal Leave**

The Commission agrees that the Manager will receive ~~seven-twelve (712)~~ days of administrative leave each fiscal year. Administrative leave does not accrue, cannot be carried into the next fiscal year, and is not eligible to be paid out upon the end of employment. Administrative leave must be used on a fiscal year basis beginning on July 1 and ending on June 30. For the initial term of the contract beginning November 2, 2022, Manager shall be eligible for the full 7 days to allow time for relocation.

**Section J. Deferred Compensation**

The Commission agrees the City will contribute standard employee retirement contribution of 10% match of the Manager’s base salary to the ICMA-RC Deferred Compensation program or other deferred compensation program at the Manager’s discretion. Additionally, the Manager shall be entitled to participate in the Montana PERS compensation program.

**Section K. Life Insurance**

The Commission agrees the City will purchase and pay the required premiums on two (2) term life insurance policies, one equal to an amount of \$100,000, for the Manager and one



for the City equal to an amount of \$50,000, with the following entities as primary respective beneficiaries:

- a. Manager’s designated beneficiary and
- b. The City of Livingston

The City Manager will have 30 days from start date to complete the requirements to secure the insurance contract and coverage.

**Section L. Other Employee Benefits**

The Commission agrees that any benefit not specifically mentioned in this Agreement will fall under the guidance of the City of Livingston Employee Policy and Procedure Manual. All clauses in this Agreement supersede the City of Livingston Employee Policy and Procedure Manual.

**Section M. Business and Professional Expenses**

The Commission agrees to pay for professional dues, subscriptions, and training for the Manager’s business needs or professional development. City will pay for professional conferences at the local, state, and national level as well as necessary travel and expenses in accordance with City policies. The Commission agrees to specifically pay for membership and dues to Great Open Spaces City/County Management Association and the International City/County Management Association.

The Commission agrees to provide the Manager with all technology requirements to

efficiently complete his tasks including, but not limited to:

- a. desktop computer
- b. laptop computer
- c. cellular phone (Manager to provide preference for Android or iPhone platform).

**Section N. Hours of Work**

The Commission agrees that the Manager is required to devote significant time outside normal office hours on City business, and to that end, Manager shall be allowed to establish a flexible work schedule with the intent to normally be available during business hours.

**Section O. Outside Work Activities**

This Agreement shall represent the Manager’s primary employment. However, the Commission agrees that the Manager may accept limited consulting or promotional opportunities for compensation. Any such arrangement will be on the Manager’s personal time (including vacation) and will not constitute interference with or a conflict of interest with his responsibilities under this Agreement.

**Section P. Termination**

For the purpose of this Agreement, termination shall occur when:

- a. The majority of the governing body votes to terminate the Manager at a duly

authorized public meeting

- b. The Commission, citizens, or legislature acts to amend any provision of LMC or enabling legislation pertaining to the role, powers, duties, authority, or responsibilities of the Manager's position that substantially changes the form of government or Manager's working conditions, the Manager shall have the right to declare that such amendments constitute termination.
- c. If the Commission reduces the base salary, compensation, or any other financial benefit of the Manager, such action shall constitute a breach of this Agreement and will be regarded as a termination.
- d. If the Manager resigns following an offer or suggestion by the Commission to resign, whether formal or informal, the Manager may declare a termination as of the date of the offer/suggestion.
- e. Breach of contract declared by either party with a 30-day cure period. Written notice of a breach of contract shall be provided to the other party to be served at 220 East Park Street Livingston, MT 59047.

**Section Q. Severance Pay**

Severance shall be paid to the Manager when employment is terminated as defined in Section P. Severance shall be equal to twelve (12) months of regular pay and continuation of benefits at the City's expense. The Manager will cease to have access to any City-provided vehicles, assets or technology and will no longer accrue

vacation or sick time. Accrued vacation and sick time will be paid out in accordance with Section G and Section H of this Agreement.

The Manager is not entitled to severance pay of any kind under the following conditions:

- a. If the Manager is terminated due to being convicted of a felony;
- b. death;
- c. disability for more than six (6) months;
- d. malfeasance in office;
- e. abuse of public office for personal gain.
- f. the contract ends or is not renewed.

**Section R. Resignation**

If the Manager chooses to voluntarily resign his position, the Manager shall provide thirty (30) day notice to the Commission unless the parties agree otherwise.

**Section S. Relocation Expenses and Residency Requirement**

Manager is required to reside within the city limits of the City of Livingston during employment under this Agreement and within 12 months of his start date. Dates may be amended by mutual agreement of the parties based on transition time and relocation status. The Commission agrees to provide \$15,000 towards relocation expenses on a reimbursable basis. Should the Manager resign or be terminated for

cause during the initial 3 year term of the contact (ending December 1, 2025) the Manager agrees to reimburse a pro-rated amount of the relocation expenses based on tenure.

**Section T. Indemnification**

Beyond that required under Federal, State, or Local Law, Commission agrees that the City will defend, save harmless, and indemnify Manager against any tort, professional liability claim, or demand or other legal action, whether groundless or otherwise, arising out of an alleged act or omission occurring in the performance of Manager’s duties or resulting from the exercise of judgement or discretion in connection with the performance of program duties or responsibilities, unless the act or omission involved willful or wanton conduct. The manager may request and the Commission shall not unreasonably refuse to provide independent legal representation at the City’s expense and Commission may not unreasonably withhold approval. Legal representation, provided for the City for Manager, shall extend until a final determination of the legal action including any appeals brought by either party. The Commission, other than in an action brought by the City against the Manager, or an action filed against the City by the Manager, shall indemnify Manager against any and all losses, damages, judgments, interest, settlements, fines, court costs and other reasonable costs and expenses of legal proceedings including attorney fees, and any other liabilities incurred by, imposed upon, or suffered by such Manager in connection

with or resulting from any claim, action, suit, or proceedings, actual or threatened, arising out of or in connection with the performance of his duties. Any settlement of any claim must be made with prior approval of the Commission in order for indemnification, as provided in the Section, to be available.

Manager recognizes that Commission shall have the right to compromise, and unless the Manager is a party to the suit over which Commission shall have a veto authority over the settlement, settle any claim or suit; unless, said compromise or settlement is of a personal nature to Manager. The Commission and the Manager understand that neither may have the ability to veto a settlement by the City's insurer. Further, Commission agrees to pay all reasonable litigation expenses of Manager throughout the pendency of any litigation to which the Manager is a party, witness, or advisor to the Commission. Such expense payments shall continue beyond Manager's service to the Commission as long as litigation is pending. Further, Commission agrees to pay Manager reasonable consulting fees and travel expenses when Manager serves as a witness, advisor or consultant to Commission regarding pending litigation.

**Section U. Integration**

This Agreement sets forth and establishes the entire understanding between the Commission and the Manager relating to the employment of the Manager by the Commission. Any prior discussions or representations by or between the parties are merged into and rendered null and void by this Agreement. The parties by mutual

written agreement may amend any provision of this Agreement during the life of the Agreement. Such amendments shall be incorporated and made a part of this agreement.

**Section V. Binding Effect**

This Agreement shall be binding on the Commission and the Manager as well as their heirs, assigns, executors, personal representatives, and successors in interest.

**Section W. Severability**

The invalidity or partial invalidity of any portion of this Agreement will not affect the validity of any other provision. In the event that any provision of this Agreement is held to be invalid, the remaining provisions shall be deemed to be in full force and effect as if they have been executed by both parties subsequent to the expungement or judicial modification of the invalid provision.

**Section X. Applicable Law**

This Agreement shall be governed in all respects by the laws of the State of Montana. It is agreed that this Agreement has been executed in Livingston, Montana. It is further agreed that jurisdiction for any dispute arising from this Agreement shall be in Park County, Montana, and Venue is the Sixth Judicial District Court, in Park County, Montana.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed  
as of the date first above written.

\_\_\_\_\_  
Quentin Schwarz, Chair  
City Commission

\_\_\_\_\_  
Grant Gager



**File Attachments for Item:**

**A. PRESENTATION OF ENERGY ACTION PLAN**



**DATE:** February 18, 2025  
**TO:** Chair Schwarz and City Commissioners  
**FROM:** Grant Gager, City Manager  
**RE:** Staff Report for Energy Action Plan

**Recommendation and Summary**

Staff is presenting the Energy Action Plan to the Commission for its review and acceptance. The Commission may direct the City Manager to pursue the recommendations of the study with the following motion:

**"I move to receive and file the energy action plan and direct the City Manager to pursue its implementation."**

The reasons for the recommendation are as follows:

- The City Commission awarded funding for the plan in the FY 2023-24 budget.
- City Staff has worked with SERA Architects and the community to develop the report.

**Introduction and History**

The Livingston City Commission appropriated \$25,000 for the energy action plan in the FY 2023-24 budget. City staff released a competitive request for proposals in May 2024 and received three responses. The City awarded a contract to SERA Architects in June 2024. A Community workshop was held in October 2024 to develop community goals related to energy consumption and staff has worked with SERA since then to develop actions to achieve the goals.

**Analysis**

The energy action plan includes actionable steps that City staff can take to achieve energy consumption goals identified in the workshop and plan. These goals will enable the City to lead by example and provide a template for other organizations to achieve greater community energy use reductions.

**Fiscal Impact**



There is no fiscal impact to this presentation.

### **Strategic Alignment**

The following Growth Policy Strategies are supported by this plan:

- 4.1.4.1. "Encourage energy conservation and renewable energy production at the State and local levels, as well as at the household level."
- 4.1.4.2. "Ensure all City buildings utilize energy efficient systems, especially as energy drawing systems are upgraded or replaced."
- 4.1.3.4. "Develop a climate or energy plan in partnership with Park County."
- 4.1.4.4 "Explore the utilization of renewable energy sources within all public buildings in the City."

### **Attachments**

- Attachment A: Energy Action Plan

# Livingston, Montana Energy Action Plan

Phase 1

December 05, 2024

Revised February 13, 2025



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# Acknowledgments

The following individuals participated in the preparation and documentation of this report. Their collective input and expertise have been instrumental in creating and guiding future design efforts towards realization of the project’s vision and goals.

## **City of Livingston**

Grant Gager, City Manager

Torrey Lyons, City Commissioner

Quentin Schwarz, City Commissioner

James Willich, City Commissioner

Greg Anthony, City Policy Analyst

## **Prepared for the City of Livingston by**

### **SERA Architects**

Suzanne Blair, Principal-in-Charge

Misti Nelmes, Project Manager

Nicole Holt, Project Architect

### **Burch Energy**

Teshome Jiru, Chief Technical Officer



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## Executive Summary

1.0 As cities across the United States grapple with the escalating impacts of climate change, the built environment—particularly municipal buildings and transportation infrastructure—stands at the forefront of both challenge and opportunity. Buildings and transportation account for approximately 60% of total U.S. greenhouse gas emissions, with buildings alone responsible for 35%<sup>1</sup> of energy-related carbon dioxide emissions nationwide. For municipalities in Montana, where the state has warmed by approximately 3.9°F in winter and spring months since 1950<sup>2</sup>, strategic action to reduce emissions from city-owned assets represents a critical pathway for climate leadership and resilience.

The City of Livingston is taking decisive action to address climate change through comprehensive energy management and emissions reduction strategies. Building on its established leadership in Strategic Energy Management (SEM) practices and greenhouse gas emissions tracking, the City has developed this Energy Action Plan (EAP) to chart a clear path toward a sustainable, low-carbon future.

At the heart of this plan lies an ambitious yet achievable vision:

**Reduce municipal emissions by 30% by 2030**

**Achieve carbon neutral city operations by 2050**

**Increase urban tree canopy and carbon sequestration through wetland restoration**

This initial phase strategically focuses on municipal operations as a foundation for broader community action, demonstrating the City's commitment to leading by example.

The development of this plan has been informed by stakeholder engagement, including a Community Workshop, analysis of the City's GHG Inventory, and careful consideration of the

existing Growth Policy and existing building and utility data. Through this process, the City has identified eight critical focus areas within municipal operations: Buildings and Facilities, Water Systems, Wastewater Treatment, Vehicle Fleet, Streetlights, Solid Waste Management, Employee Commute, and Urban Forestry. Each of these areas presents unique opportunities for emissions reduction and operational efficiency improvements.

The City has already made significant progress in laying the groundwork for this initiative. This EAP aims to further this impact by providing a roadmap to help the City make tangible and impactful strides towards this vision by developing a prioritized list of municipal facility improvements that will drive immediate impact.

Looking ahead, future phases of the EAP will implement enhanced operational policies and construction standards, establish more robust benchmarking and reporting systems, and continue to deepen our community engagement and partnerships. Each focus area includes timeline-based targets, specific strategies, and clear accountability measures to ensure successful implementation. The City also hopes the strategies implemented as part of this EAP will inform future efforts to address private and residential development.

This plan serves as a living document, providing a detailed roadmap for achieving sustainability goals while improving operational efficiency and reducing costs. The following sections outline a comprehensive implementation framework, including specific actions, responsibilities, and timelines for each initiative. At regular intervals, the City will review progress and update the plan to incorporate new technologies, and respond to emerging opportunities, demonstrating that small cities can indeed lead the way in climate action.

<sup>1</sup> <https://www.epa.gov/ghgemissions/sources-greenhouse-gas-emissions>

<sup>2</sup> <https://live-mca-site.pantheonsite.io/sites/default/files/thumbnails/image/2017-Montana-Climate-Assessment-Ir.pdf>





## Introduction

2.0



### 2.1 A Changing Climate

The Intergovernmental Panel on Climate Change's 2023 Synthesis Report confirms that human activities, primarily through greenhouse gas emissions, have definitively caused global warming of approximately 1.1°C above pre-industrial levels.<sup>3</sup> This warming is occurring at a rate unprecedented in at least the last 2,000 years and is predicted to continue to increase until at least mid-century under all emissions scenarios.

The dominant causes of the observed warming are primarily fossil fuel combustion and industrial processes (64%), land use changes, deforestation and agriculture (22%), and waste management and other sources (14%). These findings emphasize the urgent need for rapid, deep, and sustained emissions reductions across all sectors to avoid the most severe impacts of climate change. Each additional

increment of global warming will intensify climate hazards and their associated risks.

In Montana specifically, these impacts are expected to manifest through increased high-temperature days and frost-free days, increased precipitation in winter, spring, and fall with reduced precipitation in the summer, and more extreme weather events in general.

The Montana Climate Assessment 2021 Report indicates that Montana could expect to see days above 90°F increase by 5-35 days by midcentury (2040-2069).<sup>4</sup> This could mean snowpack melting earlier in the spring, more frequent droughts and higher forest fire risk as well as enabling outbreaks of forest insects. All of these impacts can affect the local economy and community well-being through reduced winter tourism and recreation, worsening air quality due to wildfire smoke and heat-related health problems that tend to disproportionately affect our most vulnerable populations.

3 <https://www.ipcc.ch/report/ar6/syr/summary-for-policymakers>

4 [https://live-mca-site.pantheonsite.io/sites/default/files/thumbnails/image/2021\\_C2H2inMT\\_final.pdf](https://live-mca-site.pantheonsite.io/sites/default/files/thumbnails/image/2021_C2H2inMT_final.pdf)



Livingston recognizes they have a unique role to play in reducing emissions within their control to prevent the worst impacts of climate change and increase community resilience.

## 2.2 What is an EAP?

An Energy Action Plan (EAP) is a strategic document that defines greenhouse gas (GHG) emissions reduction measures and policies. It uses the GHG emissions inventory as a foundational tool to establish reduction goals aligned with local priorities and provide a framework for implementation. The Greenhouse Gas Protocol provides a standardized methodology for categorizing emissions into three distinct scopes to help organizations systematically analyze and manage their environmental impact.

Scope 1 emissions are direct emissions from sources directly owned or controlled by the organization. These include fuel combustion in municipal vehicles, on-site energy generation, and process-related emissions. Scope 2

emissions are indirect emissions resulting from purchased electricity, heat, or steam consumed by the organization. Scope 3 emissions represent the most comprehensive category, encompassing all other indirect emissions within an organization's value chain, such as employee commuting, waste disposal, and purchased goods and services<sup>5</sup>.

An EAP can exist as a standalone document or be integrated into existing plans like comprehensive or sustainability strategies. The Livingston EAP will function as a resource for implementing near-term GHG reduction initiatives. The plan is designed for implementation across multiple phases, with this Phase 1 report concentrating on the outcomes outlined in Figure 1. Subsequent phases will incrementally update the EAP with additional information resulting from future tasks.

The recommended initiatives are organized according to eight sectors identified in the 2020 Baseline Emissions Report for the City of Livingston and Park County. These sectors include water, wastewater, vehicle fleet, buildings

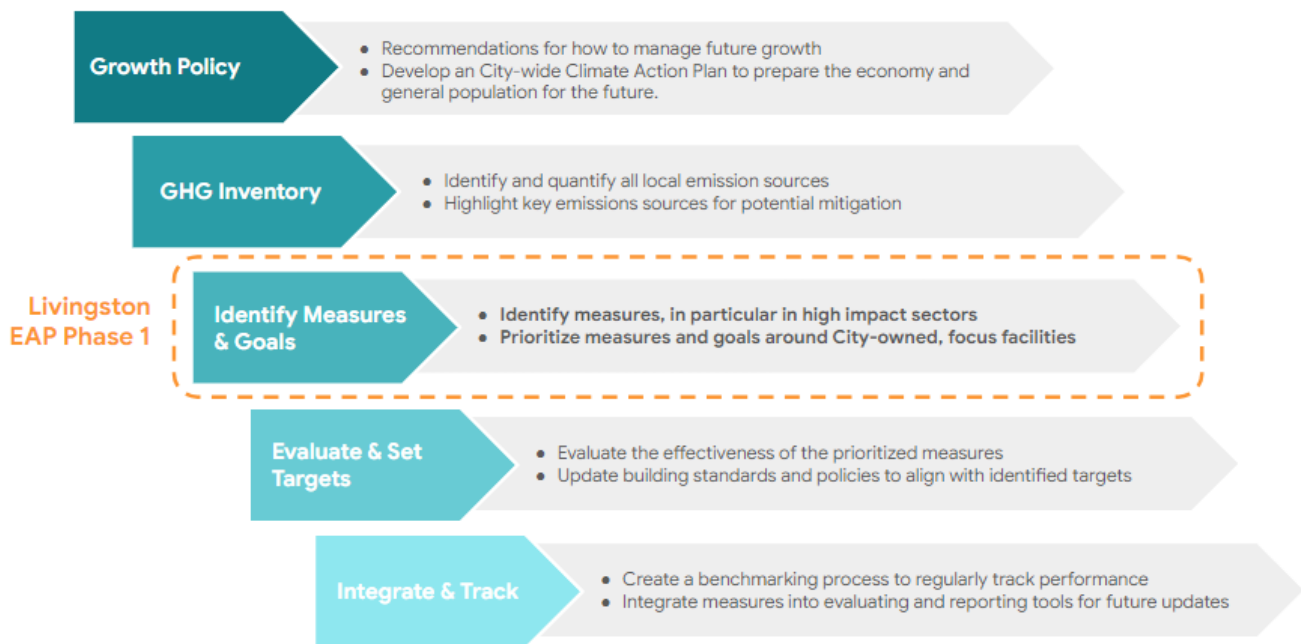


Figure 1 – Livingston EAP Current and Future Phases

5 [https://ghgprotocol.org/sites/default/files/standards/GPC\\_Full\\_MASTER\\_RW\\_v7.pdf](https://ghgprotocol.org/sites/default/files/standards/GPC_Full_MASTER_RW_v7.pdf)



and facilities, streetlights, solid waste, employee commute, and urban forestry. This sector-based approach facilitates a detailed emissions analysis across Scope 1, 2, and 3 categories.

Phase 1 focus facilities include City Hall, City-County Complex (Fire & Police Departments), Public Works Campus, six municipal drinking water wells, Civic Center, Cemetery and Parks, and City Fleet. By targeting these specific facilities and sources, the EAP can develop precise strategies to reduce emissions across all three scopes, addressing both direct and indirect environmental impacts.

The multi-scope methodology provides a comprehensive assessment of the city's carbon footprint, supporting more nuanced and effective emissions reduction strategies that transcend traditional organizational boundaries.

### 2.3 Livingston Baseline & Vision

Livingston has a long history of supporting initiatives that help the community thrive. The following documents have helped inform this EAP and have shaped where Livingston is headed as they continue to pursue actions that benefit the community, economy, and natural environment today and for future generations.

#### 2021 Livingston Growth Policy

The City of Livingston Growth Policy<sup>6</sup> is intended to guide the future social, physical, environmental, and economic growth and development of the city. Livingston has been updating their growth policy regularly since 2004. The most recent update in 2021 identified a comprehensive set of goals, objectives, and strategies for growth around land use, natural resources, transportation, economic development, and housing needs. Under Natural Resources, the growth policy identified the following goals related to this EAP effort:

**Goal 4.1:** Develop an integrated, comprehensive City-wide Climate Action Plan to prepare the economy and general population for the future. Refer to the Montana Climate Solutions Plan.

Objective 4.1.3	Reduce dependency on fossil-fuel based resources to minimize severe impacts to the climate.
Objective 4.1.4	Implement technologies and programming to improve energy efficiency, increase the use of renewable sources, and improve system reliability.
Objective 4.1.5	Build community resiliency to a changing climate.

#### 2020 Livingston GHG Inventory

The City of Livingston and Park County completed a comprehensive Greenhouse Gas (GHG) Inventory between 2018 and 2020<sup>7</sup>. This critical document establishes a baseline for understanding the municipality's carbon emissions, enabling Livingston to track future environmental progress and make informed sustainability decisions. The inventory provides a detailed estimate of greenhouse gases produced by municipal operations, offering city leadership a strategic tool to identify opportunities for energy efficiency and cost-saving measures.

The GHG Inventory was strategically scoped to focus on emissions produced from sources directly under government control. Livingston's analysis included Scope 1, 2, and 3 emissions while intentionally excluding private residential, commercial, and industrial building emissions. Additionally, the City omitted agricultural and land management emissions related to fertilizer

<sup>6</sup> [https://www.livingstonmontana.org/sites/default/files/fileattachments/building\\_amp\\_planning/page/2226/livingstongrowthpolicy\\_final\\_2021\\_06.pdf](https://www.livingstonmontana.org/sites/default/files/fileattachments/building_amp_planning/page/2226/livingstongrowthpolicy_final_2021_06.pdf)

<sup>7</sup> Van Pernis, A., & Folkerts, L. (2020). *Baseline Emissions Report: City of Livingston and Park County*



## Gross Emissions by Department

- Solid Waste (15%)
- Wastewater (40%)
- Streetlights (5%)
- Buildings/Facilities (12%)
- Water (20%)
- Vehicle Fleet (8%)
- Employee Commute (1%)

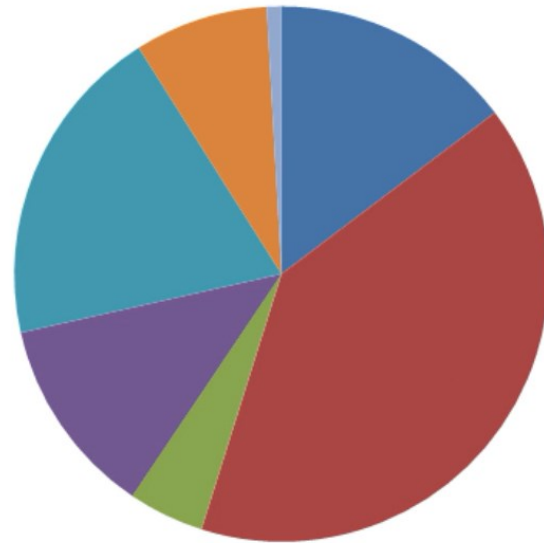


Figure 2 – Livingston Emissions by Department from the 2020 GHG Inventory

application due to limited data availability, ensuring a precise and manageable assessment of municipal carbon output.

Through this inventory, Livingston identified eight major sectors of City-County energy use. The analysis highlighted four sectors with the highest emissions: Wastewater, Water, Solid Waste, and Buildings/Facilities, as visualized in Figure 2. The City's Energy Action Plan (EAP) has directly utilized these sector insights to organize and develop targeted strategies and actionable sustainability initiatives.

### Other State Climate Initiatives

In 2019, Governor Bullock issued Executive Order 8-2019 creating the Montana Climate Solutions Council, tasked with developing a plan of recommendations and strategies to prepare Montanans for climate impacts, reduce greenhouse gas emissions (GHG) to achieve net

GHG neutrality by mid-century, and advance new technologies and other innovations to meet these goals. The Montana Climate Solutions Plan<sup>8</sup> was released in September 2020 and listed recommendations related to preparing Montanans for climate impacts, strategies to reduce greenhouse gas emissions, and accelerating decarbonization and innovation. Regional studies referenced in this report identified key emission reduction opportunities for Montana based on its unique geographical strengths.

- Capitalizing on high-quality wind resources to build a valuable energy export market
- Decarbonizing fuels through biomass and hydrogen
- Sequestration potential through the capture of CO<sub>2</sub> and storage in saline aquifers

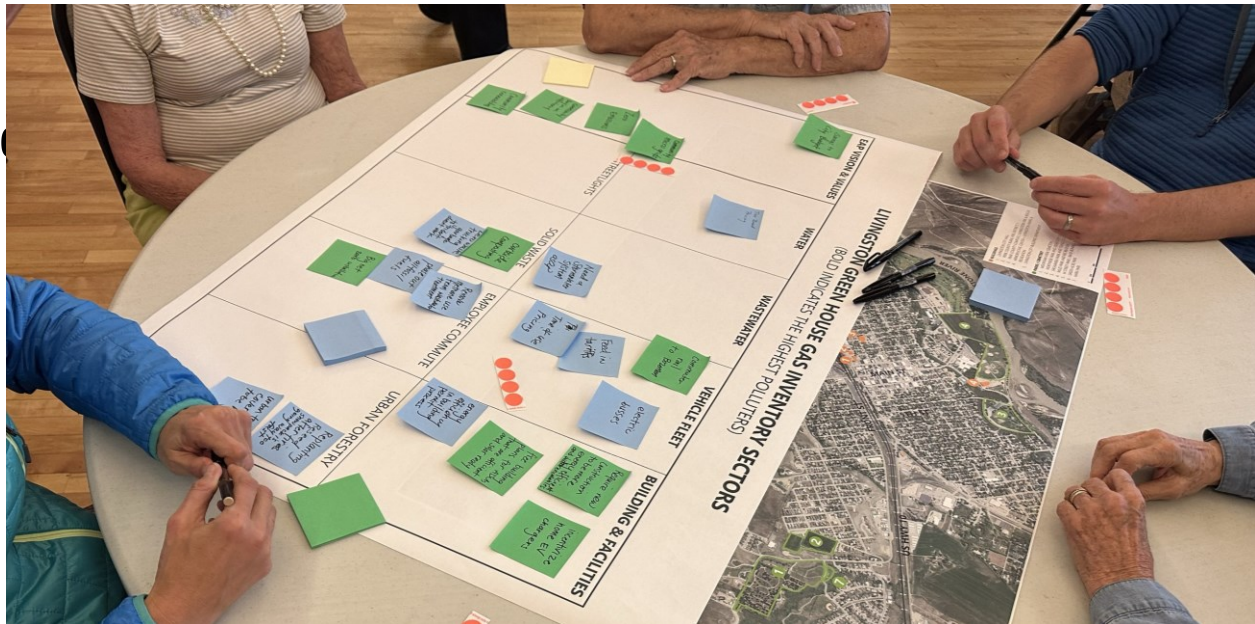
8 [https://deq.mt.gov/files/deqadmin/climate/2020-09-09\\_montanaclimatesolutions\\_final.pdf](https://deq.mt.gov/files/deqadmin/climate/2020-09-09_montanaclimatesolutions_final.pdf)





# Goals and Emission Reduction Targets

3.0



## 3.1 Community Engagement

### Workshop Goals and Format

The City of Livingston values transparency and collaboration. As part of the Phase 1 EAP, a community workshop was organized to gain valuable community input to better understand the values and priorities Livingston residents care about most. Information shared at the workshop helped to inform the list of priority areas and recommended initiatives.

The format for the workshop was as follows:

- Emissions Reduction Overview
- Small Group Discussions
- Next Steps and Action Planning
- Group Sharing and Goal Prioritization

During the workshop participants were asked to share their thoughts on the questions shown in Figure 3 via text and QR Code where real time results were shared via a Word Cloud generator and discussed as a group.



What is something you love about Livingston and want to see continue in the future?

What is something currently absent in Livingston you want to see added in the future?

Figure 3 – Results from Workshop Interactive Questions



Participants were then asked to split into even groups and discuss and record the following:

1. Energy Action Plan Vision & Values
  - What do you want this Energy Action Plan to achieve?
  - What are the specific values or priorities you want the Energy Action Plan to center?
2. Consider the 8 Sectors documented in the Livingston GHG Inventory
  - What are potential GHG conservation goals for each sector?
  - Are there any barriers to implementation? (label with the word "Barrier")
  - Identify the top goal priorities for your group. (label with a "star")

After a full group discussion on each group's discussion, participants were asked to use voting dots to indicate their top three conservation goals or values. Figure 4 captures the results from these breakout discussions. A list of the input provided in these Figures along with Meeting Notes captured during the workshop are included in the Appendix.

### What did we hear?

Community members were engaged throughout the workshop and provided insightful recommendations for priorities and identified potential challenges. Key points of feedback included:

- Community buy-in will be important for achieving emission reduction goals.
- Focus on making improvements to one building to start to quickly show results and build momentum within the community.
- Would like to see focus beyond the city-owned infrastructure to identify undocumented emissions scope and integrate ideas with the largest impact.
- Education is needed everywhere.
- Doing something is better than nothing.

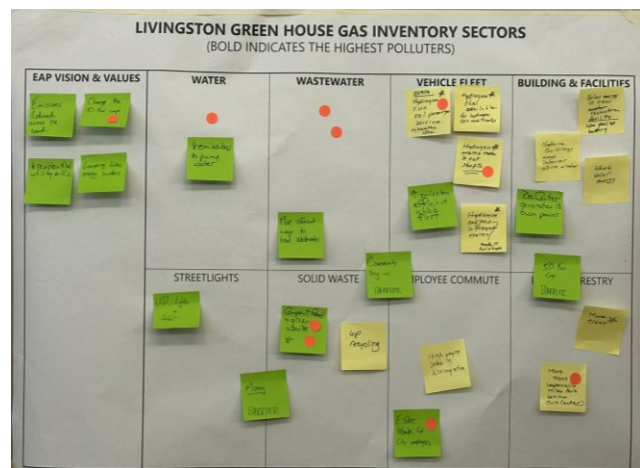
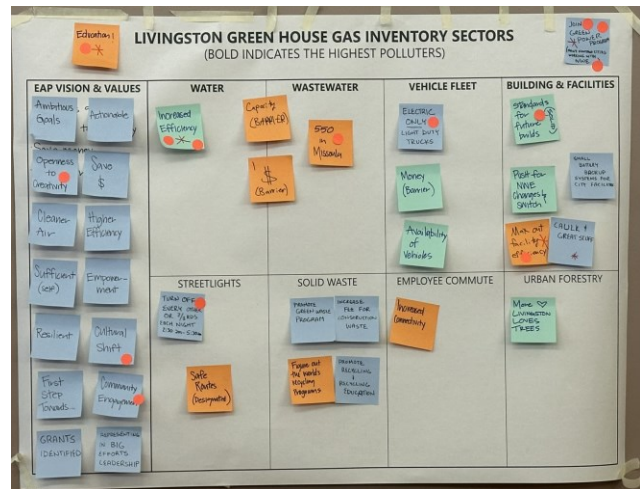


Figure 4 – Workshop Break Out Group Results



### 3.2 Goals and Targets Summary

Informed by the GHG Inventory and feedback from the community workshop, the following primary goals have been identified for the City of Livingston.

**G1**

**Reduce municipal greenhouse gas emissions by 30% from 2020 baseline levels by 2030**, with interim 10% reductions by 2027, focusing on energy efficiency retrofits in existing buildings and municipal operations.

**G2**

Develop and implement progressive building, energy, and water codes that mandate low-carbon construction standards, with a phased approach to **achieve carbon-neutral city operations by 2050**, including mandatory energy performance standards for new construction and major renovations.

**G3**

**Increase urban tree canopy coverage by 5% by 2035** and develop a comprehensive green infrastructure strategy that maximizes carbon sequestration through restoring wetlands, improves urban biodiversity, and enhances community resilience to climate change.

#### Improving Energy Efficiency in Existing Buildings and Operations

Existing buildings represent a critical opportunity for emissions reduction in Livingston. Buildings and facilities account for a significant percentage of the City's GHG emissions. That percentage is even higher after considering the Wastewater

and Solid Waste sectors include emissions from the Solid Waste buildings and Water Reclamation Facility electricity and natural gas consumption. The city's existing infrastructure is a primary target for meaningful climate action and offers a direct path to reducing carbon output through strategic energy efficiency improvements.

Energy efficiency in existing buildings provides multiple interconnected benefits. From an economic perspective, retrofitting municipal buildings can significantly reduce utility expenses. These cost savings can be redirected to other municipal services, creating a financial incentive for sustainability efforts. Local contractors and green technology professionals will also benefit, generating new economic opportunities within the community.

Infrastructure improvements enhance the city's overall resilience. More efficient buildings consume less energy and reduce strain on existing power systems. These upgrades create buildings that are more adaptable to changing environmental conditions and more cost-effective to maintain over time.

The proposed 30% emissions reduction target represents a concrete approach to addressing climate change at the municipal level. By focusing on existing buildings, Livingston can achieve immediate and measurable carbon reductions without the extensive costs associated with new construction.

#### Low-Carbon Construction Standards

Building codes represent a critical mechanism for long-term emissions reduction in Livingston. By establishing progressive regulatory standards, the city can systematically transform its built environment, driving significant carbon reduction through mandatory performance requirements. These codes serve as a powerful policy tool to reshape how buildings are designed, constructed, and operated.

The development of comprehensive building, energy, and water codes directly influences the





city's carbon neutrality goals by creating a regulatory framework that mandates energy efficiency and sustainable design. New construction and major renovations will be required to meet increasingly stringent performance standards, ensuring that Livingston's future infrastructure is inherently low carbon.

These codes create a predictable pathway to reducing building-related emissions. By setting clear, progressive standards, Livingston can systematically decrease its carbon footprint, with each new building contributing to the city's overall sustainability goals. The approach ensures that carbon neutrality is not just an aspiration, but a structured, enforceable objective.

The strategy extends beyond municipal operations, potentially influencing private sector development and creating a community-wide approach to sustainable building practices. As building technologies evolve, the codes can be updated to continuously improve performance standards, maintaining Livingston's position at the forefront of urban sustainability.

### Expanding Green Spaces

Urban green spaces and wetlands represent critical natural climate solutions for Livingston. By deliberately increasing tree canopy coverage and restoring urban wetlands by 2035, the city can simultaneously address carbon sequestration, urban heat mitigation, and community resilience. These natural systems provide a cost-effective method of capturing atmospheric carbon while delivering comprehensive environmental benefits.

The strategic expansion of green spaces and wetland restoration directly impacts carbon

management through multiple mechanisms. Trees capture carbon dioxide by converting it into biomass, while wetlands serve as exceptional carbon sinks, storing significantly more carbon per acre than terrestrial forests.

Beyond carbon sequestration, expanded green spaces and restored wetlands provide extensive ecological and community benefits. Urban trees reduce ambient temperatures and improve air quality, while wetlands offer critical water filtration, flood mitigation, and habitat restoration. These ecosystems create natural stormwater management systems, reducing municipal infrastructure stress and improving water quality. They provide essential habitat for local wildlife, enhance biodiversity, and create recreational opportunities for residents.

Increased green infrastructure can raise property values, reduce energy costs through natural cooling, and decrease healthcare expenses associated with poor air quality. Wetland restoration can also provide economic benefits through improved water management, reduced flood risks, and potential ecotourism opportunities. The strategy represents an investment in environmental and community health with long-term financial advantages that extend beyond carbon accounting.

This approach demonstrates a holistic understanding of climate action, recognizing that carbon sequestration involves reimagining urban landscapes as active, interconnected environmental systems. By integrating both tree canopies and wetland restoration into urban planning, Livingston can create a more resilient, sustainable community that serves as a model for comprehensive climate adaptation.





### 3.3 Initiatives by Sector

#### WATER

The City of Livingston's water supply system relies exclusively on groundwater pumping from local aquifers, rather than importing water from external sources or operating water treatment facilities. While this approach eliminates the substantial energy demands and emissions associated with long-distance water transport and treatment, the groundwater pumping operations still constitute a significant environmental impact, accounting for 20% of Livingston's total greenhouse gas (GHG) emissions.

The energy intensity of groundwater pumping represents a critical focus area for emissions reduction efforts. As groundwater levels potentially decline due to climate change, drought conditions, and increasing demand, pumps must work harder and consume more energy to extract water from greater depths. This creates a concerning feedback loop: increased pump energy usage leads to higher emissions, which further contributes to climate change impacts on water resources.

Optimizing pump efficiency and reducing unnecessary water consumption presents multiple benefits beyond emissions reduction. Energy-efficient pumping systems can significantly lower operational costs, extend equipment lifespan, and improve system reliability. Additionally, reducing pump energy consumption enhances community resilience by decreasing strain on both the electrical grid and groundwater resources during peak demand periods or drought conditions.

Strategies to address pump-related emissions should consider both technological solutions, such as high-efficiency motors and smart pumping systems, and demand-side management approaches, including water conservation programs and leak detection initiatives. These efforts align with broader sustainability goals while providing tangible economic benefits through reduced energy costs and infrastructure maintenance needs.

**Objective:** Optimize water pumping operations to reduce energy consumption and associated GHG emissions while maintaining reliable water service and quality for Livingston residents

- Quantitative Targets:
- Reduce pump system electricity consumption by 20-30% by 2030 (from baseline)
  - Achieve 90% pump system efficiency rating by 2028
  - Decrease non-revenue water loss to less than 10% by 2030



## WATER

ID	Action	Related Goal
<b>Strategy 1: Assess current systems for optimization</b>		
WA 1.1	Conduct comprehensive pump efficiency testing and hydraulic modeling of the distribution system	G1
WA 1.2	Install advanced metering and monitoring systems	G1
WA 1.3	Identify any system leaks	G1
WA 1.4	Replace and update water pipe infrastructure to correct for water loss	G1
<b>Strategy 2: Upgrade equipment</b>		
WA 2.1	Replace aging pumps with high-efficiency models and variable frequency drives (VFDs) on appropriate models. Right size new pumps based on actual system demands	G1
WA 2.2	Upgrade motor systems to premium efficiency standards	G1
<b>Strategy 3: Improve operational practices</b>		
WA 3.1	Implement real-time pump performance monitoring and develop automated pump scheduling based on demand patterns	G1
WA 3.2	Optimize storage tank levels to reduce pumping requirements	G1
WA 3.3	Adjust pressure zones for optimal efficiency and install pressure monitoring systems.	G1
WA 3.4	Develop a systematic leak detection program.	G1



## WASTEWATER

Wastewater treatment represents a critical yet energy-intensive municipal service, accounting for 40% of Livingston's total greenhouse gas (GHG) emissions. The Water Reclamation Facility (WRF) generates most of these emissions through its substantial electricity consumption, while additional emissions sources include sewer pump operations, wastewater transport vehicles, and the treatment process itself, which releases potent greenhouse gases like nitrous oxide and methane.

Wastewater facilities typically represent one of the largest energy consumers in municipal operations, and their optimization presents a major opportunity for achieving climate goals while reducing operational costs. Currently, the WRF's limited metering infrastructure presents a challenge in identifying specific energy usage patterns across different treatment processes and building systems. Installing comprehensive metering and sub-metering systems would enable data-driven decisions for targeting the most impactful efficiency improvements.

While the facility has implemented some energy-saving measures, such as variable frequency drive pumps, energy-efficient exhaust fans, and solar panels installed in 2019 that partially power the WRF, there remains substantial potential for further emissions reductions. Modern wastewater treatment technologies and process optimizations can significantly reduce both direct process emissions and energy-related emissions. These improvements can also enhance treatment efficiency, reduce operating costs, and improve system resilience.

For the purposes of this report, this section will focus specifically on strategies for reducing emissions from wastewater treatment equipment and processes. Building-related improvements, such as envelope upgrades and lighting efficiency measures, are addressed separately in the Buildings & Facilities section to maintain clear organizational distinction between process-related and facility-related emissions reduction strategies.

**Objective:** Optimize wastewater treatment operations to reduce energy consumption and associated GHG emissions while maintaining compliance with discharge permits and ensuring effective treatment

### Quantitative Targets:

- Reduce facility-wide electricity consumption by 25-35% by 2030 (from baseline)
- Achieve energy usage of 2,500 kWh or less per million gallons treated
- Reduce process-related methane emissions by 40% by 2030
- Generate 25% of facility energy needs through on-site renewable sources by 2030



## WASTEWATER

ID	Action	Related Goal
<b>Strategy 1: Optimize wastewater treatment equipment like aerators, pumps, and lifts</b>		
WW 1.1	Implement real-time performance monitoring and automated control systems	G1
WW 1.2	Upgrade blowers with high-efficiency variable frequency drive models and replace aging pumps with high-efficiency models for those not recently replaced	G1
WW 1.3	Optimize cycling and scheduling based on loading	G1
WW 1.4	Increase use of solar to further offset energy costs	G1
<b>Strategy 2: Improve management of biosolids and wastewater</b>		
WW 2.1	Consider biogas capture and utilization	G2
WW 2.2	Explore options for beneficial reuse of treated wastewater or biosolids including local markets for resale. Potential markets could include fertilizing crop fields or improving soil quality for pasture lands and reforestation projects	G2



## VEHICLE FLEET

The City of Livingston maintains a diverse municipal fleet essential for delivering critical public services, including Emergency Medical Services (EMS), law enforcement, fire protection, solid waste collection, water and sewer maintenance, and public works operations. While these vehicles are fundamental to maintaining public safety and infrastructure, their combined diesel fuel and gasoline consumption generates 8% of the city's total greenhouse gas (GHG) emissions presenting meaningful opportunities for reduction.

Municipal fleet emissions deserve particular attention as they represent both a substantial environmental impact and a highly visible aspect of city operations. As local governments increasingly lead by example in climate action, transitioning to cleaner fleet vehicles demonstrates tangible commitment to sustainability while providing numerous co-

benefits. Modern low-emission and zero-emission vehicles can dramatically reduce not only GHG emissions but also harmful air pollutants that impact public health, including particulate matter, nitrogen oxides, and volatile organic compounds.

Fleet modernization also presents opportunities to optimize vehicle usage patterns, right-size vehicles for their intended purposes, and implement smart fleet management systems. These improvements can enhance operational efficiency while providing valuable data for future planning and investment decisions. Furthermore, as more manufacturers develop electric and alternative fuel options for heavy-duty vehicles, opportunities for emissions reductions extend across all fleet categories, from light-duty administrative vehicles to garbage trucks and maintenance equipment.

**Objective:** Transform Livingston's municipal fleet operations to reduce fuel consumption, lower emissions, and minimize operational costs while maintaining essential city services and emergency response capabilities

### Quantitative Targets:

- Reduce fleet-wide emissions by 20% by 2030 (from current baseline)
- Convert 75% of light-duty vehicles to zero-emission vehicles (ZEVs) by 2040
- Reduce idle time by 50% by 2026



## VEHICLE FLEET

ID	Action	Related Goal
<b>Strategy 1: Invest in energy efficient vehicle upgrades as new vehicles are purchased</b>		
VF 1.1	Transition administrative vehicles and light-duty trucks to hybrid or all-electric where feasible	G1
VF 1.2	Consider biodiesel for heavy equipment	G1
VF 1.3	Right size the vehicles used for each task and share specialized equipment and vehicles between departments where feasible	G1
<b>Strategy 2: Optimize vehicle operations</b>		
VF 2.1	Optimize routes by utilizing GPS tracking and software	G1
VF 2.2	Implement anti-idling technology and policies with exemptions for emergency operations	G2
<b>Strategy 3: Develop an Implementation Strategy</b>		
VF 3.1	Assess the current fleet by creating an inventory and replacement schedule. Include charging infrastructure needs, total cost of ownership and identify specific needs due to Livingston climate impacts	G1
VF 3.2	Plan for future fleet charging needs by upgrading electrical capacity where needed and identify locations for EV charging stations at City facilities. Consider ideal location for solar charging stations	G1
VF 3.3	Adopt policies and operations standards that support vehicle emission reduction like anti-idling policies, procurement guidelines and maintenance standards	G2



## BUILDINGS AND FACILITIES

Building-related energy consumption represents a sizable portion of Livingston's municipal carbon footprint, with facility operations accounting for approximately 12% of the city's total greenhouse gas (GHG) emissions. This encompasses all city-owned buildings and facilities except the City-County Complex, with emissions nearly evenly split between electricity (49.1%) and natural gas heating (50.9%). This balanced distribution between energy sources highlights the importance of implementing comprehensive strategies that address both electrical efficiency and thermal performance.

The importance of reducing building-related emissions extends far beyond environmental benefits. Municipal buildings serve as community anchors - housing essential services, emergency operations, and public gatherings - making them ideal showcases for energy efficiency leadership. Strategic building improvements can simultaneously reduce operational costs, enhance occupant comfort and productivity, improve indoor air quality, and increase facility resilience to extreme weather events and power disruptions.

While Livingston has already implemented various energy-saving measures, including LED lighting retrofits, HVAC system upgrades, building envelope improvements, and programmable thermostats, significant opportunities remain for deeper emissions reductions. Modern building technologies and

smart energy management systems can further optimize facility performance, while renewable energy installations can offset remaining energy consumption. These improvements often provide attractive returns on investment through reduced utility bills, lower maintenance costs, and extended equipment lifespans.

Building decarbonization also presents opportunities to address multiple civic priorities simultaneously. Energy-efficient facilities are typically more resilient during extreme weather events and power outages, supporting emergency response capabilities. Improved building systems can enhance indoor air quality and thermal comfort, benefiting both staff productivity and public health. Additionally, highlighting sustainable building practices in public facilities can inspire private sector adoption and demonstrate the feasibility of clean energy technologies to the broader community.

Moving forward, a systematic approach to building improvements should prioritize projects based on both emissions reduction potential and co-benefits. This might include deep energy retrofits, electrification of heating systems, advanced building controls, on-site renewable energy generation, and workforce training to optimize building operations. Such investments not only support climate goals but also demonstrate responsible stewardship of public resources while creating more comfortable, healthy, and resilient community spaces.

**Objective:** Transform Livingston's municipal buildings into high-performance facilities that minimize energy consumption and emissions while maintaining occupant comfort and operational functionality

- Quantitative Targets:
- Reduce building energy consumption by 30% by 2030 (from baseline)
  - Achieve carbon neutral buildings by 2050
  - Decrease natural gas consumption by 25% by 2030
  - Generate 25% of building energy from on-site renewables by 2030



## BUILDINGS AND FACILITIES

ID	Action	Related Goal
<b>Strategy 1: Advance the decarbonization of City owned buildings through energy efficiency upgrades</b>		
BF 1.1	Conduct comprehensive energy audits and establish energy usage baselines. Assess where additional building metering is needed to inform energy audits and understand full building energy usage	G1
BF 1.2	Upgrade existing building envelopes through insulation upgrades, window replacements, weather stripping and air sealing	G1
BF 1.3	Upgrade existing and aging equipment where feasible such as: <ul style="list-style-type: none"> <li>• Converting all lighting to LED</li> <li>• Convert boilers to heat pumps</li> <li>• Installing energy recovery ventilation systems</li> <li>• Installing occupancy and daylight sensors</li> <li>• Installing low-flow fixtures</li> </ul>	G1
BF 1.4	Implement building wide controls such as a building automation system (BAS)	G1
<b>Strategy 2: Transition to the use of renewable energy to eliminate fossil fuel use where possible</b>		
BF 2.1	Evaluate and assess barriers and challenges with shifting to renewable energy sources in City-owned facilities, including rooftop solar and ground source heat pump potential	G1
BF 2.2	Assess the feasibility of a community solar program to support the energy needs for the greater Livingston community	G2
<b>Strategy 3: Improve local standards and policies that reduce GHG emissions over time</b>		
BF 3.1	Adopt new high-performance building and construction standards that include energy targets for new and renovated buildings	G2
BF 3.2	Review temperature setpoint policies and building operational standards for efficiency improvements	G2
BF 3.3	Work with local permitting and city planning staff to incentive decarbonization efforts in buildings, such as zoning code height and floor area requirements	G2





## STREETLIGHTS

Streetlights in Livingston represent an often-overlooked component of the city's energy infrastructure, currently accounting for 5% of total greenhouse gas (GHG) emissions. The lighting landscape is complex, with a mixed ownership structure involving both city-controlled and NorthWestern Energy-owned streetlights, which creates unique challenges for comprehensive emissions reduction strategies.

The significance of streetlight decarbonization extends beyond direct energy savings. Efficient lighting systems can dramatically reduce municipal energy costs, improve public safety through enhanced illumination, and demonstrate municipal leadership in sustainable infrastructure. Modern LED and smart lighting technologies can offer substantial benefits, including significant energy reduction potential compared to traditional high-pressure sodium or mercury vapor lighting systems, longer equipment lifespans, and improved light quality.

Livingston's primary challenge lies in the limited direct control over existing streetlight infrastructure, necessitating a collaborative approach with NorthWestern Energy. Potential strategies include developing innovative partnership models, exploring shared incentive structures, and pursuing legislative frameworks that facilitate joint energy efficiency initiatives. Successful implementation will require a multi-faceted approach combining technical assessments, financial modeling, and proactive policy development.

By addressing streetlight emissions strategically, Livingston can not only reduce its carbon footprint but also position itself as a leader in municipal energy innovation, demonstrating how collaborative approaches can drive meaningful sustainability improvements.

**Objective:** Reduce municipal streetlight energy consumption and associated GHG emissions while maintaining public safety and improving service reliability

### Quantitative Targets:

- Reduce streetlight electricity consumption by 60% by 2030 (compared to current baseline)
- Convert 100% of city-owned streetlights to LED technology by 2028
- Achieve 100% smart controls implementation for new LED fixtures by 2029



## STREETLIGHTS

ID	Action	Related Goal
<b>Strategy 1: Modernize current lighting technology</b>		
SL 1.1	Convert existing fixtures to LEDs. Prioritize replacement based on current fixture types and highest use	G1
SL 1.2	Implement smart lighting controls and dimming capabilities. Consider pilot area like the downtown core initially	G1
<b>Strategy 2: Optimize operations</b>		
SL 2.1	Standardize fixture types to improve maintenance efficiency	G1
SL 2.2	Implement adaptive lighting schedules based on time of day/seasonal needs	G1
<b>Strategy 3: Update current policies</b>		
SL 3.1	Update municipal lighting standards to require LEDs for all new installations	G2



## SOLID WASTE

Livingston's solid waste operations contribute to 15% of the city's total greenhouse gas (GHG) emissions, primarily from refuse truck operations and solid waste facility energy usage. The city's waste management system involves a unique logistical challenge: all collected waste must be transported to the Great Falls landfill, located approximately 170 miles away. While the emissions from this long-distance transport and subsequent waste decomposition are included in the city's GHG inventory, they represent significant downstream environmental impacts that merit attention with potential for further GHG reductions.

The importance of reducing solid waste-related emissions extends far beyond the currently measured operational emissions. A comprehensive approach to waste reduction and management can deliver multiple environmental and economic benefits. Operational efficiency improvements through waste minimization and diversion programs reduce collection and handling requirements, lowering fuel consumption and vehicle emissions while extending equipment lifespans. These initiatives generate substantial cost savings through reduced disposal fees, lower transportation costs, and potential revenue from recyclable materials. Such savings can offset program implementation costs while supporting local economic development through recycling and reuse industries.

**Objective:** Minimize waste-related emissions through improved waste diversion, operational efficiency, and sustainable waste management practices while maintaining cost-effective service for Livingston residents

Moreover, diverting materials from landfills through recycling, composting, and reuse programs conserves valuable resources, reduces upstream production emissions, and supports circular economy principles. While not currently quantified in the city's GHG inventory, reducing waste volumes diminishes long-term methane emissions from landfill decomposition - a particularly potent greenhouse gas with 28-36 times the warming potential of CO<sub>2</sub> over a 100-year period.

Building-related energy efficiency improvements for solid waste facilities are addressed separately in the Buildings and Facilities section to maintain clear organizational distinction. However, this demonstrates the interconnected nature of municipal sustainability initiatives and the importance of coordinated action across departments.

Moving forward, while some emissions sources remain outside the current jurisdictional boundaries, Livingston has significant opportunities to reduce its solid waste-related environmental impact through systematic waste reduction, innovative diversion programs, and operational improvements. These efforts can simultaneously reduce measured GHG emissions, decrease unmeasured environmental impacts, and generate operational cost savings while positioning the city as a leader in sustainable waste management practices.

Quantitative Targets:

- Reduce landfilled waste by 40% by 2030 (from baseline)
- Achieve 50% waste diversion rate by 2030
- Reduce organic waste in landfill by 60% by 2030



## SOLID WASTE

ID	Action	Related Goal
<b>Strategy 1: Promote a circular economy</b>		
SW 1.1	Require all three-waste stream (garbage, recycling, and compost) bins at City facilities. Increase City employee education around waste reduction through signage and yearly sustainability events like Earth Day to increase awareness	G2
SW 1.2	Work with city/county solid waste haulers to develop a composting comprehensive plan to expand the composting infrastructure in Livingston	G2
SW 1.3	Adopt construction and demolition waste diversion requirements to keep construction related materials out of landfills. Create a dedicated area for construction waste and reuse. Identify local deconstruction companies to reuse or recycle materials	G2
<b>Strategy 2: Reduce waste from city purchasing and operations</b>		
SW 2.1	Implement or strengthen the City's sustainable purchasing policy to reduce GHG emissions for commerce-related transportation, food production and distribution. The <a href="#">University of Montana's Environmentally and Socially-Conscious Procurement (ESP)</a> policy could be a potential model for internal standards	G2
SW 2.2	Conduct waste stream audits every two years at all city buildings and develop a strategy to cut back in consumption of top five non-recyclable waste stream items identified in the audit	G2
SW 2.3	Switch to digital for internal and external paper uses where feasible	G2



## EMPLOYEE COMMUTE

Employee commute-related emissions represent a modest yet strategically significant component of Livingston's greenhouse gas (GHG) inventory, currently accounting for 1% of the city's total emissions. The GHG Inventory findings based on a 2020 Employee Commute Survey revealed a striking pattern: 90.2% of city employees rely on single-occupancy vehicles, highlighting a substantial opportunity for targeted emissions reduction and sustainable transportation interventions.

While the percentage of total emissions may appear minimal, employee commute strategies offer unique advantages beyond direct carbon reduction. Municipal governments can leverage their workforce as a catalyst for broader community behavioral change, demonstrating leadership in sustainable transportation. Potential strategies include developing flexible work arrangements like remote work options, compressed work weeks, and implementing alternative transportation incentives such as transit subsidies, carpool matching programs, and bicycle infrastructure improvements.

The benefits of comprehensive commute strategy improvements extend beyond emissions reductions. Reduced vehicle usage can decrease municipal parking infrastructure demands, lower employee transportation expenses, improve community air quality, and support public health through increased active transportation modes. Technology-driven approaches, including employee transportation surveys and personalized mobility plans, can provide insights into specific barriers and opportunities for sustainable transportation adoption.

By treating employee commutes as a dynamic system rather than a static challenge, Livingston can develop adaptive, innovative approaches to transportation emissions management. Although employee commutes currently represent a small fraction of the city's total emissions, the potential for scalable impact extends far beyond municipal boundaries. Through cross-departmental collaboration and strategic implementation, the city can position itself as a leader in sustainable transportation, potentially influencing broader community transportation patterns and demonstrating the feasibility of low-carbon mobility solutions.

**Objective:** Reduce transportation related emissions and increase trips made by walking, biking, and transit

- Quantitative Targets:
- Achieve 20% of workforce using alternative transportation by 2030
  - Reduce commute-related emissions by 25% by 2030



## EMPLOYEE COMMUTE

ID	Action	Related Goal
<b>Strategy 1: Transition to the use of energy efficient Vehicles</b>		
EC 1.1	Identify and address key barriers to electric vehicle ownership	G2
EC 1.2	Develop an Electric Vehicle (EV) infrastructure plan that: <ul style="list-style-type: none"> <li>• Reviews current EV infrastructure in the city to identify gaps in charging locations</li> <li>• Identifies locations for chargers in in City facilities</li> <li>• Reviews the feasibility of fast charging stations</li> <li>• Addresses barriers to charging</li> <li>• Identifies key stakeholders to EV infrastructure use and development and partners</li> </ul>	G2
<b>Strategy 2: Reduce transportation emissions associated with government operations</b>		
EC 2.1	Continue to support remote work for employees where feasible and allow virtual options for work streams	G2
EC 2.2	Support active transportation options for employees by providing bicycle lockers, showers, and other bicycle infrastructure at City facilities	G2
EC 2.3	Incentivize or establish program that promote alternate transportation options like bike share programs, alternate transportation commuter stipend, partnering with local bike shops for maintenance, carpool matching systems and preferred carpool parking	G2
EC 2.4	Advocate for enhanced transit services within the city and improve bus stops near city buildings	G2



## URBAN FORESTRY

Carbon sequestration through natural infrastructure represents a critical yet often overlooked strategy for mitigating greenhouse gas emissions in urban environments. In Livingston, tree canopy and potential wetland restoration offer significant opportunities for enhancing carbon capture while simultaneously delivering multiple ecological and community benefits. Existing assessments reveal a complex landscape of tree coverage, with estimates ranging from 2.6% to 14%<sup>9</sup>, highlighting the need for comprehensive urban forest management.

The spatial distribution of Livingston's tree canopy exposes critical environmental justice considerations. Areas north of US Highway 10 and East Park Street demonstrate markedly lower tree coverage compared to southern neighborhoods, creating disparities in urban ecosystem services, climate resilience, and community well-being. This uneven canopy distribution not only impacts carbon sequestration potential but also influences local microclimates, air quality, stormwater management, and residents' quality of life. Strategic tree planting and green space development can address these inequities while simultaneously enhancing the city's carbon capture capabilities.

Wetland restoration emerges as a particularly promising carbon sequestration strategy, with

these ecosystems demonstrating remarkable capacity to capture and store carbon at rates significantly higher than terrestrial forests. Wetlands function as critical carbon sinks, capturing atmospheric carbon through biomass accumulation and long-term storage in sediments. By balancing tree planting initiatives with wetland restoration, Livingston can develop a more comprehensive and nuanced approach to natural carbon management. This strategy not only supports climate mitigation efforts but also provides additional ecological benefits, including improved water quality, flood mitigation, biodiversity support, and habitat restoration.

Implementing an effective carbon sequestration strategy requires a holistic approach that integrates urban planning, ecological science, and community engagement. Potential initiatives could include developing a comprehensive urban forestry plan, creating targeted tree planting programs in under-canopied neighborhoods, establishing partnerships with local landowners and conservation organizations for wetland restoration, and developing community education programs about the importance of natural carbon capture. By treating carbon sequestration as a dynamic, multifaceted challenge, Livingston can transform its approach from passive environmental management to active climate resilience planning, positioning the city as a leader in nature-based climate solutions.

**Objective:** Increase Livingston's carbon sequestration potential by expanding green spaces, tree canopies, and wetlands

Quantitative Targets:

- Increase current tree canopy coverage by 5% by 2035
- Restore and enhance 50 acres of urban wetlands by 2035

<sup>9</sup> <https://www.treeequityscore.org/insights/place/livingston-mt>



## URBAN FORESTRY

ID	Action	Related Goal
<b>Strategy 1: Enhance tree canopy within Livingston</b>		
UF 1.1	Update the 2014 City Tree Inventory and Review the 2015 City of Livingston, MT Urban Forest Management Plan to assess if current tree codes need updated to increase tree canopy and preserve existing native trees and promote responsible tree removal	G3
UF 1.2	Use tools like Tree Equity Score to assess which areas in Livingston need greater tree canopy	G3
UF 1.3	Create a training program for students and other volunteers to learn how to properly plant trees and learn basic tree care in partnership with local tree advocacy groups and city agencies	G3
<b>Strategy 2: Enhance wetland restoration within Livingston</b>		
UF 2.1	Collaborate with local wetland restoration organizations to identify goals and priorities for preserving and restoring wetlands within Livingston	G3
UF 2.2	Strengthen wetland protection ordinances and establish buffer zones around existing wetlands	G3





## 3.4 Evaluation and Assessment

### Scope

The energy analysis focuses on four sectors of the City of Livingston: Solid Waste, Wastewater, City Buildings, and Water. It does not include the other sectors in the GHG Emission Report, such as Vehicle Fleet, Streetlights, Employee Commute, and Urban Forestry.

### Methodology

The evaluation and assessment methodology is based on the ASHRAE Level 1 Energy Audit. It involves assessing energy costs and consumption using energy bills and conducting a brief on-site survey of the buildings. The energy audit seeks to identify Energy Efficiency Measures (EEMs): low-cost/no-cost actions - that merit further consideration. It is also worth noting that the Level 1 Audit savings are approximate. The analysis relies on the utility invoice and the GHG Inventory provided. The available multi-year (2017-23) utility invoices do not include all facilities in the four sectors. The electricity (kWh) and gas (therms) consumption were estimated using the utility invoices for the last three years (2021-23) and the Northwestern Energy Electric and Gas Rates, \$0.125/kWh and \$0.606/therm (as shown in Table 1 in Appendix D). The values produced by this evaluation method show significant discrepancies compared to the electricity and gas consumption estimated using the emission data in the GHG Emission Report, which used the 2018 utility invoices (Table 2 in Appendix D) so further analysis is recommended to understand this discrepancy.

The recommended EEMs are estimated to save up to 40% of annual electricity and gas consumption (221,600 kWh and 14,200 therms).

## 3.5 Low-Cost Measures

At the time of this report, there was limited information about the type and operation of HVAC systems in the buildings and the pumps and blowers in the water and wastewater facilities. The city staff helped provide photos of

existing HVAC units, albeit may not be enough to provide specific EEM recommendations. To this end, generic recommendations, which can be refined in the next Phase, are provided below.

### 1 – PLUG LOADS

LCM 1.1 - To make office equipment and loads more energy efficient, plug them into smart power strips with occupancy sensors.

LCM 1.2 - Reduce energy waste by attaching a timer to a cooler and water drinking fountain that turns it on for only 10 hours a day, 5 days a week. Replace older coolers with an Energy Star model.

LCM 1.3 - Use timers or occupancy sensors so vending machines turn on only when someone is in the area, or the compressor needs to run to keep the products at the right temperature.

### 2 – LIGHTING

LCM 2.1 - Use occupancy sensors and timers to turn lights off automatically when no one is in the area.

### 3 – WINDOW SHADES AND BLINDS

LCM 3.1 - During warm weather, close your blinds to block direct sunlight and keep cool air in. In the winter, open the blinds on south-facing windows to let in sunlight that can help heat the space.

### 4 - HVAC MEASURES

LCM 4.1 - Temperature setbacks. Turn temperature settings down in heating seasons and up in cooling seasons when the facility is closed using programmable thermostats.

LCM 4.2 - Cleaning and maintenance. Regularly inspecting, cleaning, calibrating, and replacing components can save energy and extend the useful life of your HVAC equipment.

LCM 4.3 – Filters. Change the filters to improve air quality and reduce fan energy consumption due to high static pressure.

LCM 4.5 - Condenser coils. To increase heat transfer efficiency and avoid contamination,



wash the coils at the beginning and end of the cooling season to remove dirt buildup.

LCM 4.6 – Air Leakage. During maintenance, inspect the panels on your packaged rooftop air-conditioning units that are fully attached, with all screws and gaskets in place so no air is leaking out of the cabinet.

### 5 – EMPLOYEE HABITS

LCM 5.1 - Encourage energy-saving behavior in the workplace. Set up green teams, interactive energy-use kiosks, training classes, and energy competitions to encourage employees to save energy in the workplace.

## 3.6 Recommended Capital Priorities

Due to the Water and Wastewater sectors contributing to the highest percentage of Livingston's GHG emissions (20% and 40%, respectively), it is recommended that the following recommendations focus on these facilities and operations first where applicable.

These recommendations are longer-term solutions that require more capital investment and longer payback periods. They often result in larger energy and cost savings. Setting a reduction goal and, even more importantly, hiring an energy manager to monitor energy usage in the city's buildings is required.

RCP 1.1 - Retro-commission the city building and facilities every three to five years. Retro-commissioning ensures the building's systems are functioning and capable of supporting the owner's operational needs.

RCP 2.1 - Install cloud-based thermostats to provide a central control point for lighting, water heating, and plug loads. Cloud-based thermostats offer many of the functionality, analytic abilities, and energy-saving benefits of building automation systems (BAS), which are cost-effective only for buildings larger than 50,000 square feet, but much lower cost.

RCP 3.1 – Install daylighting controls to balance natural and electric lighting.

RCP 4.1 – Upgrade building envelope insulation to meet or exceed ASHRAE 90.1 or local code.

### 5 - HVAC Measures

RCP 5.1 - Replace the standard-efficiency unit with a high-efficiency variable-speed and multiple-stage capacity control.

RCP 5.2 - Retrofit existing rooftop units (RTUs) with Advanced RTU controllers (ARC). ARC's energy-saving features include variable-speed supply fan control, demand-controlled ventilation (DCV), improved economizer control, demand response (DR), remote monitoring, and fault detection and diagnostics (FDD).

RCP 5.3—Install DCV systems in spaces where occupancy levels greatly vary, such as auditoriums, meeting rooms, and cafeterias.

RCP 5.4 - Replace an older boiler with a smaller and more efficient condensing boiler. If a larger boiler is not ready for decommissioning, install a new smaller boiler to serve the base heating load and run the larger boiler for increased demand.

RCP 6.1 - Water/Wastewater Treatment Pumps and Blowers. Install Variable Frequency Drives (VFD) to control the speed of the pump or blower motors proportional to demand. Reducing motor speed exponentially reduces power without affecting performance.



## Next Steps

4.0



### 4.1 Implementation Plan

Transforming Livingston's ambitious greenhouse gas (GHG) emissions reduction goals from conceptual strategy to tangible reality requires a thoughtfully crafted Implementation Plan that serves as a strategic roadmap for municipal climate action. While the Energy Action Plan (EAP) provides a comprehensive overview of potential emissions reduction strategies, an Implementation Plan represents the critical bridge between high-level recommendations and executable, accountable actions that can drive meaningful environmental and economic change.

The development of a robust Implementation Plan is essential for translating theoretical emissions reduction strategies into practical, measurable initiatives. This detailed roadmap will provide crucial framework elements, including precise timelines, specific departmental responsibilities, resource allocation strategies, funding mechanisms, and comprehensive performance metrics. By establishing clear accountability and a systematic approach to plan execution, the Implementation Plan mitigates the risk of strategic inertia and ensures that

Livingston's climate goals move from aspiration to actionable progress.

A well-constructed Implementation Plan must transcend traditional municipal planning by incorporating adaptive management principles. This approach recognizes that climate action is a dynamic process requiring flexibility, continuous learning, and periodic reassessment. The plan should include mechanisms for regular performance evaluation, enabling the city to adjust strategies in response to technological advancements, changing economic conditions, emerging best practices, and evolving community needs. Integrating robust monitoring and reporting systems will allow Livingston to track progress transparently, demonstrate tangible outcomes, and maintain community trust in its climate commitments.

Beyond its technical functions, the Implementation Plan represents an opportunity to align climate action with broader municipal objectives, including economic development, public health, social equity, and community resilience. By carefully designing strategies that generate multiple co-benefits, Livingston can





position its climate initiatives as investments in community well-being rather than purely environmental expenditures. This holistic approach can help overcome potential resistance to change, generate broader stakeholder support, and create a shared vision of a sustainable, prosperous municipal future. The Implementation Plan thus becomes more than a technical document – it is a blueprint for transformative municipal governance that prioritizes long-term community sustainability.

Each initiative should identify:

- **Lever or policy mechanism used to affect change:** Is the initiative driven by mandates, incentives, capital improvements, education and outreach or strategic plans and partnerships?
- **Lead Entity and potential Partners:** Who will take the lead in implementing the initiative? Are there community groups, businesses or stakeholders that could be key partners for implementation? Is there sufficient staffing or volunteers available to administer programs?
- **Cost and potential funding strategies:** What are the costs associated with implementation? What is the source of funding to cover those costs? What is the payback period of the initial investment? Are there political or logistical obstacles to implementation?
- **Timeframe:** How long will it take to implement the initiative? Will the benefits of the initiative continue over a long period of time or are they concentrated to a one-time event?
- **Co-Benefits:** In addition to reducing GHG emissions, does the initiative provide benefits in other areas such as promoting public health and welfare, improving air/soil/water quality, promote economic development or job creation?
- **Considerations and unintended consequences:** Are there additional

considerations or consequences that should be weighed before implementation?

- **Success Metrics:** What will be measured to determine an initiative has met the targeted goals?

Once an Implementation Plan is created the categories indicated above could each be assigned a score of High (5 pts), Medium (3pts) and Low (1pt) to provide a weighted total for further prioritization. The Implementation Plan is proposed as part of Phase 2 EAP efforts.

## 4.2 Schedule of Future Phases

The Energy Action Plan is currently in Phase 1 of the planning efforts. Figure 7 summarizes the focus of this effort with the remaining objectives planned for future phases.

Based on input gathered during Phase 1, proposed tasks for future phases are outlined below.

### Phase 2

Phase 2 will evaluate the effectiveness of the prioritized measures by completing a more detailed energy survey of the focus buildings and facilities. While the utility and energy data provided as part of Phase 1 was helpful to understand the magnitude of impact each facility had on total city GHG emissions, additional measurements, data logging and trend data will be needed to establish the base case for each building to tailor recommendations for specific energy saving projects for each building. Phase 2 will also begin to define proposed updates to existing operation and maintenance (O&M) procedures and renovation and new construction standards for municipal buildings and facilities that are needed to align with identified goals and targets.

Task 4 – Building/Facility energy survey and analysis.

- Detailed building survey and energy consumption and peak demand analysis
- Breakdown of energy end uses within each building



- Targeted energy audit for water/wastewater/solid waste plants
- Review proposed targets and initiatives from Phase 1 with updated data
- Savings and cost analysis of all practical energy efficiency measures (EEMs)

Task 5 – Establish updated operational policies for municipal buildings as necessary.

- Review of current O&M procedures and policies for alignment with proposed goals and initiatives.
- Meeting with maintenance staff and building supervisors to discuss opportunities and concerns
- Recommended operational policy updates

Task 6 – Establish renovation and new construction standards for municipal buildings as necessary.

- Review of current building standards and policies for alignment with proposed goals and initiatives.
- Meet with building managers and city leadership to review opportunities and concerns.
- Hold a community engagement session to review current goals, targets and initiatives and proposed updates to construction standards.
- Recommended renovation and new construction standards

### Phase 3

Phase 3 will focus on creating a benchmarking process that improves the City's ability to regularly track and report out on performance metrics. A key part of this phase will be making sure proposed targets and initiatives are integrated into current operational workflow so that evaluating and reporting can be done efficiently without overburdening current staff and resources.

Task 7 – Develop a transparent process for benchmarking, monitoring, and reporting energy and water use in all municipal building and facilities.

- Identify processes for tracking and monitoring performance including recommended measurement and verification method

Task 8 – Identify resources needed and define roles and responsibilities for staff to maintain proposed processes and improve performance over time.

- Review current operational procedures with building managers and city leadership to ensure integration into current ways of working and identify potential areas for improvement

### Phase 4

This final phase will compile all previous deliverables into an updated EAP document that can be edited as priorities or information changes. A comprehensive communication strategy for translating project activities to stakeholders and community members will also be developed.

Task 9 – Develop a communication plan to help the City inform the community of conservation goals and activities.

- Identify goals for communication plan with city leadership
- Outline a communication strategy that translates project activities and outcomes into an accessible format
- Provide a compiled document of deliverables from all EAP Phases that can be edited as priorities or information changes

Figure 5 represents updated timeline for these proposed future Phases and Tasks.

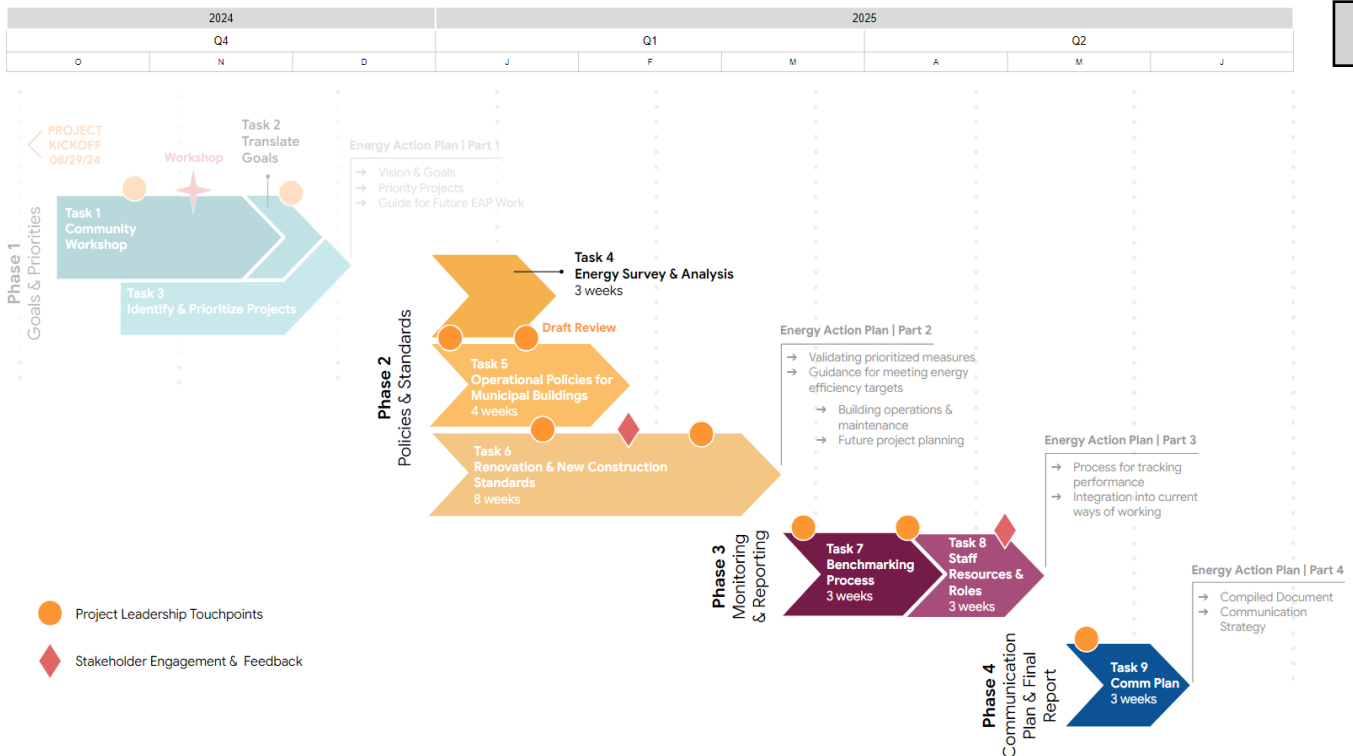


Figure 5 – Proposed Future Phases

### 4.3 Recommended Next Steps

The Climate Action Plan for Livingston represents a comprehensive municipal strategy to address greenhouse gas (GHG) emissions through targeted, measurable interventions across multiple operational sectors. Grounded in previous municipal documents including the 2021 Livingston Growth Policy and 2020 GHG Inventory, the plan establishes a clear pathway for meaningful environmental action.

In addition to the proposed future phases, the following considerations are critical to making progress on the investments needed for successful implementation.

#### Potential Partners

Identify potential implementation partners that are either essential to the desired outcomes of the proposed strategies and actions or can provide additional aide through alignment on priorities. Types of partners could include:

- State Environmental Agencies
- Local Utilities like NorthWestern Energy
- Federal and State Grant Organizations
- Regional Environmental Nonprofits
- Local Academic Institutions
- Tribal Environmental Departments

### Funding Source Opportunities

Determine what local and federal funding sources could apply to the recommended actions. Types of funding sources to consider include:

- Federal Infrastructure Investment Grants
- EPA Climate Pollution Reduction Grants
- USDA Rural Energy Program
- Montana Renewable Energy Incentives
- Municipal Green Bond Financing
- Public-Private Partnership Investments

### Barriers

Anticipating critical barriers to implementation early will help Livingston create a better roadmap for success and allow the City to re-assess priorities and pivot when necessary. Potential barriers might include financial constraints due to limited municipal budget capacity, technical challenges that might require specialized staff training or additional resourcing, and potential community resistance.

The Energy Action Plan positions Livingston as a forward-thinking community committed to sustainable municipal operations. Successful implementation will require strategic planning, consistent investment, and collaborative approach across governmental, private, and community sectors.



## **6.0 Appendix**

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- A. Community Workshop Presentation Slides
- B. Community Workshop Meeting Notes / Results
- C. Existing Building Data
- D. Existing Utility Data
- E. Glossary
- F. Sources



A. Community Workshop Presentation Slides

# Community Workshop

Livingston Energy Action Plan  
10.08.24



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## Welcome!

What is something you love about Livingston and want to see continue in the future?



Share your response via the QR code  
or go [menti.com](https://www.menti.com) and use code **2816 5465**





## Workshop Objectives and Format

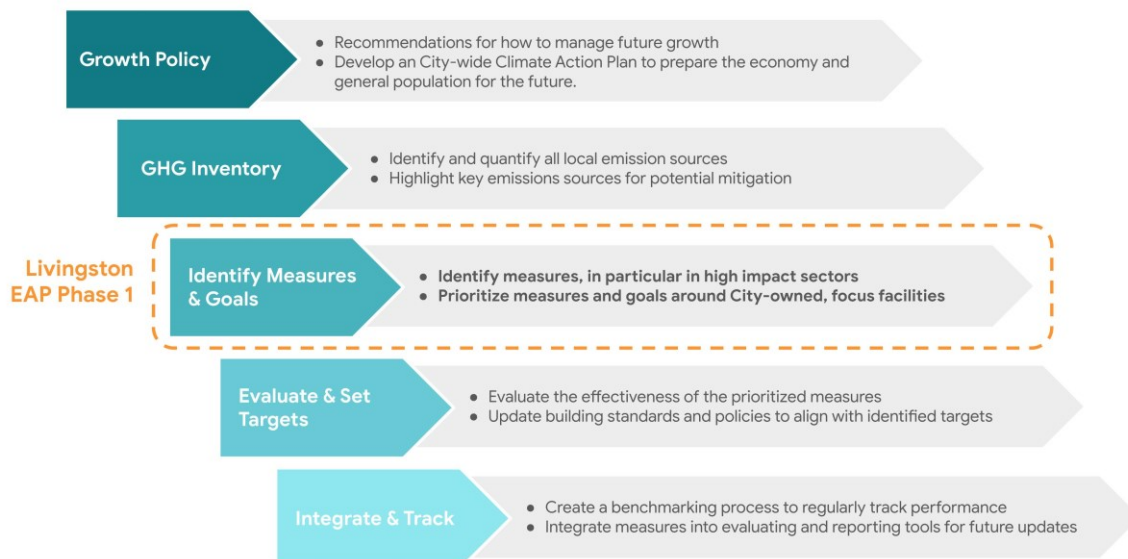
### Objectives

- We want to hear from you - you know your community best
- We want to better understand the values and priorities of this specific community to help inform our recommendations and future efforts

### Workshop Format

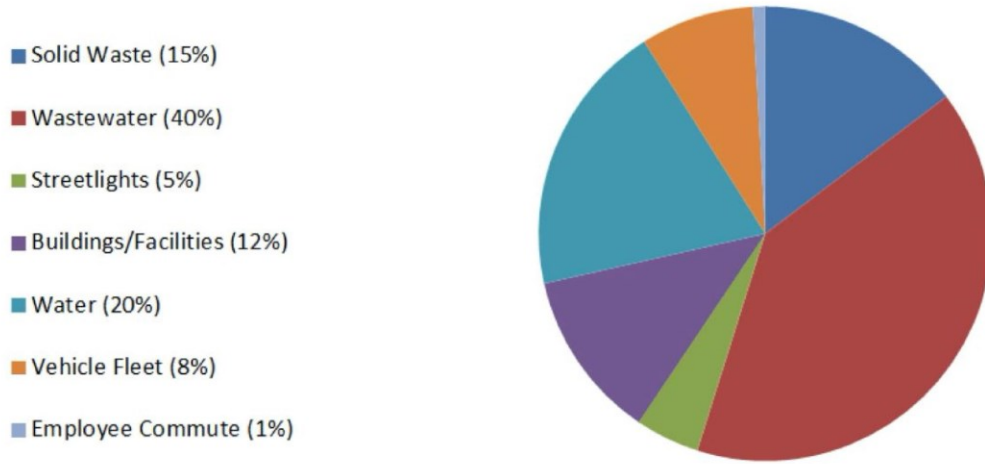
- Emissions Reduction Overview (15 min)
- Small Group Discussions (40 min)
  
- 10 min break -
  
- Next Steps and Action Planning ( 5 min)
- Group Sharing and Goal Prioritization (40 min)

## Emissions Reduction Planning Process





## Livingston Gross Emissions by Department



From Baseline Emissions Report: City of Livingston and Park County | August 2020

## Livingston Gross Emissions by Department

Sector	%	Emission Sources
Wastewater	40	<b>Water Reclamation Facility (WRF) Electricity</b> , WRF Natural Gas, Sewer Pumps Electricity, Wastewater Trucks, Wastewater Treatment (nitrous oxide and methane)
Water	20	Water Pump Electricity
Solid Waste	15	Refuse Trucks, <b>Solid Waste Buildings</b>
Building & Facilities	12	Electricity, Heating (natural gas)
Vehicle Fleet	8	Diesel Fuel and Gasoline from City Fleet Vehicles
Streetlights	5	Streetlight Electricity
Employee Commute	1	<b>Single occupancy vehicles</b> , carpool vehicles, motorcycle, public transit

Urban Tree Cover - 2.6% within urban areas

From Baseline Emissions Report: City of Livingston and Park County | August 2020



## Benefits of Reducing Emissions

### Cost Savings

- Lower utility bills through more efficient equipment
- Tighter envelope that helps prevent temperature swings and allows equipment to work more efficiently and last longer
- Reduced fuel costs with more efficient vehicles

### Increased Comfort and Health

- Better insulation = warmer winters, cooler summers
- Improved air quality



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## Benefits of Reducing Emissions

### Preserving Natural Resources

- Stabilize wildlife populations, healthy fish habitats and traditional hunting seasons
- Preserve outdoor recreation
- More predictable growing seasons, reduced risk of extreme drought and protection against invasive pests

### Community Resilience

- Grid Stability by reducing peak demand times through efficiency measures
- Energy Independence through Microgrids and local power sources (solar + battery storage)
- Water Resilience through smart water management
- Economic Resilience through new local jobs, community solar initiatives and preservation of tourism





## Examples of Energy Action Plans - MONTANA

### Bozeman, MT

Energy Goals | 26% emissions reduction by 2025, 100% net clean electricity by 2030, carbon neutral by 2050

Key Strategies | Improve existing building efficiency and achieve net zero energy for new construction, increase renewable energy generation, decrease direct vehicle emissions

Economic Benefits | Created a community solar program that can power more than 60 homes

### Whitefish, MT

Energy Goals | 26% emissions reduction by 2025 and carbon neutral city operations by 2050

Key Strategies | Improve building efficiency and renewable energy sources, transition City fleet to EVs, construct a solar farm at wastewater treatment plant

Economic Benefits | A new 26kW solar system on the Emergency Services Center resulting in an annual savings of \$3,200

### Red Lodge, MT

Energy Goals | 30% emissions reduction by 2030

Key Strategies | Wildfire preparedness, water conservation, waste reduction, local food security

Economic Benefits | Created 15 new jobs through energy efficiency programs, compost used in city parks saved \$5,000 annually

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## Examples of Energy Action Plans - OTHER

### Hood River, Oregon

Energy Goals | 100% renewable energy by 2030, 30% reduction in building energy use by 2030

Key Strategies | Community solar projects, building code updates, free energy audits for businesses

Funding Strategy | Created a "Carbon Bank" savings from energy efficiency projects to fund new climate initiatives

### Aspen, Colorado

Energy Goals | 63% emissions reduction by 2030, 100% emissions reduction by 2050

Key Strategies | Transportation electrification, Renewable energy requirements for new construction, Building IQ program for energy monitoring

Funding Strategy | Created a dedicated sustainability tax to fund climate initiatives



# Transition Time!

What is something currently absent in Livingston you want to see in the future?



Share your response via the QR code or go [menti.com](https://www.menti.com) and use code **2816 5465**

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## Group Discussion

1. Identify a Note Taker for the group
2. Discuss the Following:

### VISION AND VALUES

10 min

1. What do you want this Energy Action Plan to achieve?
2. What are the specific values or priorities that you want the Energy Action Plan to center?

### REVIEW GHG INVENTORY TARGET SECTORS

30 min

1. Brainstorm potential GHG conservation goals for each sector
2. Are there any barriers to implementation? Label sticky note with the word "BARRIER"
3. Identify the top goal priorities (up to 3) for your group? Identify with a "STAR"





## Next Steps

### How will this input be used in the Energy Action Plan?

- Input on community values will help center priorities with what this community cares most about
- Conservation Goal priorities will be incorporated into recommendations for specific strategies related to the identified focus facilities

### Opportunities for continued community involvement

#### Focus Facilities

- City Hall
- City-County Complex (Fire & Police Departments only)
- Public Works Campus (including Water Reclamation Facility)
- Six (6) Municipal Drinking Water Wells
- Civic Center
- Cemetery and Parks
- City Fleet



## Goal Prioritization

**1. Note Taker of each group shares:**

- a. Top Vision and Values
- b. Top 3 Conservation Goals

15 min

**2. Full group discussion on goals and priorities**

- a. What's missing?
- b. Does anything need clarified?

15 min

**3. User your Sticker Dots to Vote on your:**

- a. Top Vision or Values statement
- b. Top 3 Conservation Goals

10 min

*Thank  
You!*



## B. Community Workshop Notes and Results

### 10/08/24 Community Workshop



**Date** October 08, 2024  
**Notes By** Nicole Holt  
**Location** SERA Architects  
**Project Name** Livingston EAP  
**Project Number** 2403067  
**Subject** Community Workshop  
**Attendees** Livingston: Grant Gager - City Manager  
 SERA: Nicole Holt, Madison Gabig

Community Members: Andrew Mitchell, Erica Lighthiser, Jack Leuthold, Matt Thompson, Alecia Jongeward, Henry Harrison, Katherine Dunlap, Joan Kresich, Kathryn Ehlund

**General** See Workshop slides and photos of Breakout Group Discussions for additional information. Notes below capture the conversation that occurred as a full group reviewing the notes each breakout group made.

- Focus Facilities**
1. Request that the new community wellness center or existing Rec Center be included in the list of focus facilities.
    - A. It was explained that the focus facilities identified are existing buildings that have readily available data to base recommendations for improvements on.
    - B. The existing Rec Center is planned to be demolished when the new Community Wellness Center is built so there may be limited opportunities for improvement at this time.
    - C. SERA and the COL will discuss what Phase of the EAP these facilities should be included.
  2. Focus on City Facility emissions does not include all the emissions being produced by the City as a whole, so the picture is limited on what the biggest emitters are.
    - A. Would like to focus beyond the City owned infrastructure to integrate ideas with the largest impact
    - B. What more beyond emissions can we be doing to make sure we are on track to allow people and wildlife to live here in 100 years?
  3. City owned properties were intentionally chosen so that the City could implement proposed improvements quickly and to set an example for other types of development to follow.
    - A. Consider focusing on making improvements to one building to start to quickly show results and build momentum within the community.
    - B. Consider starting with wastewater - the buildings producing the highest emissions.
    - C. Our environment is screaming for help so doing something is better than nothing.

- Opportunities**
1. Set water fees so if you use more, you pay more
  2. Focus on reducing energy costs for low income households
  3. Education is needed everywhere
    - A. The city's solid waste is trucked to Great Falls, increasing emissions
    - B. Recycling requires a high level of education to avoid bankrupting the recycler
    - C. Consider gamifying community education to make it fun
    - D. Start educating those still in schools
      - i. Columbia University has a K-12 curriculum on climate change
      - ii. Local Watershed Warriors program was very successful
      - iii. Would like to make Livingston known for its sustainability education - potential for associates degree in sustainability before graduating high school
  4. Increase solar energy use, particularly on schools
  5. Composting infrastructure should be implemented





6. Historic buildings should be incentivized for new storm windows
7. Need more tree coverage in the City if GHG Inventory % is correct.
8. Community buy-in needed
  - A. Need to help the community see the value in reducing emissions
  - B. Focus on clean environment for our children
  - C. Show the cost savings and economic impact lowering emissions can bring by focusing on economic resilience
9. Hydrogen generation could be used to fuel passenger trains and fleet vehicles
  - A. Possibility for freight trains to also run on hydrogen
  - B. Livingston's train shop could build hydrogen trains which would create new jobs
  - C. City should at least look at electrifying their fleet

**Constraints**

1. Northwest Energy sets solar capacity limits for buildings limiting their impact. State legislature would need to change to increase the capacity limit.
2. Lots of national incentives, but limited local incentives for sustainable interventions on buildings
  - A. Are there ways to integrate local incentives with national and state incentives, or pursue new national incentives?
  - B. Who can the city partner with that is already doing this work to increase their impact?
3. Northwest Energy's energy sources don't currently contain enough renewables to provide "clean" energy through the grid.
4. Lack of fast charging facility for EVs in Livingston is a barrier to realistic EV commuting across the state

**Next Steps**

1. SERA is working on producing a report outlining recommendations for emissions reductions for the focus facilities as part of the Phase 1 EAP. Future phases plan to have additional opportunities for community input.









## Workshop Breakout Group Notes

Workshop participants were asked to split into even groups and then discuss and record the following:

- 1. Energy Action Plan Vision & Values**
  - What do you want this Energy Action Plan to achieve?
  - What are the specific values or priorities you want the Energy Action Plan to center?
- 2. Consider the 8 Sectors documented in the Livingston GHG Inventory**
  - What are potential GHG conservation goals for each sector?
  - Are there any barriers to implementation? (label with the word "Barrier")
  - Identify the top goal priorities for your group. (label with a "star")

After a full group discussion on each groups discussion, participants were asked to use voting dots to indicate their top 3 conservation goals or values.

EAP VISION & VALUES	WATER	WASTEWATER	VEHICLE FLEET	BUILDING & FACILITIES
Ambitious Goals + Actionable Openness to Creativity Cleaner Air Sufficient (self) Resilient First Step Towards... GRANTS IDENTIFIED	Increased Efficiency Safe Routes (Designated)	Capacity (Barrier) 550 in Missouri 1 \$ (Barrier)	ELECTRIC ONLY LIGHT DUTY TRUCKS Money (Barrier) Availability of Vehicles	Standards for future builds Pilot for NINE changes by SWITCH SMALL BATTERY BACKUP SYSTEMS FOR CITY FACILITIES Max out facility efficiency CALL 1 GREAT STUFF
Save money Save \$ Higher Efficiency Empowerment Cultural Shift Community Engagement REPRESENTING IN BIG EFFORTS LEADERSHIP	TURN OFF EVERY OTHER OR 2/3RDS EACH NIGHT 2:30 AM - 5:30 AM	PROMOTE GREEN WASTE PROGRAM INCREASE FEE FOR CONSTRUCTION WASTE Figure out the worlds recycling programs PROMOTE RECYCLING & RECYCLING EDUCATION	EMPLOYEE COMMUTE Increased Connectivity	URBAN FORESTRY More LIVINGSTON LOVES TREES

Community Workshop Breakout Group - Table 1





### C. Existing Building Data

Facility	Square Footage	Operating Hours / Day	Operating Days / Week	Pump 1	Pump 2	Pump 3	Pump 4	Electric Use	Gas Use	Notes
Water/Sewer Shop	5000	9	5							
Streets Shop	4000	9	5							
WRF	10000	24	7							50 Kv Solar array
Transfer Station	2500	9	6							
Civic Center	10000	9	5							Seasonal (May-Labor Day)
Public Pool	500	8	5							Seasonal (May-September)
Splash Park	0	11	7							Cost are split with Park County. Includes Police Station, Fire Station, Dispatch
City-County Complex	8600	24	7							Solar Array
City Hall	1000	10	5							
Cemetery	1000	24	7							
Northside Park Fieldhouse	2500	5	7							Operational during soccer activities
Green Acres Park	0	1 or as needed	7							Irrigation Pump
Sac Park	1500	1 or as needed	7							Irrigation Pump and Lift Station
Bandshell	250	1 or as needed	7							
Starlow Booster	100	Varies	7		20 hp	5 hp	100 hp			
Clinic Well	100	Varies	7	20 hp						
D St. Well	100	Varies	7	75 hp						
Billman Well	100	Varies	7	50 hp						
B St. Well	100	Varies	7	75 hp						Soft Start
Clarence Well	100	Varies	7	50 hp						
Warner Well	100	Varies	7	125 hp						
9th St. Lift Station	50	Varies	7	50 hp						
Centennial Lift Station	50	Varies	7	3 hp	3 hp					
Fleishman Creek Lift Station	50	Varies	7	3 hp	3 hp					
Health Care Lift Station	50	Varies	7	3 hp	3 hp					
Clinic Lift Station	50	Varies	7	11 hp	11 hp					
Crawford Lift Station	50	Varies	7	3 hp	3 hp					
1 Million Booster		Varies	7	3 hp	3 hp					Soft Start Both Pumps
2 Million Booster		Varies	7	30 hp	50 hp					
				30 hp	15 hp					





## D. Existing Utility Data

ASHRAE Level 1 – Walk-Through Survey uses the building utility bills and walk-through survey to identify low-cost/no-cost changes and potential capital improvements. A walk-through survey of the facility helps the energy analyst to become familiar with the building's construction, equipment, operation, and maintenance and to learn about special problems or planned improvements from the owner/operator and occupants.

For this project, utility data was unavailable; instead, multi-year (2017-23) utility invoices that do not include all facilities in the four sectors were provided. The electricity (kWh) and gas (therms) consumption were estimated using the utility invoices for the last three years (2021-23) and the Northwestern Energy Electric and Gas Rates, \$0.125/kWh and \$0.606/therm. The result is summarized in Table 1.

Table 1: Estimated electric and gas consumption using 2021-23 utility invoices

	Facility	2021		2022		2023		Average		
		Therms	kWh	Therms	kWh	Therms	kWh	Therms	kWh	
Waste	Water/Sewer Shop	330 Bennett - Compactor	296	8,136	187	5,133	502	13,785	328	9,018
		330 Bennett 1/4	2,591	71,183	2,168	59,557	2,718	74,685	2,492	68,475
		330 Bennett - fire Training Center	232	6,382	655	17,994	263	7,235	384	10,537
	Streets Shop	City Shop Building 50% 406 Bennett	1,783	48,977	2,179	59,856	1,258	34,576	1,740	47,803
		WRF 316 Bennett	3,632	99,775	5,121	140,693	5,297	145,529	4,683	128,665
	WRF	New WRF 316 Bennett	38,241	1,050,646	44,978	1,235,746	38,342	1,053,425	40,520	1,113,272
		Scale House 408 Bennett Street	170	4,669	213	5,866	229	6,299	204	5,611
	Transfer Station	Transfer Station 408 Bennett Street	1,192	32,744	1,032	28,366	1,126	30,948	1,117	30,686
		410 Bennett Transfer St Shop	-	-	-	-	-	-	-	-
	Centennial Lift Station	3 Rogers Lane Lift Station	228	6,256	271	7,456	105	2,890	201	5,534
	Health Care Lift Station	320 Alpenglow Lift Station	497	13,645	579	15,900	593	16,286	556	15,277
	Clinic Lift Station	1011 River Dr - Edge Water Sewer Pump	57	1,575	59	1,635	65	1,796	61	1,669
		800 W Cambridge - Pump Station	79	2,159	94	2,580	35	949	69	1,896
	Crawford Lift Station	9th & 10th Lift Station	83	2,277	98	2,696	116	3,194	99	2,722
		2800 East Park Lift Station	847	23,267	868	23,840	898	24,664	871	23,924
	<b>Total</b>	<b>49,926</b>	<b>1,371,690</b>	<b>58,502</b>	<b>1,607,318</b>	<b>51,548</b>	<b>1,416,262</b>	<b>53,325</b>	<b>1,465,090</b>	
PW	Civic Center	229 River Drive	24	652	80	2,196	188	5,161	97	2,670
		229 River Drive - CC Building	454	12,480	343	9,419	364	10,004	387	10,634
		200 River Drive - Pool	3,278	90,058	1,861	51,136	1,188	32,642	2,109	57,946
		229 River Drive - Civic Center	3,259	89,542	3,021	83,013	2,764	75,941	3,015	82,832
	Public Pool									
	Splash Park	G Street Park - Mike Webb Park	254	6,975	242	6,636	382	10,485	292	8,032
	City-County Complex	414 E. Callender Street								
		220 E. Park Street								
	Cemetery	15 Fleshman Creek - Cemetery Road Shop								
	Northside Park Fieldhouse	815 North 13th - Soccer Fields (Irrigation)								
	Green Acres Park	Green Acres Park								
	Sac Park	616 River Drive	17	460	18	504	9	254	15	406
	Bandshell	231 River Drive								
		<b>Total</b>	<b>7,286</b>	<b>200,168</b>	<b>5,565</b>	<b>152,903</b>	<b>4,895</b>	<b>134,487</b>	<b>5,915</b>	<b>162,519</b>
	Water	Starlow Booster	Starlow on Monroe		31,810		35,568		40,323	
Clinic Well										
D St. Well		D & Geysler Well House		131,098		159,821		187,426		159,448
Billman Well										
B St. Well		132 South B Street - B St Well		90,959		157,222		177,460		141,881
Clarence Well		900 River Drive Pump		238,663		296,624		362,595		299,294
Warner Well		Werner Addition Pump		27,708		40,985		18,352		29,015
9th St. Lift Station		9th & 10th Lift Station		2,678		3,172		3,758		3,203
Fleshman Creek Lift Station										
1 Million Booster		200 E Reservoir		4,906		7,651		5,402		5,986
2 Million Booster		40 Water Tower avenue		4,287		4,749		2,340		3,792
Softball Complex (Miles Park)		227 River Drive - Softball Field		9,318		16,589		20,964		15,623
Wierner Park/Legion Field		Weimer Park		2,074		2,160		680		1,638
Sacajawea Irrigation		502 River Dr. Pmp		8,280		12,021		15,740		12,014
Miles Park Concessions		227 River Drive - Concessions stand								
		200 E Reservoir (north side hill)		82,650		59,630		50,475		64,251
		601 Robin Lane - Well		179,677		127,795		138,202		148,558
		4 Billman Lane - Well		177,266		117,276		127,683		140,742
	229 River Drive - Pump Civic Center		3,764		863		113		1,580	
	<b>Total</b>	<b>14,571</b>	<b>1,395,474</b>	<b>11,131</b>	<b>1,347,934</b>	<b>9,790</b>	<b>1,420,486</b>	<b>11,831</b>	<b>1,387,964</b>	



The values in Table 1 have significant discrepancies compared to the electricity and gas consumption in Table 2, estimated using the emission data in the GHG Emission Report. The GHG emission data, which is based on the 2018 invoices, were converted to kWh and therms using EPA's GHG equivalency calculator (<https://www.epa.gov/energy/greenhouse-gas-equivalencies-calculator-calculations-and-references>).

Table 2: Estimated electric and gas consumption using GHG report emission data

Sectors	Electric (Kwh)	Gas (Therms)
Buildings and Facilities	348,921	38,113
Wastewater	2,510,240	18,679
Water	1,381,727	-
Solid Waste	191,288	1,672
<b>Total</b>	<b>4,432,175</b>	<b>58,465</b>

The values of total electric and gas consumption in Table 2 were used to estimate the annual energy savings due to the implantation of recommended EEMs.





## E. Glossary

### Key Terms, Abbreviations, Definitions and Acronyms

**Carbon Neutral:** achieving a balance between the amount of carbon dioxide emitted and the amount removed from the atmosphere, resulting in a net zero carbon footprint, often achieved by reducing emissions as much as possible and offsetting the remaining emissions.

**Carbon Sequestration:** the process of capturing and storing atmospheric carbon dioxide.

**Climate:** the “average weather” generally over a period of three decades. Measures of climate include temperature, precipitation, and wind.

**Climate change:** any significant change in measures of climate (such as temperature, precipitation, or wind) lasting for an extended period of time (decades or longer). Climate change may result from natural factors and processes and from human activities that change the atmosphere’s composition and land surface.

**Community Resilience:** the ability to prepare for anticipated hazards, adapt to changing conditions, and withstand and recover rapidly from disruptions.

**Energy Action Plan (EAP):** a narrative report that includes a focused list of near-term, high-priority, and implementation-ready measures to reduce GHG pollution and an analysis of GHG emissions reductions.

**Global warming:** average increase in the temperature of the atmosphere, which can contribute to changes in global climate patterns. Global warming can occur from a variety of causes, both natural and human induced.

**Greenhouse gas (GHG):** any gas that absorbs infrared radiation in the atmosphere; examples include carbon dioxide, methane, nitrous oxide, ozone, and water vapor.

**Strategic Energy Management (SEM):** is a holistic approach to managing energy use in a way that aligns with business goals and practices. The goal of SEM is to achieve long-term energy savings, cost savings, and carbon savings.

**Sustainability:** the continued protection of human health and the environment while enhancing economic prosperity and societal well-being.



## F. Sources

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**File Attachments for Item:**

**B. APPROVAL OF A CITY-COUNTY COMPACT CHAPTER (IT/GIS)**



**DATE:** February 18, 2025  
**TO:** Chair Schwarz and City Commissioners  
**FROM:** Grant Gager, City Manager  
**RE:** Staff Report for Compact Chapter Approval (IT/GIS)

**Recommendation and Summary**

Staff is recommending the Commission approve a chapter of the City-County Compact related to the provision of certain Information Technology Services by adopting the following motion:

**"I move to approve Chapter Three of the City-County Compact and authorize the Chair to sign."**

The reasons for the recommendation are as follows:

- The City of Livingston and Park County cooperate on the management of certain assets and delivery of certain services.
- The existing City-County Compact (interlocal agreement) has expired.

**Introduction and History**

The City of Livingston and Park County cooperate on the management of certain assets and delivery of certain services in the community. The cooperation between the two entities has long been documented in an interlocal agreement that memorializes the terms of the shared management responsibilities, including operating roles and cost sharing. The most recent interlocal agreement, colloquially known as the City-County Compact, expired several years ago. The City Manager has been working with County representatives to create a new City-County Compact.

**Analysis**

The current chapter for approval is related to the provision of certain Information Technology Services, specifically Geographic Information Systems.

**Fiscal Impact**

There is no fiscal impact as the compact chapter memorializes current practice.

**Strategic Alignment**

Support for government services is included in the City of Livingston Growth Policy



**Attachments**

- Attachment A: Compact Chapter 3

### **Chapter 3 – Geographic Information Services (GIS)**

**Duration:** Perpetual

**Purpose:** The purpose of this agreement is to provide the framework for on-going operation of City/County GIS, with the following priorities:

- *Rural Addressing:* Locations identified using Global Positioning Systems to improve accuracy of the Master Street Address Guide to allow for enhanced County-wide 911 responses.
- *Road Descriptions and Locations:* Identify roads, streets, alleys, bridges, culverts, cattle guards, and other important transportation features county-wide.
- *Growth Management Plan:* Store and report data necessary for the updates of both City and County plans.
- *Growth Management Area:* Coordination of annexation plans, infrastructure expansion plans, existing utility services, bike-pedestrian-trail plans, etc.
- *Emergency Response Mapping:* Mapping of all hazards, resources, and risks necessary for response activities.
- *Ancillary Activities:* Coordination of additional City and/or County services, as may be enhanced through the use of GIS technology – such as Weed Control, Floodplain Management, Asset Management, Infrastructure Management, etc.

**Organization:** The IT/GIS Director will manage operations of the IT/GIS Department. Staff of the IT/GIS Department will be employees of the County. The IT/GIS Director will organize an annual work session with the City Manager (and his/her designated staff members), a County Commissioner (and his/her designated staff members), a representative of the Park County Sheriff's Office and a representative of the Park County Rural Fire District #1, in advance of the budget year (preferably January or February). The purpose of the annual meeting is to review and discuss the next fiscal year GIS budget and needs, with input from City and County representatives.

**Finances:** The annual operating and capital costs of the IT/GIS Department shall be shared by the City and County, on a 50%/50% basis. The City will reimburse the County for its portion of the GIS budget on a quarterly basis. The GIS budget shall be negotiated by the IT/GIS Director, between the City and County, by June of each year. The County will provide all necessary accounting, auditing, budgetary control and monitoring, as well as financial management oversight of the IT/GIS Department. However, funding hereunder shall be reviewed quarterly to take into consideration any additional sources of funding which may be obtained which may be used to offset the parties' obligations hereunder.

**Contract Administration:** The County IT/GIS Department will be responsible for maintaining, and overseeing, all vendor contracts necessary to the successful operation of the joint City/County GIS.

**Retirement Contributions:** Park County will be responsible for the IT/GIS Department employees' retirement contributions.

**Property:** In addition to other sections of the City/County Compact dealing with ownership of property - any property/equipment purchased by the IT/GIS Department will be considered property of the County. However, the City of Livingston shall retain a right to 50% of any value received at the time of such property's/equipment sale or other disposal.

**Professional Contracts:** All contracts related to IT/GIS Department activities will be managed by the County.

**Reporting:** The County will provide quarterly reports of all reimbursable costs owed by the City pursuant to the section titled “Finances”.

**Termination and Property Disposition:** If this agreement is terminated, both parties agree to collaboratively work to settle disposition of property and/or equipment.

**Required Review:** The City and the County are required to review this agreement prior to each 5-year anniversary. Six months prior to each 5-year anniversary, the City and the County will provide written notification to the other party of any changes that are requested or the intent to continue with the agreement without change.

**Termination:** If either party decides to terminate this agreement in full, a six (6) month notification is required to the other party.

**CITY OF LIVINGSTON**

**COUNTY OF PARK**

\_\_\_\_\_  
Grant Gager, City Manager

\_\_\_\_\_  
Clint Tinsley  
Park County Commission Chair

\_\_\_\_\_  
Date

\_\_\_\_\_  
Michael Story  
Park County Commissioner

\_\_\_\_\_  
Bryan Wells  
Park County Commissioner

\_\_\_\_\_  
Date

**ATTEST:**

**ATTEST:**

\_\_\_\_\_  
Emily Hutchinson  
City Clerk

\_\_\_\_\_  
Maritza Reddington  
Park County Clerk and Recorder

**APPROVED AS TO FORM:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Jon Hesse  
Livingston City Attorney

\_\_\_\_\_  
Chad Glenn  
Interim Park County Attorney



**File Attachments for Item:**

**C. SUBDIVISION REGULATION REVIEW #3**



LivingstonMontana.org | PublicComment@LivingstonMontana.org | 406.823.6000

**DATE:** February 18, 2025  
**TO:** Chair Schwarz and City Commissioners  
**FROM:** Jennifer Severson, Planning Director  
**RE:** Staff Report **for Discussion of Proposed Community Experience Changes to City of Livingston Subdivision Regulations**

**Recommendation and Summary**

Staff recommends the Commission review and provide comment on the proposed amendments to the City of Livingston Subdivision Regulations Chapter 28 that were drafted to address knowledge gained through Community Experience since the Growth Policy was adopted:

The reasons for the recommendation are as follows:

- Since adoption of the Growth Policy in 2021 the City has observed the need for additional updates to the Subdivision Regulations in Chapter 28 that has been informed by the experiences of City Commissioners, City Staff and the public.

**Introduction and History**

Part 5 of Chapter 3 of Title 76 of Montana Code Annotated (MCA 76-3-501 et seq.) requires cities to adopt regulations and provide for the enforcement and administration of the subdivision of land. The City of Livingston adopted its current subdivision regulations in 2007, before the 2021 Growth Policy was adopted.

**Analysis**

The 2021 Growth Policy includes several recommendations for updates to the Subdivision Regulations in Chapter 28 (see Attachment A). Attachment A identifies all recommended updates to the Subdivision Regulations in the Growth Policy. Staff previously presented updates to Chapter



28 that were tied to state mandates (MCA), technical conformance within Chapter 28, and elsewhere in City code/ policies as well as those recommendations included in the Growth Policy. In the years since the Growth Policy was adopted, development and experience has brought introduced additional updates that Staff finds will further support the City's Growth Policy.

A version of the proposed updates to the City's subdivision regulations, showing language to be removed from (red strikethrough) and added to (blue underline), is attached (Attachment B).

**Fiscal Impact**

There is no fiscal impact arising from this action.

**Strategic Alignment**

The proposed updates to the Subdivision Regulations, identified through Community Experience, support the Land Use Recommendations for Subdivisions identified in Chapter 11 in the Growth Policy.

**Attachments**

- A. Growth Policy Recommended Changes to Subdivision Regulations- Community Experience updates highlighted
- B. Proposed Community Experience updates redlined and highlighted in yellow

GROWTH POLICY- RECOMMENDED UPDATES TO SUBDIVISION REGULATIONS		
Recommendation	Included in Updates?	Notes
Carefully evaluate transportation impacts of greenfield development as part of the development review process.	Y	Assessed through Traffic Impact Study; TIS requirement for 200+ trips to be added to <b>Subdivision Application Form</b> (Appendix #TBD).
Require sidewalks, and trail connections where possible, with new subdivisions.	N	Allowed under current sub regs 28.7.17.4; required in Tbl 1 (to be moved to Appendix)
Create Public Works Infrastructure Design Standards to incorporate into the Subdivision Regulations.	N	Completed in August 2022
Explore requiring boulevard tree plantings with all subdivisions.	Y	To Be Included in <b>Community Experience</b> updates - Sec 28.7
Explore watercourse and wetland setbacks.	N	Riparian Setbacks will be included in Zoning Code Update
Require a flood study if proposed development is to be located within a 100-year floodplain.	N	Floodplain Development Permit restricts impacts to regulatory floodplain; development in mapped floodway is prohibited
Investigate updating subdivision regulations to consider lifetime cost to the taxpayer, <b>tax revenue projections</b> , greenhouse gas emissions, water use reduction, solid waste reduction, reuse of current resources, and <b>coordination of project work to reduce disruption and waste</b> .	N	Tax revenue projections already evaluated under current subdivision regs. Reduce disruption/ waste during project is under purview of DEQ.
<del>Update regulations to add language from the Subdivision and Platting Act.</del>	Y	<del>Revisions included MCA changes-</del>
<del>Include definitions within document</del>	Y	<del>Revisions included MCA changes-</del>
<del>All definitions should be updated to meet the intent of the zoning code, subdivision regulations, recommendations of the Growth Policy and compliance with state, county, and local laws.</del>	Y	<del>Updated with MCA changes. Will be updated again for consistency with new zoning code.</del>
<del>Ensure references to MCA and MSPA are up to date.</del>	Y	<del>Revisions included MCA changes-</del>
<del>Procedure should be reviewed by staff and legal counsel to ensure proper administration of regulations</del>	Y	<del>Revisions included in MCA changes</del>
Consider removing professional land surveyor and have all plans certified by a professional engineer.	N	Certain design aspects required to be certified by engineers but state law allows survey of subdivision plats by licensed surveyor
Prohibit cul-de-sacs in subdivision development.	Y	Cul-de-sacs will only be allowed by variance - see 28.7.9.1.3
Require gridded street networks that promote active transportation.	Y	Added 28.7.8.4
Consider requiring a tree preservation ordinance to regulate the preservation of desirable trees.	Y	<b>Community Experience</b> - Regs (28.7.9.3.6) updated to require planting of boulevard trees using recommended tree species.

GROWTH POLICY- RECOMMENDED UPDATES TO SUBDIVISION REGULATIONS		
Recommendation	Included in Updates?	Notes
Street light electric bill should be the responsibility of the homeowner's association.	N	These are managed through the City's light maintenance districts.
An engineer should review Table 1 to consider reducing the impact streets have on water runoff and other environmental and fiscal considerations.	N	Design must be consistent with Pub Works Design Standards; impacts to stormwater will be evaluated when MS4 requirements are established
Table 1 should be updated to meet more modern street sections and give sections for different types of street sections and give sections for different types of street (arterial, collector, local).	Y	<b>Community Experience updates:</b> Table 1 moved to Appendix B-typical section(s) will be added based on Pub Works Design Standards
Explore working with Public Works Department to create city-wide transportation standards for all development.	N	Transportation standards and design are regulated Pub Works Design Standards.
The City should strengthen the drainage facilities requirements. This is often a source of water pollution both during and after construction of the development.	N	This is evaluated during subdivision review by Public Works and MT DEQ.
Evaluate utilizing underground stormwater drainage systems rather than allowing surface gutters along curbs and through intersections for new developments.	N	This is evaluated during subdivision review by Public Works and MT DEQ.
Often developers choose to pay the City for park land dedication. The City often loses green space and other scenic views. Consider requiring park land dedication first and payment in-lieu-of park land as a second option approved by City Commission.	N	This is inconsistent with PUD ordinance Sec 30.47.D.4. (created after Growth Policy adopted)
Consider adopting a ridgeline or viewshed ordinance.	Y	<b>Community Experience updates-</b> scenic resource preservation added to 28.7.3
Communities often shy away from mobile homes. Review to make sure this is acceptable to the City Commission.	N	This is addressed in current zoning ordinance.
Ensure all fees are included and cover staff and City resource costs to process each application.	Y	Review fees updated October 2024.
The City should strengthen the variance section.	Y	Variance language will be more robust - See Sec. 28.10.2
Add language on evaluation of subdivisions.	Y	<b>Community Experience updates.</b> Sec 28.4.7.2.4 will include specific factors will be used to evaluate development impacts with respect to seven subdivision review criteria under MCA. Language TBD

**Chapter 28 – SUBDIVISION REGULATIONS**

**[Insert Table of Contents Here](#)**

**28.1. DEFINITIONS**

Whenever the following words or phrases appear in these regulations, they shall have the meaning assigned to them by this section. When not inconsistent with the context, words used in the present tense include the future; the singular, unless otherwise specifically defined in a particular section, includes the plural, and the plural the singular; the word “shall” is always mandatory, and the word “may” indicates use of discretion in making decisions.

**AGRICULTURE:** The production of food, feed, and fiber commodities, livestock and poultry, bees, fruits and vegetables, and sod, ornamental, nursery, and horticulture crops that are raised, grown, or produced for commercial purposes.

**AGRICULTURAL WATER USER FACILITIES:** Any part of an irrigation system used to produce an agricultural product on property used for agricultural purposes.

**BLOCK:** A group of lots, tracts or parcels within well-defined and fixed boundaries.

**CERTIFICATE OF SURVEY:** A drawing of a field survey prepared by a registered surveyor for the purpose of disclosing facts pertaining to boundary locations.

~~**CLUSTER DEVELOPMENT:** A subdivision with lots clustered in a group of five or more lots that is designed to concentrate building sites on smaller lots while allowing other lands to remain undeveloped. [76-3-103(2), MCA].~~

~~**CONDOMINIUM:** A form of individual ownership with unrestricted right of disposal of one or more units in a multiple unit project with the land and all other parts of the project held in common ownership or use with owners of the other units.~~

**COVENANT (RESTRICTIVE COVENANT):** A limitation contained in a deed that restricts or regulates the use of the real property.

**DEDICATION:** The deliberate appropriation of land by an owner for any general and public use, reserving to the landowner no rights that are incompatible with the full exercise and enjoyment of the public use to which the property has been devoted. [76-3-103(3), MCA].

**DEQ:** The Montana Department of Environmental Quality.

~~**DEVELOPMENT REVIEW COMMITTEE:** The City committee, established by resolution and consisting of the various department heads, charged with reviewing development proposals and making recommendations to the City Manager.~~

**DIVISION OF LAND:** The segregation of one or more parcels of land from a larger tract held in single or undivided ownership by transferring or contracting to transfer title to or possession of a portion of the tract or properly filing a certificate of survey or subdivision plat establishing the identity of the segregated parcels pursuant to the MSPA. The conveyance of a tract of record or an entire parcel of land that was created by a previous division of land is not a division of land. [76-3-103(4), MCA].

**DWELLING UNIT:** Any building or portion thereof providing complete, independent and permanent living facilities for one household.

**EASEMENT:** Authorization by a property owner for another to use all or a portion of the owner’s property for a specified purpose.

**ENGINEER (REGISTERED PROFESSIONAL ENGINEER):** A person licensed in conformance with the Montana Professional Engineers’ Registration Act (Title 37, Chapter 67, MCA) to practice engineering in the State of Montana.

~~**FIRST MINOR SUBDIVISION:** A proposed minor subdivision of a tract of record that has not been subdivided or created by a subdivision under these regulations, or has not resulted from a tract of record that has had more than five parcels created from that tract of record since July 1, 1973. [Mont. Code Ann. § 76-3-609(2)].~~

**FLOOD:** The water of any watercourse or drainage which is above the bank or outside the channel and banks of such watercourse or drainage.

**FLOOD OF 100 YEAR FREQUENCY:** A flood magnitude expected to recur on the average of once every 100 years, or a flood magnitude which has a one percent chance of occurring in any given year.

**FLOODPLAIN:** The area adjoining the watercourse or drainage that would be covered by the floodwater of a flood of 100-year frequency.

**FLOODWAY:** The channel of a watercourse or drainage and those portions of the floodplain adjoining the channel that are reasonably required to carry and discharge the floodwater of any watercourse or drainage.

**GOVERNING BODY:** The governing authority of a county, city, town, or consolidated local government organized pursuant to law.

**GROWTH POLICY:** A comprehensive development plan, master plan, or comprehensive plan that was adopted pursuant to this chapter before October 1, 1999, or a policy that was adopted pursuant to Title 76, MCA, on or after October 1, 1999.

LOCAL SERVICES: All services provided by any local government unit having jurisdiction over the subdivision as well as those commonly provided by private entities to similar properties in the vicinity.

LOT: A parcel, plot, or other land area created by subdivision for sale, rent, or lease.

LOT MEASUREMENT:

- a. Lot Depth -- The length of a line drawn perpendicularly to the front lot line and extending to the rear lot line.
- b. Lot Width -- The average width of the lot.
- c. Lot Frontage -- The width of the front lot line.
- d. Lot Area -- The area of a lot determined exclusive of street, highway, alley, road, or other rights-of-way.

LOT TYPES:

- a. Corner Lot: A lot located at the intersection of two streets.
- b. Interior Lot: A lot with frontage on only one street.
- c. Through or Double-Frontage Lot: A lot whose front and rear lines both abut on streets.

MAJOR SUBDIVISION: A subdivision ~~which does not qualify for review as a minor subdivision that creates six (6) or more lots from a tract of record.~~

MINOR SUBDIVISION: A subdivision that creates five (5) or fewer lots from a tract of record.

~~MOBILE HOME: A trailer or semitrailer, constructed prior to June 15, 1976, which is designed, constructed and equipped as a dwelling place, living abode, or sleeping place and is and is equipped for movement on streets or highways and exceeds twenty-five (25) feet in length exclusive of trailer hitch. A mobile home does not include a manufactured home or modular home. A detached residential dwelling unit, which may consist of two (2) or more sections, fabricated at a factory and designed to be towed on its own chassis to a building site for occupation as a dwelling with or without a permanent foundation. The term includes, but is not limited to, "trailer homes," "house trailers," and "manufactured homes" whether or not the unit has been constructed after July 1, 1976, in conformance with Federal Manufactured Home Construction and Safety Standards. The term does not include "modular" or "factory built buildings" that are fabricated at a factory in accordance with the Uniform Building Code Standards applicable to site built homes, and are transported to the site for final assembly on a permanent foundation.~~

MOBILE HOME SPACE: A designated portion of a parcel of land designed for the accommodation of one mobile home and its accessory buildings or structures for the exclusive use of the occupants.



MOBILE HOME PARK: A tract of land that provides or will provide spaces for two (2) or more mobile homes.

MOBILE HOME PAD: That area of a mobile home space which has been prepared for the placement of a mobile home.

MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY MINIMUM STANDARDS: Minimum standards promulgated by the Montana Department of Environmental Quality, pursuant to Title 76, Chapter 4, Part 1, MCA. Sanitation in Subdivisions

MSPA: Montana Subdivision and Platting Act, Title 76, Chapter 3, MCA.

NATURAL ENVIRONMENT: The physical conditions that exist within a given area.

OPEN SPACE: Land or water areas retained for use as active or passive recreation areas or for resource protection in an essentially undeveloped state.

OVERALL DEVELOPMENT PLAN: The plan of a subdivision design for a single tract proposed to be subdivided in stages.

PHASED DEVELOPMENT: A subdivision application and preliminary plat that, at the time of submission, consists of independently platted development phases that are scheduled for review on a schedule proposed by the subdivider.

PLANNED UNIT DEVELOPMENT (P.U.D.): A land development project consisting of ~~residential clusters, industrial parks, shopping centers, or office building parks that~~ ~~compose~~ a planned mixture of land uses built in a prearranged relationship to each other and having open space and community facilities in common ownership or use.

PLANNING BOARD: ~~A planning board formed pursuant to Title 76, Chapter 1, MCA~~ The City of Livingston Consolidated Land Use Board.

PLANNING DEPARTMENT: The City Planning Director or any designee of the Planning Director who is charged with administering the subdivision review process.

PLAT: A graphical representation of a subdivision showing the division of land into lots, parcels, blocks, streets, alleys, and other divisions and dedications.

- a. Preliminary Plat: A neat and scaled drawing of a proposed subdivision showing the layout of streets, alleys, lots, blocks, and other elements of a subdivision that furnish a basis for review by a governing body as more specifically set forth in these regulations and the MSPA.
- b. Final Plat: The final drawing of the subdivision and dedication required to be prepared for filing for record with the county clerk and recorder containing all

elements and requirements set forth in these regulations and the MSPA. (Title 76, Chapter 3, MCA).

- c. Amended Plat: The final drawing of any change to a filed platted subdivision.

**PUBLIC HEALTH AND SAFETY:** A condition of well-being wherein risk of injury to the community at large is minimized.

**PUBLIC IMPROVEMENT:** Any structure or facility constructed to serve the residents of a subdivision or the general public.

**PUBLIC ROAD OR STREET:** A road or street which has been dedicated for public use.

**RECREATIONAL CAMPING VEHICLE:** A vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel use that either has its own motor power or is mounted on or drawn by another vehicle.

**RECREATIONAL CAMPING VEHICLE PARK:** A tract of land available to and principally used by the public for camping, where persons can park recreational camping vehicles for camping and sleeping purposes.

**RECREATIONAL CAMPING VEHICLE SPACE:** A designated portion of a recreational camping vehicle park designed for the placement of a single recreational camping vehicle and the exclusive use of its occupants.

**STATE:** The State of Montana.

**STREET TYPES:** For purposes of these regulations, street types are defined as follows:

- a. Alley: A street used primarily for vehicular access to the rear of properties which abut on and are served by public roads.
- b. Arterial: A street or road having the primary function of moving traffic with emphasis on a high level of mobility for through movement and the secondary function of providing access to adjacent land. Arterials generally carry relatively large volumes of traffic. Arterials have two (2) to four (4) lanes of moving traffic and should provide only limited access to abutting property.
- c. Collector: A street or road having the equally important functions of moving traffic and providing access to adjacent land. Collector streets have two (2) moving traffic lanes and up to two (2) parking lanes.
- d. Local Streets: A street or road having the primary function of serving abutting properties, and the secondary function of moving traffic. Local streets have two

(2) moving lanes of traffic, up to two (2) parking lanes, and provide access to abutting properties.

~~e. Half Street: A portion of the width of a street, usually located along the perimeter of a subdivision, the remaining portion of which street must be located on adjacent property if the street is to be fully constructed.~~

~~f.e. Cul-de-sac: A street having only one outlet for vehicular traffic and terminating in a turn-around area.~~

~~g.f. Loop: A local street which begins and ends on the same street, generally used for access to properties.~~

~~h.g. Frontage Access (Service Road): A local or collector street, usually parallel and adjacent to an arterial or major collector, which provides access to abutting properties and controls traffic access to arterials or collectors.~~

**SUBDIVIDER:** Any person, firm or corporation, or other entity which causes land to be subdivided or which proposes a subdivision of land [76-3-103(15), MCA]. When used in these regulations, the term "subdivider" also includes the subdivider's agent, if the subdivider has provided the Planning Department written notification that the subdivider's agent is authorized to act on the subdivider's behalf and to receive notices regarding local government decisions concerning the subdivision.

**SUBDIVISION:** A division of land or land so divided which creates one or more parcels containing less than 160 acres that cannot be described as a one-quarter aliquot part of a United States government section, exclusive of public roadways, in order that the title to or possession of the parcels may be sold, rented, leased, or otherwise conveyed, ~~and includes any re-subdivision and further includes a condominium. The term also means an~~ or area, regardless of its size, that provides or will provide multiple spaces ~~for rent or lease on which for recreational camping vehicles or mobile manufactured homes will be placed~~ [76-3-103(16), MCA].

~~**SUBSEQUENT MINOR SUBDIVISION:** Any subdivision of five (5) or fewer parcels that is not a first minor subdivision.~~

**SURVEYOR (REGISTERED LAND SURVEYOR):** A person licensed in conformance with the Montana Professional Engineer's Registration Act (Title 37, Chapter 67, MCA) to practice surveying in the State of Montana.

**SURVEYOR (EXAMINING LAND SURVEYOR):** A registered land surveyor duly appointed by the governing body to review surveys and plats submitted for filing.

**SWALE:** A drainage channel or depression designed to direct surface water flow.

**TRACT OF RECORD:** An individual parcel of land, irrespective of ownership, that can be identified by legal description, independent of any other parcel of land, using documents on file in the records of the county clerk and recorder’s office [76-3-103(17)(a), MCA].

**VICINITY SKETCH:** A map at a scale suitable to locate a proposed subdivision, showing the boundary lines of all adjacent properties and streets and other information necessary to determine the general location of the proposed subdivision.

**WILDLIFE:** Those animals that are not domesticated or tamed.

**WILDLIFE HABITAT:** The physical surroundings required for the existence of wildlife.

**28.2. GENERAL PROVISIONS**

**28.2.1. Title**

These regulations will be known and may be cited as “The Subdivision Regulations of the City of Livingston, MT;” hereinafter referred to as “these regulations.”

**28.2.2. Authority**

Authorization for these regulations is contained in the MSPA. (Title 76, Chapter 3, MCA.).

**28.2.3. Purpose**

The purposes of these regulations are to promote the public health, safety, and general welfare by regulating the subdivision of land; to prevent the overcrowding of land; to lessen congestion in the streets and highways; to provide for adequate light, air, water supply, sewage disposal, parks and recreation areas, ingress and egress, and other public requirements; to require development in harmony with the natural environment; to promote preservation of open space; to promote effective and efficient provision of public services; to protect the rights of property owners; to require uniform monumentation of land subdivisions and transferring interests in real property by reference to a plat or certificate of survey; and to provide for phased development. (76-3-102, MCA).

These regulations are intended to comply with part five of the MSPA, and are intended to promote:

- a. The orderly development of the jurisdictional area.
- b. The coordination of roads within subdivided land with other roads, both existing and planned.
- c. The dedication of land for roadways and for public utility easements.

- d. ~~The provision of proper physical and legal road access, including obtaining of necessary easements. The improvement of roads.~~
- e. The provision of adequate open spaces for travel, light, air, and recreation.
- f. ~~The provision of adequate transportation, water, and drainage. , and sanitary facilities.~~
- ~~g.f. The avoidance or minimizing of congestion. Subject to the provisions of 76-3-511, the regulation of sanitary facilities.~~
- ~~h.g. The avoidance of subdivisions which would involve unnecessary environmental degradation.~~The avoidance or minimization of congestion.
- ~~i.h. The avoidance of subdivisions that would involve unnecessary environmental degradation and The avoidance of danger or of injury to health, safety, or welfare by reason of natural hazard, including but not limited to fire and wildland fire or the lack of water, drainage, access, transportation, or other public services or that would necessitate an excessive expenditure of public funds for the supply of the services.~~
- ~~j. The avoidance of excessive expenditure of public funds for the supply of public services.~~
- ~~k. The manner and form of making and filing of any plat for subdivided lands.~~
- ~~l. The administration of these regulations by defining the powers and duties of approving authorities including procedures for the review and approval of all plats of subdivisions covered by these provisions.~~

28.2.4. Jurisdiction

These regulations govern the subdivision of land within the jurisdictional area of the governing body of the City of Livingston.

~~28.2.4.1. If a proposed subdivision lies within one mile of a third class city or town or within two (2) miles of a second class city or within three miles of a first class city, the county governing body must submit the preliminary plat to the city or town governing body or its designated agent for review and comment. If a proposed subdivision lies partly within an incorporated city or town, the preliminary plat must be submitted to, and approved by, both the city or town and the county governing bodies. If a proposed subdivision lies within two (2) miles of the city limits, the county governing body must submit the preliminary plat to the City of Livingston Planning Department. If a proposed subdivision lies partly within the City of Livingston, the preliminary plat must be submitted to, and approved by, both the City of Livingston and Park County.~~

~~If a proposed subdivision is located in a rural school district, the governing body shall provide a summary of the information contained in the subdivision application and preliminary plat to school district trustees.~~

~~When a proposed subdivision is also proposed to be annexed to a municipality, the governing body of the municipality will combine public hearings and otherwise~~

~~coordinate the subdivision review process and annexation procedures whenever possible.~~

28.2.4.2. These regulations supplement all other regulations, and where they are at variance with other laws, regulations, ordinances, or resolutions, the more restrictive requirements apply.

28.2.5. Severability

If a court of competent jurisdiction holds any word, phrase, clause, sentence, paragraph, section, or other part of these regulations invalid, that judgment will affect only the part held invalid.

**28.3. GENERAL PROCEDURES**

28.3.1. Construction Timing

The subdivider may not proceed with any construction work on a proposed subdivision, including grading and excavation relating to public improvements, until the governing body has given preliminary approval of the proposed subdivision plat.

28.3.2. Transfers of Title

Except as noted below, a final subdivision plat must be filed for record with the county clerk and recorder before title to the subdivided land can be sold or transferred in any manner. After the preliminary plat of a subdivision has been approved or conditionally approved, the subdivider may enter into contracts to sell lots in the proposed subdivision if all of the following conditions are met (76-3-303, MCA):

28.3.2.1. That under the terms of the contracts the purchasers of lots in the proposed subdivision make any payments to an escrow agent, which must be a bank or savings and loan association chartered to do business in the State of Montana;

28.3.2.2. That under the terms of the contracts and the escrow agreement the payments made by purchasers of lots in the proposed subdivision may not be distributed by the escrow agent to the subdivider until the final plat of the subdivision is filed with the county clerk and recorder.

28.3.2.3. That the contracts and the escrow agreement provide that if the final plat of the proposed subdivision is not filed with the county clerk and recorder within two years of the preliminary plat approval, the escrow agent shall immediately refund to each purchaser any payments made under the contract;

28.3.2.4. That the contracts contain the following language conspicuously set out therein: “The real property which is the subject hereof has not been finally platted, and until a final plat identifying the property has been filed with the

county clerk and recorder, title to the property cannot be transferred in any manner;”

28.3.2.5. That the county treasurer has certified that no real property taxes assessed and levied on the land to be divided are delinquent; and

28.3.2.6. A copy of the contracts and escrow agreement described above must be submitted to the Planning Department.

28.3.3. Permission to Enter

The governing body or its designated agent(s) or agency may investigate, examine, and evaluate the site of the proposed subdivision to verify information provided by the subdivider. The submission of a subdivision application constitutes a grant of permission by the subdivider to enter the subject property.

28.3.4. Appeals

28.3.4.1. A person who has filed with the governing body an application for a subdivision under the MSPA and these regulations may bring an action in district court to sue the governing body to recover actual damages caused by a final action, decision, or order of the governing body or a regulation adopted pursuant to the MSPA that is arbitrary or capricious.

28.3.4.2. A party identified in ~~subsection (e)~~ 28.3.4.3 below who is aggrieved by a decision of the governing body to approve, conditionally approve, or deny an application and preliminary plat for a proposed subdivision or a final subdivision plat may, within thirty (30) days after the decision, appeal to the district court in the county in which the property involved is located. The petition must specify the grounds upon which the appeal is made.

28.3.4.3. The following parties may appeal ~~under the provisions of 28.3.5.2, as provided~~ above:

28.3.4.3.1. The subdivider;

28.3.4.3.2. A landowner with a property boundary contiguous to the proposed subdivision or a private landowner with property within the county or municipality where the subdivision is proposed if that landowner can show a likelihood of material injury to the landowner's property or its value;

28.3.4.3.3. The county commissioners of the county where the subdivision is proposed; and

~~d. i. a first class municipality as described in 7-1-4111, if a subdivision is proposed within 3 miles of its limits;~~

28.3.4.3.4. The City of Livingston if within 2 miles of the city limits;

~~iii. a third class municipality, as described in 7-1-4111, if a subdivision is proposed within 2 miles of its limits;~~

28.3.4.4. For the purposes of this section, “aggrieved” means a person who can demonstrate a specific personal or legal interest, as distinguished from a general interest, who has been or is likely to be specifically and injuriously affected by the decision.

28.3.5. Expedited Review

28.3.5.1. Subdivisions under the jurisdiction of these regulations are entitled to the expedited review process provided for in 76-3-623, MCA at the applicant’s request. Applications for expedited review shall be subject to the review process contained in Appendix A.

**28.4. MAJOR SUBDIVISIONS**

28.4.1. Review and Approval Procedures for Major Subdivisions

Subdivisions that qualify for major subdivision review are those divisions of land containing six (6) or more lots, or subdivisions of five (5) or fewer lots that do not otherwise qualify for review as minor subdivisions under 76-3-609, MCA and these regulations.

28.4.2. Pre-application Process

28.4.2.1. Prior to submittal of the subdivision application, the subdivider shall request a pre-application meeting with the ~~Development Review Committee~~ Planning Department. The meeting shall occur within thirty (30) days after the subdivider submits a written request for the meeting to the Planning Department.

28.4.2.2. At the time of the pre-application meeting request, the subdivider shall provide the ~~Development Review Committee~~ Planning Department with a sketch plan of the proposed subdivision showing the layout of the proposed features in relation to existing site conditions. The sketch plan may be a freehand sketch drawn directly on a print of the topographic map and should include the following:

28.4.2.2.1. Information on the current status of the site, including:

- a. location;



- b. approximate tract and lot boundaries of existing tracts of record;
- c. description of general terrain;
- d. natural features;
- e. existing structures and improvements;
- f. existing utility lines and facilities;
- g. existing easements and rights of way.

28.4.2.2.2. Information on the proposed subdivision, including:

- a. tract and lot boundaries;
- b. proposed public improvements;
- c. location of utility lines and facilities;
- d. easements and rights of way;
- e. parks and open space.

28.4.2.3. At the pre-application meeting, the following will occur:

28.4.2.3.1. The ~~Development Review Committee~~ Planning Department shall identify, for informational purposes, the state laws, local regulations and growth policy provisions that may apply to the subdivision review process;

28.4.2.3.2. The ~~Development Review Committee~~ Planning Department shall provide the subdivider with a list of public utilities, local, state and federal agencies, and any other entities that have a substantial interest in the proposed subdivision ~~and that may be contacted for comment on the subdivision application. The Development Review Committee shall also identify the timeframes that the public utilities, agencies, and other entities are given to respond.~~

28.4.2.3.3. The ~~Development Review Committee~~ Planning Department shall identify particular additional information the ~~Committee~~ Department anticipates will be required for review of the subdivision application pursuant to Section ~~III-B-228.4.4~~. This does not limit the ability of the City to request additional information at a later time.

28.4.2.3.4. Unless the subdivider submits the subdivision application as provided in Section ~~III-B-1~~ 28.4.3 of these regulations within 180 working days of the pre-application meeting, the subdivider must request a second pre-application meeting prior to submitting the application.

28.4.3. Subdivision Applications

The subdivider shall submit to the Planning Department a subdivision application containing the following materials:

28.4.3.1. Two (2) copies of the completed Subdivision Application form ~~(see Appendix A)~~ and ~~the~~ supplements required ~~by Appendix B therein, including the required Environmental Assessment.~~

28.4.3.2. The required review fee ~~as stated in the Fee Schedule in Section XI;~~

28.4.3.3. Three (3) copies of the preliminary plat of the proposed subdivision which:

28.4.3.3.1. Contains the information required for preliminary plats;

28.4.3.3.2. Conforms to the Design and Improvement Standards set forth in Section ~~VI of these regulations 28.7;~~

~~a summary of probable impacts, pursuant to Appendix H and section III B 6, including any mitigation of impacts;~~

~~(C) such additional relevant and reasonable information as identified by the Development Review Committee Planning Department during the pre-application meeting pursuant to Section III A 1(e)(iii) that is pertinent to the required elements of this Section.~~

28.4.3.3.3. Proof that the subdivider has submitted for review copies of the subdivision application and environmental assessment, if applicable, to the public utilities and agencies of local, state, and federal government identified during the pre-application meeting or subsequently identified as having a substantial interest in the proposed subdivision; and

28.4.3.3.4. Such additional relevant and reasonable information as identified by the ~~Development Review Committee Planning Department~~ during the pre-application meeting pursuant to Section ~~III A 1(e)(iii) 28.4.2.3.3~~ that is pertinent to the required elements of this Section.

28.4.3.3.5. One electronic copy of the subdivision application and all listed supporting material.

28.4.4. Review Process

~~a. Local Government to Perform Element and Sufficiency Review~~

~~The local government shall be the entity to complete element and sufficiency review even if the subdivider has applied to the DEQ first pursuant to 76-4-129, MCA.~~

28.4.4.1. Element Review

28.4.4.1.1. Within five (5) working days of receipt of a subdivision application and fee, the Planning Department shall determine whether the application contains all of the applicable elements and materials required by Section ~~III-B-1~~ 28.4.3 of these regulations and shall give written notice to the subdivider of the Department’s determination.

28.4.4.1.2. If the Planning Department determines that elements are missing from the application, those elements shall be identified in the notification and the Department shall take no further action on the application until the missing elements are submitted.

~~The subdivider may correct the deficiencies and resubmit the application.~~

28.4.4.1.3. If the subdivider corrects the deficiencies and resubmits the application ~~in accordance with (b)(i)(B) above~~, the Planning Department shall have five (5) working days to notify the subdivider whether the resubmitted application contains all the materials required.

~~(D) This process shall be repeated until the subdivider submits an application containing all the materials required by Section III-B-1.~~

28.4.4.2. Sufficiency Review

28.4.4.2.1. Within fifteen (15) working days after the Planning Department notifies the subdivider that the application contains all of the required elements as provided in ~~subsection (b) 28.4.4.1~~, the Planning Department shall determine whether the application and required elements contain detailed, supporting information that is sufficient to allow for the review of the proposed subdivision under the provisions of the MSPA and these regulations and shall give written notification to the subdivider of the Department’s determination.

28.4.4.2.2. If the Planning Department determines that the information in the application is not sufficient to allow for review of the proposed subdivision, the notification shall identify the insufficient information and the Department shall take no further action on the application until the material is resubmitted.

~~(B) The subdivider may correct the deficiencies and resubmit the application.~~

28.4.4.2.3. If the subdivider corrects the deficiencies and resubmits the application ~~in accordance with (i)(B) above~~, the Planning Department

shall have fifteen (15) working days to notify the subdivider whether the resubmitted application and required elements contain detailed, supporting information that is sufficient to allow for review of the proposed subdivision under provisions of the MSPA and these regulations.

~~(D) — This process shall be repeated until the subdivider submits an application that contains detailed, supporting information that is sufficient for review of the proposed subdivision under the provisions of the MSPA and these regulations.~~

28.4.4.2.4. A determination that an application contains sufficient information for review as provided in this subsection ~~(e)~~ does not ensure that the proposed subdivision will be approved or conditionally approved by the governing body and does not limit the ability of the Planning Department, Planning Board, or the governing body to request additional information during the review process.

~~(iii) — A determination of sufficiency by the Planning Department pursuant to this subsection does not limit the DEQ from requiring additional water and sanitation information as part of the DEQ review of water and sanitation information.~~

#### 28.4.4.3. Applicable Regulations

Subdivision review and approval, conditional approval or denial shall be based on those regulations in effect at the time a subdivision application and preliminary plat is submitted and deemed to contain sufficient information for review. If regulations change during the element or sufficiency review, the determination of whether the application contains the required elements and sufficient information, and the subdivision review, shall be based on the new regulations.

#### 28.4.4.4. Time Period for Approval, Conditional Approval, or Denial

Within sixty (60) working days, the governing body shall approve, conditionally approve or deny the proposed subdivision ~~according to Section III B 6 of these regulations~~, unless the subdivider and the Department agree to an extension or suspension of the review period. The review period of sixty (60) working days begins once the Planning Department has given notice to the subdivider that the subdivision application is sufficient for review. If the subdivision application contains 50 or more lots, the review period is increased to 80 working days. Notification constitutes the date when the Planning Department sends the notice to the subdivider.

28.4.4.5. Public Agency and Utility Review

Review and comment by public agencies or utilities may not delay the governing body’s action on the subdivision application beyond the sixty (60) ~~or eighty (80)~~ working day review period. The governing body will make these comments available to the subdivider and to the general public upon request. If, during the review of the application, the Planning Department ~~or the Planning Board~~ contacts a public utility, agency, or other entity that was not included on the list provided during the pre-application meeting, the Planning Department shall notify the subdivider of the contact and the timeframe for response.

~~III B 3. Public Hearings and Notices In General~~

~~a. Hearings~~

~~The Planning Board shall hold a public hearing on the subdivision application when a hearing is required by these regulations.~~

~~b. Notice~~

~~(i) Notice of the times and dates of the hearing shall be given by publication in a newspaper of general circulation in the county not less than fifteen (15) days prior to the date of the hearing.~~

~~(ii) At least fifteen (15) days prior to the date of the hearing, notice of the hearing shall be given by certified mail to the subdivider, each property owner of record whose property is immediately adjoining the land included in the preliminary plat, and each purchaser under contract for deed of property immediately adjoining the land included in the preliminary plat.~~

~~(iii) The Planning Board may require the notices be posted at conspicuous places on the site of the proposed subdivision.~~

28.4.5. Planning Board Hearing, Consideration and Recommendation

28.4.5.1. Hearing

After the subdivision application is deemed to have all the required elements and contain detailed, supporting information that is sufficient to allow for review, the Planning Board shall hold a public hearing on the subdivision application.

28.4.5.2. Notice

Notice of the time and date of the hearing shall be given by publication in a newspaper of general circulation in the County not less than fifteen (15) days prior to the meeting date.

At least fifteen (15) days prior to the date of the hearing, notice shall be given by certified mail to the subdivider, each property owner of record whose property is immediately adjoining the land included in the preliminary plat, and each purchaser under contract for deed of property immediately adjoining the land included in the preliminary plat.

28.4.5.3. Consideration Standards

In recommending approval, conditional approval or denial of the subdivision application, the Planning Board shall base its recommendation on compliance of the subdivision application with the following:

28.4.5.3.1. These regulations, including but not limited to the design standards set forth in Section ~~V1~~28.7;

28.4.5.3.2. Applicable zoning regulations;

28.4.5.3.3 The MSPA, including but not limited to 76-3-608(3), MCA, as delineated in Section 28.4.7.2.3 of these regulations; and

28.4.5.3.3. Other applicable regulations;

28.4.5.4. ~~Consideration Evidence Recommendation~~

The planning board shall evaluate the proposed subdivision under the review criteria in Section 28.4.7 taking into consideration the preliminary plat application, staff report, variance request(s) (when applicable), any additional information submitted and all public comments received. Within ten (10) working days after the public hearing, the planning board shall make a recommendation to the governing body to approve, conditionally approve, or deny the subdivision based on established findings of fact that support the recommendation. The

board's recommendation shall be provided in writing to the applicant and the governing body and include:

28.4.5.4.1. Recommended findings of fact that describe the factual evidence and analysis of compliance with the submittal requirements and review criteria;

28.4.5.4.2. Recommended conditions and mitigation measures;

28.4.5.4.3. Disclosure of any preferences for mitigation expressed by the applicant to the planning board;

28.4.5.4.4. A recommendation for approval or denial of any variance requests, including any conditions of approval and a summary of facts forming the basis for the recommendation;

28.4.5.4.5. An account of all agency and public comments received during the review process;

28.4.5.4.6. The staff report as submitted to the planning board.

In recommending approval, conditional approval or denial of the subdivision application and preliminary plat, the Planning Board may consider, without limitation, the following (as applicable):

- ~~(i) — the subdivision application and preliminary plat;~~
- ~~(ii) — the environmental assessment;~~
- ~~(iii) — discussion of probable impacts;~~
- ~~(iv) — an officially adopted growth policy;~~
- ~~(v) — the public hearing;~~
- ~~(vi) — planning staff report and recommendation; and~~
- ~~(vii) — any additional information authorized by law.~~

d. — Recommendation

~~Within ten (10) working days after the public hearing, the Planning Board shall submit the following in writing to the subdivider and the governing body:~~

- ~~(i) — recommended findings of fact based on the evidence in subsection (c) above that discuss and weigh the subdivision's compliance with and impact on subsection (b) of these regulations; and~~

~~(ii) a recommendation for approval, conditional approval (including any recommended conditions and/or mitigation measures), or denial of the subdivision application and preliminary plat.~~

~~e. Water and Sanitation Information~~

~~The Planning Board or planning staff shall collect public comment regarding water and sanitation information pertaining to the subdivision. The planning board shall forward all comments regarding water and sanitation to the governing body.~~

28.4.6. Subdivider’s Preference for Mitigation

No later than ten (10) days before the meeting at which the governing body is to consider the subdivision application and preliminary plat, the subdivider may submit in writing to the governing body the subdivider's comments on and responses to the Planning Board’s recommendations. This document may include the subdivider’s alternative proposals, if any, for mitigating the impacts identified in the Planning Board’s recommendations. The governing body will consult with the subdivider and will give due weight and consideration to the subdivider’s expressed preference.

28.4.7. Governing Body Decision and Documentation

28.4.7.1. Prerequisites to Approval

The governing body may not approve or conditionally approve a subdivision application and preliminary plat unless the proposed subdivision:

28.4.7.1.1. Provides easements for the location and installation of any planned utilities;

28.4.7.1.2. Provides legal and physical access to each parcel within the subdivision and the notation of that access on the applicable plat and any instrument transferring the parcel;

28.4.7.1.3. Assures that all required public improvements will be installed before final plat approval, or that their installation after final plat approval will be guaranteed as provided by section ~~III-C-5-28.4.9.5~~ of these regulations; and

28.4.7.1.4. Complies with the requirements of 76-3-504, MCA, regarding the disclosure and disposition of water rights. ~~as follows:~~



~~If the proposed subdivision will create lots averaging less than five (5) acres in size, pursuant to 76-3-504(1)(j), MCA, the subdivider shall:~~

~~(A) — reserve all or a portion of the appropriation water rights owned by the owner of the land to be subdivided and transfer the water rights to a single entity for use by landowners within the subdivision who have a legal right to the water, and reserve and sever any remaining surface water rights from the land;~~

~~(B) — if the land to be subdivided is subject to a contract or interest in a public or private entity formed to provide the use of a water right on the subdivision lots, establish a landowner’s water use agreement administered through a single entity that specifies administration and the rights and responsibilities of landowners within the subdivision who have a legal right and access to the water; or~~

~~(C) — reserve and sever all surface water rights from the land.~~

~~NOTE: When comment or information is presented to the governing body at a meeting where it is considering a proposed subdivision, the governing body shall determine whether such comment constitutes information or analysis of information that was presented at the planning board hearing on the subdivision application that the public has had a reasonable opportunity to examine and on which the public has had a reasonable opportunity to comment, in which case the governing body shall proceed to its decision whether to approve, conditionally approve, or deny the proposed subdivision; or~~

~~New relevant and credible information or analysis of information that has never been submitted as evidence or considered by the planning board at a hearing on the subdivision application, in which case the governing body shall direct the planning board to schedule a subsequent public hearing for consideration of only the new information or analysis of information that may have an impact on the findings and conclusions that the governing body will rely upon in making its decision on the proposed subdivision.~~

~~When held, subsequent hearings must occur within forty five (45) days of the order by the governing body. Subsequent hearings shall be subject to the same notice requirements as original public hearings and shall be limited in scope to the new information not yet considered.~~

~~The ordering of a subsequent hearing shall suspend the sixty (60) day review period until the next meeting of the governing body at which the subdivision application may legally be considered.~~

28.4.7.1.5 The governing body shall determine whether public comments or other information presented to the governing body at a hearing held pursuant to 76-3-605:

Constitutes relevant, new information regarding a subdivision application or substantial change to the design of the subdivision that has never been submitted as evidence or considered by the governing body or its agent or agency and has a substantial effect on the governing body’s consideration of the application.

The governing body may:

Approve, conditionally approve or deny the proposed subdivision without basing its decision on the new information if the governing body determines that the new information is either irrelevant or not credible or the change in design of the subdivision does not substantially impact the analysis of potentially significant adverse impacts; or

Schedule or direct its agent or agency to schedule a subsequent hearing for consideration of only the new information, including a substantial change to the design of the subdivision for purposes of considering its findings of fact and conclusions and any proposed conditions of approval in light of the new information that the governing body will rely on in making its decision on the proposed subdivision.

If a subsequent hearing is held, the 60 or 80-day review period is suspended and the new hearing must be noticed and held within 45 days of the governing body’s determination to schedule a new hearing. After the new hearing, the 60 or 80-day time limit resumes at the governing body’s next scheduled public meeting for which proper notice can be provided for the consideration of the subdivision.

28.4.7.2. Consideration ~~Standards~~

In approving, conditionally approving, or denying a subdivision application and preliminary plat, the governing body shall consider ~~subsection~~ ~~(a)~~ 28.4.7.1 above, and whether the proposed subdivision complies with:

28.4.7.2.1. These regulations, including, but not limited to, the design standards set forth in Section ~~V1~~28.7;

28.4.7.2.2. Applicable zoning regulations; ~~and~~

28.4.7.2.3. Other applicable regulations; and

28.4.7.2.4 The MSPA, including but not limited to the following factors that are representative of, but not an exhaustive list of impacts on the criteria identified in 76-3-608(3)(a), MCA:

28.4.7.2.3.1. Impacts on agriculture

Agriculture is defined as the production of food, feed, and fiber commodities, livestock and poultry, bees, fruits and vegetables, and sod, ornamental, nursery, and horticultural crops that are raised, grown, or produced for commercial purposes.

(1) Does the proposed subdivision include soils defined as having prime, statewide or local importance by the USDA Natural Resources Conservation Service?

~~(2)~~ Would the subdivision remove agricultural or timberlands with significant existing or potential production capacity?

~~(23)~~ Would the subdivision remove from production agricultural lands that are critical to the area’s agricultural operations?

~~(34)~~ Would the subdivision create significant conflict with nearby agricultural operations (e.g. creating problems for moving livestock, operating farm machinery, maintaining water supplies, controlling weeds, applying pesticides or would the subdivision generate nuisance complaints due to nearby agricultural operations)?

28.4.7.2.3.2. Impact on agricultural water user facilities

Agricultural water user facilities are defined as any part of an irrigation system used to produce an agricultural product on property used for agricultural purposes.

(1) Would the subdivision create a significant conflict with agricultural water user facilities (e.g. creating problems for operating and maintaining irrigation systems, including

physical access or easements for those systems, or creating nuisance complaints due to safety concerns, noise, etc.)?

(2) Would the subdivision impact availability or movement of water with respect to bridges, culverts or other crossings?

28.4.7.2.3.3. Impact on local services

Local services are defined as all services provided by any local government unit having jurisdiction over the subdivision as well as those commonly provided by private entities to similar properties in the vicinity.

- (1) What additional or expanded public services and facilities would be demanded to serve this subdivision?
  - a. What additional costs would result for services such as streets, law enforcement, parks and recreation, fire protection, water, sewer and solid waste, schools and busing (including additional personnel, equipment, construction and maintenance costs)?
  - b. Who would bear these costs?
  - c. Can the service providers meet the additional costs given legal and other constraints?
  - e.d. Will required additional or expanded public services be completed before build out of the subdivision?
- (2) Would the subdivision allow existing services, through expanded use, to operate more efficiently or make the installation or improvement of services feasible?
- (3) What are the present tax revenues received from the unsubdivided land by the County, City and Schools?
- (4) What would be the approximate revenues received by each above taxing authority when the subdivision is improved and built upon?
- (5) Would new taxes generated from the subdivision cover additional public costs?
- (6) Would any special improvement districts be created which would obligate the City fiscally or administratively?

28.4.7.2.3.4. Impact on natural environment

The natural environment is defined as the physical conditions that exist within a given area.

- (1) How would the subdivision affect surface and groundwater, soils, slopes, vegetation, historical or archaeological features, and visual features scenic resources within the subdivision or on adjacent lands?
  - a. Would any streambanks be altered, streams rechanneled or any surface water contaminated quality be negatively impacted from run-off carrying sedimentation or other pollutants?
  - ~~a-b.~~ Would riparian or wetland areas be negatively impacted?
  - ~~b-c.~~ Would groundwater supplies likely be contaminated or depleted as a result of the subdivision?
  - ~~e-d.~~ Would construction of streets or building sites result in excessive cuts and fills on steep slopes or cause erosion on unstable soils?
  - e. Would significant vegetation be removed causing soil erosion or bank instability?
  - ~~d-f.~~ Is there a plan in place to prevent infestation by noxious weeds?
  - ~~e-g.~~ Would significant historical or archaeological features or significant natural habitats be damaged or destroyed by the subdivision?
 

Would the subdivision be subject to natural hazards such as flooding, rock, snow or land slides, high winds, severe wildfires or difficulties such as shallow bedrock, high water table, unstable or expansive soils, or excessive slopes?

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28.4.7.2.3.5. Impacts on wildlife and habitat

Wildlife and wildlife habitat are defined as living things that are neither human nor domesticated and the physical surroundings required for their existence.

- (1) Would the subdivision impact any species protected by the Endangered Species Act or that are identified as being of special interest or concern to the state of Montana?
- (2) How would the subdivision affect critical wildlife areas such as big game wintering range, migration routes, nesting areas, wetlands, aquatic, or other important habitat?

(2) How would pets or human activity affect wildlife?

28.4.7.2.3.6. Impacts on public health and safety

Public health and safety is defined as a condition of well being wherein risk of injury to the community at large is minimized.

(1) Would the subdivision be subject to hazardous conditions due to high voltage lines, airports, highways, railroads, high pressure gas lines, or adjacent industrial uses?

(1) Would the subdivision be subject to, result in the creation of, or impact existing public health and safety concerns including, but not limited to, those listed below?

- a. Flooding
- b. Geologic Hazards
- c. Air Quality
- d. Wildfires
- e. High Water Table/ Groundwater
- f. High Voltage Transmission Lines
- g. Hazardous Waste Exposure
- h. Industrial Uses
- i. Surface Transportation
- j. Wildlife

(2) What existing uses may be subject to complaints from residents of the subdivision? Would the provision of city-wide emergency services, including access and response times, be adversely impacted?

(3) What public health or safety hazards, such as dangerous traffic or fire conditions, would be created by the subdivision?

28.4.7.3. ~~Consideration~~ Evidence

The basis for the governing body’s decision to approve, conditionally approve, or deny a proposed subdivision is whether the subdivision application, preliminary plat, applicable environmental assessment, public hearing, staff report, planning board recommendations, or additional information demonstrates that development of the proposed subdivision meets the requirements of the Montana Subdivision and Platting Act. A governing body may not deny approval of a proposed subdivision based solely on the subdivision’s impacts on

educational services or based solely on parcels within the subdivision having been designated as wildland-urban interface parcels under 76-13-145 M.C.A.

A governing body may not withhold, deny, or impose conditions on any land use approval based solely on compliance with an adopted growth policy. A growth policy is not a regulatory document and does not confer any authority to regulate that is not otherwise specifically authorized by adopted law or regulations. §76-1-605 M.C.A.

~~In making its decision to approve, conditionally approve, or deny a proposed subdivision, the governing body may consider the following, as applicable:~~

- ~~(i) — the subdivision application and preliminary plat;~~
- ~~(ii) — the environmental assessment;~~
- ~~(iii) — the statement of probable impacts and mitigation;~~
- ~~(iv) — an officially adopted growth policy;~~
- ~~(v) — comments, evidence and discussions at the public hearing;~~
- ~~(vi) — planning staff report and recommendations;~~
- ~~(vii) — Planning Board recommendation; and~~
- ~~(viii) — any additional information authorized by law.~~

~~28.4.7.4. Water and Sanitation-Special Rules~~

All subdivisions under the jurisdiction of these regulations will be serviced by the City’s municipal water and sanitary sewer utilities. The City will also review and approve storm water plans to ensure adequate storm water drainage. Subdividers will be required to submit, to the Department of Environmental Quality, a Municipal Facilities Exclusion application after the City has approved the utility and storm water design for the subdivision and prior to final plat approval.

- ~~(i) — The governing body may conditionally approve or deny a proposed subdivision application as a result of the water and sanitation information provided in Section III B 1(a)(i) or public comment received pursuant to subsection (iv) below and Section III B 4(e) on the water and sanitation information only if the conditional approval or denial is based on existing~~

~~subdivision, zoning or other regulations that the governing body has the authority to enforce.~~

- ~~(ii) For a proposed subdivision that will create one or more parcels containing less than twenty (20) acres, the governing body may require approval by the DEQ as a condition of approval of the final plat.~~
- ~~(iii) For a proposed subdivision that will create one or more parcels containing twenty (20) acres or more, the governing body may condition approval of the final plat upon the subdivider demonstrating that there is an adequate water source and at least one area for a septic system and a replacement drainfield for each lot.~~
- ~~(iv) The governing body shall collect public comments submitted regarding water and sanitation information and shall make any comments submitted or a summary of the comments submitted available to the subdivider within thirty (30) days after conditional approval or approval of the subdivision application and preliminary plat.~~
- ~~(v) The subdivider shall, as part of the subdivider's application for sanitation approval, forward the comments or the summary provided by the governing body to the:~~
  - ~~(A) reviewing authority provided in Montana Code Annotated, Title 76, chapter 4, for subdivisions that will create one or more parcels containing less than twenty (20) acres; and~~
  - ~~(B) local health department or board of health for proposed subdivisions that will create one or more parcels containing twenty (20) acres or more and less than one hundred sixty (160) acres.~~

28.4.7.5. Documentation of Governing Body Decision

28.4.7.5.1. In rendering its decision to approve, conditionally approve, or deny the proposed subdivision, the governing body shall issue written Findings of Fact that discuss and weigh the proposed subdivision's compliance with section 28.4.7.1 and 28.4.7.2 above. ~~and impact on the standards set forth in subsection (b) above.~~

28.4.7.5.2. When the governing body approves, denies, or conditionally approves the proposed subdivision, it shall ~~send the subdivider a letter, with the appropriate signature, within 30 working days of its decision, prepare a written statement that must be provided to the applicant, that must be made available to the public, and that must:~~ and make the letter available to the public. The letter shall:



28.4.7.5.2.1. ~~contain~~ Include information regarding the appeal process for the denial or imposition of conditions;

28.4.7.5.2.2. ~~identify~~ Identify the regulations and statutes that are used in reaching the decision to approve, deny, or impose conditions and explain how they apply to the decision;

28.4.7.5.2.3. Provide the facts and conclusions that the governing body relied upon in making its decision and reference documents, testimony, or other materials that form the basis of the decision; and

28.4.7.5.2.4. Provide the conditions that apply to the preliminary plat approval and that must be satisfied before the final plat may be approved.

28.4.7.6. Subdivision Application and Preliminary Plat Approval Period

28.4.7.6.1. Approval or conditional approval of a preliminary plat shall be in effect for two (2) calendar years from the date the subdivider is notified of the governing body action. At the end of this period, the governing body may, at the request of the subdivider, extend its approval for a mutually agreed-upon period of time ~~period of one year~~. The governing body may issue more than one extension.

~~(B) — The governing body may extend the approval for more than one year if that approval period is included as a specific condition of a written subdivision improvements agreement between the governing body and the subdivider, provided for in Section III C-5.~~

28.4.7.6.2. Except when reviewing a Phased Development under 76-3-617, M.C.A., after the application and preliminary plat are approved, the governing body may not impose any additional conditions as a prerequisite to final plat approval unless the preliminary plat approval expires.

28.4.7.6.3. The governing body may withdraw approval of an application and preliminary plat if it determines that information provided by the subdivider, and upon which the approval or conditional approval was based, is inaccurate.

28.4.8. Amended Applications

28.4.8.1. If the subdivider changes the subdivision application or preliminary plat after the Planning Department makes a determination of sufficiency pursuant to ~~Section III-B-2(e)~~ Section 28.4.4.2 but before the Planning Board hearing, the subdivider shall submit the amended application to the Planning Department for review.

28.4.8.1.1. Within five (5) working days of receiving the amended application or preliminary plat, the Planning Department shall determine whether the changes to the subdivision application or preliminary plat are material.

28.4.8.1.2. The sixty (60) or eighty (80) working day review period is suspended while the Planning Department considers whether the changes to the subdivision application or preliminary plat are material.

28.4.8.1.3. If the Planning Department determines the changes are not material, the sixty (60) or eighty (80) working day review period resumes when the Planning Department mails notice of the decision to the subdivider.

28.4.8.1.4. If the Planning Department determines the changes are material, the Department may either require the subdivider to schedule a new pre-application meeting and resubmit the application as a new subdivision application or proceed with the sixty (60) or eighty (80) working day review period.

28.4.8.2. If the subdivider changes the subdivision application or preliminary plat after the Planning Board hearing but before the governing body review, the subdivider shall submit the amended application or preliminary plat to the Planning Department.

28.4.8.2.1. Within five (5) working days of receiving the amended application or preliminary plat, the Planning Department shall determine whether the changes to the subdivision application or preliminary plat are material.

28.4.8.2.2. The sixty (60) or eighty (80) working day review period is suspended while the Planning Department considers whether the changes to the subdivision application or preliminary plat are material.

28.4.8.2.3. If the Planning Department determines the changes are not material, the sixty (60) or eighty (80) working day review period resumes when the Department mails notice of the decision to the subdivider.

28.4.8.2.4. If the Planning Department determines the changes are material, the Department shall:

28.4.8.2.4.1. Schedule a new Planning Board hearing to take comment on the amended application or preliminary plat. Notice of the new Planning Board hearing shall be provided as set forth in Section 28.4.5.2. III-B-3. A supplemental staff report shall be prepared to address the changes to the original application.

28.4.8.2.4.2. The subdivider will be assessed an additional fee for rehearing reviewing the amendment according to the current Subdivision Review Fee Schedule. (See Section XI A.)

28.4.8.2.5. When a new Planning Board hearing is held pursuant to ~~subsection (b)(iv)(A)~~ 28.4.8.2.4.1 above, the sixty (60) or eighty (80) working day review period is suspended until ten (10) working days after the date of the second Planning Board hearing.

28.4.8.3. By making changes to a pending subdivision application or preliminary plat, the subdivider consents to suspension of the review period as provided in 28.4.8.1.2 and 28.4.8.2.2-subsections (a)(ii) and (b)(ii) above.

28.4.8.4. The following changes, although not an exhaustive list, may be considered material:

- 28.4.8.4.1. Configuration or number of lots;
- 28.4.8.4.2. Road layout;
- 28.4.8.4.3. Water and/or sewer proposals;
- 28.4.8.4.4. Configuration of park land or open spaces;
- 28.4.8.4.5. Easement provisions; and
- 28.4.8.4.6. Designated access.

28.4.8.5. A subdivider whose subdivision application or preliminary plat has been deemed materially changed by the Planning Department may appeal the decision to the governing body by written notice within ten (10) working days. The subdivider may request a hearing, and may submit additional evidence to show that the changes to the preliminary plat are not material.

28.4.8.5.1. The sixty (60) or eighty (80) working day review period is suspended until the governing body decision on the appeal is made.

28.4.8.5.2. If the governing body concludes that the evidence and information demonstrate that the changes to the subdivision application

or preliminary plat are material, the governing body shall order that the subdivision application be rescheduled for rehearing in front of the Planning Board pursuant to ~~subsection (b)(iv)(A)~~ 28.4.8.2.4.1.

28.4.8.5.3. If the governing body concludes that the evidence and information demonstrate that the changes to the subdivision application or preliminary plat are *not* material, the sixty (60) ~~or eighty (80)~~ working day review period resumes as of the date of the decision.

28.4.8.5.4. By appealing the decision of the Planning Department, the subdivider agrees to suspension of the sixty (60) ~~or eighty (80)~~ working day review period provided in ~~subsection (i)~~ 28.4.8.5.1 above.

#### 28.4.9. Final Plats

##### 28.4.9.1 Final Plat Submittal

The final plat must be submitted to the Planning Department before the expiration of the subdivision application and preliminary plat approval period described in ~~Section III B-6 (f)~~28.4.7.6. ~~An application for final plat approval (see form, Appendix D), the final plat, and the appropriate review fee, if any, must be submitted to the Planning Department for review and approval of the governing body. The final plat and all supplementary documents. All required documents~~ shall be submitted to the Planning Department at least thirty (30) working days prior to the expiration of preliminary plat approval or an extension thereto, and no less than ten (10) working days prior to the date the final plat is presented to the governing body for approval. The submittal shall include, as applicable:

- 28.4.9.1.1 A final plat application;
- 28.4.9.1.2. The final plat as described in 28.4.9.2;
- 28.4.9.1.3. The appropriate fee;
- 28.4.9.1.4. All required information;
- ~~(iv) — county and/or city attorney approvals; and~~
- 28.4.9.1.5. A written explanation of how each of the conditions of the preliminary plat approval has been satisfied.

##### 28.4.9.2. Final Plat Contents

The final plat submitted for approval must conform to the preliminary plat as previously reviewed and approved by the governing body and must incorporate all required modifications and comply with all conditions imposed at the time of subdivision application and preliminary plat approval. The final plat and accompanying documents must comply with the Montana Uniform Standards for

Final Subdivision Plats (~~Appendix G~~). Final plats of subdivisions approved for phased development may be filed sequentially in accordance with the approval.

28.4.9.3. Final Plat Review

28.4.9.3.1. The ~~Development Review Committee~~ Planning Department shall review the final plat to ascertain that all conditions and requirements for final plat approval have been met. The ~~Development Review Committee~~ Planning Department will not accept, begin processing, nor schedule any actions on a final plat submittal until a complete application and fee have been received. Final plat applications will not be considered complete until all conditions of preliminary approval have been satisfied.

28.4.9.3.2. The City may require that final subdivision plats be reviewed for errors and omissions in calculation or drafting by an examining land surveyor before recording with the Clerk and Recorder. When the survey data shown on the plat meets the conditions pursuant to these regulations, the examining surveyor shall certify the compliance in a printed or stamped certificate on the plat. The certificate must be signed by the surveyor.

28.4.9.4. Restrictive Covenants – Approval and Content

If common property is to be deeded to a property owners’ association, the covenants and by-laws which govern the association must, at a minimum, provide for the:

28.4.9.4.1. Formation of a property owners’ association concurrently with the filing of the final subdivision plat;

28.4.9.4.2. Mandatory membership for each property owner. Purchasers of property may also be required to sign a waiver of right to protest the formation of a maintenance district to maintain improvements;

28.4.9.4.3. Perpetual reservation of the common property when required under 76-3-621(6)(a), MCA;

28.4.9.4.4. Payment of liability insurance premiums, local taxes, and the cost of maintaining recreational or other facilities;

28.4.9.4.5. Placement of liens on the property of lot owners who are delinquent in the payment of association fees and assessments;

28.4.9.4.6. Adjustment of assessments to meet changing needs;

28.4.9.4.7. Means of enforcing the covenants, and of receiving and processing complaints;

28.4.9.4.8. Dissolution of the association and modification of the covenants and restrictions after obtaining the governing body’s approval of the change; and

28.4.9.4.9. Regular maintenance of roads, parks, buildings, drainage facilities, and other facilities controlled by the association.

28.4.9.5. Public Improvements Agreement; Guaranty

As a condition of approval of the final plat, the subdivider must have installed all required improvements or have entered into a subdivision improvements agreement guaranteeing the construction, installation, and maintenance of all required improvements (76-3-507, MCA). ~~(Appendix E.)~~

28.4.9.6. Final Plat Approval/Denial

Approval by the Governing Body

The governing body shall examine every final subdivision plat and, within thirty (30) working days of its submission to the ~~Development Review Committee~~ Planning Department, shall approve it if it conforms to the conditions of preliminary plat approval and to the terms of the MSPA and these regulations or deny it ~~pursuant to (ii) below.~~

28.4.9.6.1. Approval. The governing body shall certify its approval on the face of the final plat. When applicable, a certificate of the governing body expressly accepting any dedicated land, easements, or improvements will be filed with the final plat.

28.4.9.6.2. Denial. If the final plat is denied, the governing body shall ~~write a letter provide written notice to be sent to the subdivider~~ stating the reason for denial ~~and forward a copy to the subdivider.~~ The governing body will return the final plat to the subdivider within ten (10) working days of the action. The subdivider may then make any necessary corrections and resubmit the final plat for approval.

~~b. Final Plat Substantially Different~~

~~If the final plat differs substantially from the approved preliminary plat, the governing body shall return the final plat to the Development Review Committee for additional review.~~

~~e. Inaccurate Information~~

~~The governing body may withdrawal approval of a final plat if it determines that material information provided by the subdivider is inaccurate.~~

28.4.9.7. Final Plat Filing

After it is approved, the final plat may not be altered in any manner except as provided in ~~Section III-D~~28.4.10. The county clerk and recorder may not accept any plat for filing that does not bear the governing body’s approval in proper form or that has been altered. The clerk and recorder may file an approved plat only if it is accompanied by the documents specified in the Montana Uniform Standards for Monumentation, and Final Subdivision Plats ~~(Appendix G).~~

28.4.10. Amending Filed Plats

28.4.10.1. Changes that materially alter any portion of a filed plat, its land divisions or improvements, or that will modify the approved use of land within the subdivision, must be made by filing an amended plat showing all alterations. Any alteration which increases the number of lots or modifies six (6) or more lots, or abandons a public dedicated road right-of-way must be reviewed and approved by the governing body.

28.4.10.2. An amended plat is subject to the procedures for reviewing major or minor subdivisions, as appropriate. The governing body may not approve an amended final plat without the written consent of the owners (or lenders) of all lots that will be modified by the proposed amendment.

28.4.10.3. The governing body may not approve an amendment that will place a lot in non-conformance with the design standards contained in ~~section VI-28.7~~ of these regulations unless the governing body issues a written variance from the standards pursuant to ~~Section XI-B~~28.10.2.1, Variances.

28.4.10.4. The final amended plat submitted for approval must comply with the Montana Uniform Standards for Final Subdivision Plats ~~requirements for final subdivision plats (Appendix G).~~

**28.5. REVIEW AND APPROVAL PROCEDURES FOR MINOR SUBDIVISIONS**

Subdivisions containing five (5) or fewer parcels shall be reviewed as set forth in this Section ~~IV~~. All minor subdivisions that do not require variance(s) from the standards of these regulations shall be reviewed as Administrative Minor Subdivisions in accordance

with 28.5.1., below. If an application for a first minor subdivision contains a request for variance from any of the standards contained in these regulation, the application will be reviewed under 76-3-609(2) through (5), MCA. Applications for subsequent minor subdivisions that contain a request for variance shall be reviewed using the procedures contained in Section 28.4 of these regulation.

~~First minor subdivisions shall be reviewed pursuant to Section IV A and subsequent minor subdivisions shall be reviewed pursuant to Section IV B.~~

28.5.1 ~~First~~ Administrative Minor Subdivisions ~~Review~~

28.5.1.1 Pre-application Process

28.5.1.1.1. Prior to submittal of the subdivision application, the subdivider ~~shall~~ may request a pre-application meeting with the Planning Department. The meeting shall occur within thirty (30) days after the subdivider submits a written request for the meeting.

28.5.1.1.2. At the time of the pre-application meeting request, the subdivider shall provide the Planning Department with a sketch plan of the proposed subdivision showing the layout of the proposed features in relation to existing site conditions. The sketch plan may be a freehand sketch drawn directly on a print of the topographic map and should include the following:

28.5.1.1.3. Information on the current status of the site, including:

- a. Location;
- b. Approximate tract and lot boundaries of existing tracts of record;
- c. Description of general terrain;
- d. Natural features;
- e. Existing structures and improvements;
- f. Existing utility lines and facilities; and
- g. Existing easements and rights of way.

28.5.1.1.4. Information on the proposed subdivision, including:

- a. tract and lot boundaries;
- b. proposed public improvements;
- c. location of utility lines and facilities;
- d. easements and rights of way;
- e. parks and open space

28.5.1.1.5. At the pre-application meeting:



28.5.1.1.5.1. The Planning Department shall identify, for informational purposes, the state laws, local regulations and growth policy provisions that may apply to the subdivision review process;

28.5.1.1.5.2. The Planning Department shall provide the subdivider with a list of public utilities, local, state and federal agencies, and any other entities that have a substantial interest in the proposed subdivision ~~and that may be contacted for comment on the subdivision application. The Planning Department shall also identify the timeframes that the public utilities, agencies, and other entities are given to respond;~~ and

28.5.1.1.5.3. The Planning Department shall identify ~~particular~~ additional information the Department anticipates will be required for review of the subdivision application pursuant to ~~Section IV-A-5, 28.5.1.4.~~ This does not limit the ability of the Planning Department to request additional information at a later time.

~~28.5.1.1.6. Unless the subdivider submits the subdivision application as provided in Section IV A 1 28.5.1.2 of these regulations, within one hundred eighty (180) working days of the pre application meeting, the subdivider must request a second pre application meeting prior to submitting the application.~~

~~28.5.1.1.6. The pre-application process described above may be waived by the mutual consent of the Applicant and the Planning Department.~~

28.5.1.2. ~~First Minor Subdivision~~ Application and Preliminary Plat Submittal

The subdivider shall submit to the ~~governing body or to the agent or agency designated by the governing body~~ Planning Department a subdivision application containing the following materials:

28.5.1.2.1. Two (2) copies of the completed Subdivision Application form ~~(see Appendix A), and the~~ supplements required by ~~therein~~ Appendix B;

28.5.1.2.2. The required review fee ~~as stated in the Fee Schedule in Section XI~~;

28.5.1.2.3. Three (3) copies of the preliminary plat of the proposed minor subdivision which:

28.5.1.2.3.1. Contains the information and supplements required ~~by Appendix A and Appendix B~~;

28.5.1.2.3.2. Conforms to the Design and Improvement Standards set forth in ~~Section VI 28.7~~ of these regulations.

~~28.5.1.2.4. Sufficient evidence demonstrating that the subdivision will be the first minor subdivision from a tract of record;~~

~~(v) a summary of probable impacts, pursuant to Appendix H and Section IV A 8, including any mitigation of impacts;~~

28.5.1.2.4. Proof that the subdivider has submitted for review copies of the-subdivision application to the public utilities and agencies of local, state, and federal government identified during the pre-application meeting or subsequently identified as having a substantial interest in the proposed subdivision; and

28.5.1.2.5. Such additional relevant and reasonable information as identified by the Planning Department during the pre-application meeting pursuant to ~~Section IV A 1(e)(iii) 28.5.1.1.5.3~~ that is pertinent to the required elements of this Section.

~~28.5.1.2.6. One electronic copy of the subdivision application and all listed supporting material.~~

28.5.1.3. ~~First Minor Subdivision~~ Plat Form and Contents

~~For a first minor subdivision,~~ The subdivider shall submit a preliminary plat that conforms to the Montana Uniform Standards for Monumentation and Subdivision Plats (~~Appendix G~~). ~~The subdivider must also submit the supplements required for preliminary plats described in Appendix A and B of these regulations.~~ The minor subdivision plat must conform to the design standards set forth in ~~Section VI 28.7~~ of these regulations.

28.5.1.4. ~~First Administrative~~ Minor Subdivision Exceptions

The following do not apply to ~~first Administrative~~ minor subdivisions:

28.5.1.4.1. Preparation of an environmental assessment;

28.5.1.4.2. Public hearing requirements;

28.5.1.4.3. Review of the subdivision application for the impact on the primary review criteria found in 76-3-608(3)(a), MCA, agriculture, agricultural water user facilities, local services, the natural environment, wildlife and wildlife habitat, and public health and safety, ~~if the subdivision is proposed in a jurisdictional area that has adopted zoning regulations that address those impacts;~~

28.5.1.5. ~~First Minor Subdivision~~ Review Process

~~a. Local Government to Perform Element and Sufficiency Review~~

~~The local government shall be the entity to complete element and sufficiency review even if the subdivider has applied to the DEQ first pursuant to 76-4-129, MCA.~~

28.5.1.5.1. Element Review

Within five (5) working days of receipt of a subdivision application and fee, the Planning Department shall determine whether the application contains all of the applicable materials required by ~~Section IV A 2, including Appendix A and Appendix B~~ of these regulations, as applicable, and shall give written notice to the subdivider of the Department's determination.

28.5.1.5.1.1. If the Planning Department determines that elements are missing from the application, the Department shall identify those elements in the notification and no further action shall be taken on the application until the missing elements are submitted.

28.5.1.5.1.2. The subdivider may correct the deficiencies and resubmit the application.

28.5.1.5.1.3. If the subdivider corrects the deficiencies and resubmits the application ~~in accordance with (i)(B) above~~, the Planning Department shall have five (5) working days to notify the subdivider whether the resubmitted application contains all the materials required by ~~Section IV A 2 and by Appendix A and Appendix B~~ of these regulations, as applicable.

28.5.1.5.1.4. This process shall be repeated until the subdivider submits an application containing all the materials required by ~~these regulations Section IV A 2, including Appendix A and Appendix B~~, as applicable.

28.5.1.5.2. Sufficiency Review

Within fifteen (15) working days after the reviewing agent or agency notifies the subdivider that the application contains all of the required elements as provided in ~~subsection (b) 28.5.1.4.1~~, the Planning Department shall determine whether the application and required elements contain detailed, supporting information that is sufficient to allow for the review of the proposed subdivision under the provisions of

the MSPA and these regulations and give written notification, to the subdivider of this determination.

28.5.1.5.2.1. If the Planning Department determines that the information in the application is not sufficient to allow for review of the proposed subdivision, the Department shall identify the insufficient information in its notification and no further action shall be taken on the application until the material is resubmitted.

28.5.1.5.2.2. The subdivider may correct the deficiencies and resubmit the application.

28.5.1.5.2.3. If the subdivider corrects the deficiencies and resubmits the application ~~in accordance with (i)(B) above~~, the Planning Department shall have fifteen (15) working days to notify the subdivider whether the resubmitted application and required elements contain detailed, supporting information that is sufficient to allow for review of the proposed subdivision under provisions of the MSPA and these regulations.

28.5.1.5.2.4. This process shall be repeated until the subdivider submits an application that contains detailed, supporting information that is sufficient for review of the proposed subdivision under the provisions of the MSPA and these regulations.

28.5.1.5.2.5. A determination that an application contains sufficient information for review as provided in this subsection ~~(e)~~ does not ensure that the proposed subdivision will be approved or conditionally approved ~~by the governing body~~ and does not limit the ability of the Planning Department, ~~Planning Board, or the governing body~~ to request additional information during the review process.

28.5.1.5.2.6. Upon determination that the application is sufficient for review, the Planning Department shall notify, by first-class mail, each property owner of record whose property is immediately adjoining the land in the preliminary plat and each purchaser under contract for deed of property immediately adjoining the land in the preliminary plat of the pending application. This notice will inform the recipient that the decision to approve, conditionally approve or deny the subdivision will be posted to the City's official website within 30 days and that protests of the decision pursuant to section 28.5.1.11 will be accepted for 30 days thereafter.

~~(iii) A determination of sufficiency by the Planning Department pursuant to this subsection does not limit the DEQ from requiring additional water and sanitation information as part of the DEQ review of water and sanitation information.~~

28.5.1.5.3. Applicable Regulations

Subdivision review and approval, conditional approval or denial shall be based on those regulations in effect at the time a subdivision application and preliminary plat is deemed to contain sufficient information for review. If regulations change during the element or sufficiency review, the determination of whether the application contains the required elements and sufficient information, and the subdivision review, shall be based on the new regulations ~~;~~ [§76-3-604(9)].

28.5.1.5.4. Time Period for Approval, Conditional Approval, or Denial

Within thirty ~~five (35)~~ (30) working days, the ~~governing body~~ Planning Department shall approve, conditionally approve or deny the proposed subdivision ~~according to Section IV A 8 of these regulations, unless the subdivider and the Planning Department agree to an extension or suspension of the review period, not to exceed one year.~~ The review period of thirty ~~five (35)~~ (30) working days begins once the Planning Department has given notice to the subdivider that the subdivision application is sufficient for review. Notification constitutes the date when the reviewing agent or agency sends the notice to the subdivider.

28.5.1.5.5. Public Agency and Utility Review

Review and comment by public agencies or utilities may not delay the ~~governing body's~~ Planning Department's action on the subdivision application beyond the thirty ~~five (35)~~ (30) working day review period. The ~~governing body~~ Planning Department will make these comments available to the subdivider and to the general public upon request. If, during the review of the application, the Planning Department ~~or the Planning Board~~ contacts a public utility, agency, or other entity that was not included on the list provided during the pre-application meeting, the Planning Department shall notify the subdivider of the contact and the timeframe for response.

28.5.1.6. ~~First Minor Subdivision Planning Board~~ Recommendation Decision

~~28.5.1.5.1. Consideration Standards~~

In ~~recommending rendering it decision to approval, conditional approval approve, conditionally approve or denial deny~~ of the subdivision application, the Planning ~~Board~~ Department shall base its ~~recommendation decision~~ on compliance of the subdivision application with the following:

28.5.1.6.1. These regulations, including but not limited to the design standards set forth in Section ~~V4~~28.7;

28.5.1.6.2. Applicable zoning regulations;

(iii) ~~the MSPA, including but not limited to 76-3-608(3), MCA, as delineated in Section IV A 8(a) and (b) of these regulations; and~~

28.5.1.6.3. Other applicable regulations.

~~28.5.1.5.2. Consideration Evidence Recommendation~~

~~The Planning Department shall evaluate the proposed subdivision taking into consideration the preliminary plat application, variance request(s) (when applicable), and any additional information submitted. Within ten (10) working days after the determination that the application is sufficient for review, the planning department shall make a recommendation to the governing body to approve, conditionally approve, or deny the subdivision based on established findings of fact that support the recommendation. The department's recommendation shall be provided in writing to the applicant and the governing body and include:~~

~~28.5.1.5.2.1. Recommended findings of fact that describe the factual evidence and analysis of compliance with the submittal requirements and review criteria;~~

~~28.5.1.5.2.2. Recommended conditions and mitigation measures;~~

~~28.5.1.5.2.3. Disclosure of any preferences for mitigation expressed by the applicant to the planning department;~~

~~28.5.1.5.2.4. A recommendation for approval or denial of any variance requests, including any conditions of approval and a summary of facts forming the basis for the recommendation;~~

~~28.5.1.5.2.5. An account of any agency comments received;~~

~~In recommending approval, conditional approval, or denial of the subdivision application and preliminary plat, the Planning Board may consider, without limitation, the following (as applicable):~~

- ~~(i) the subdivision application and preliminary plat;~~
- ~~(ii) discussion of probable impacts;~~
- ~~(iii) an officially adopted growth policy;~~
- ~~(iv) planning staff report and recommendation; and~~
- ~~(v) any additional information authorized by law.~~

~~e. Recommendation~~

~~Within ten (10) working days of the meeting at which the governing body is to consider the subdivision application and preliminary plat, the Planning Board Department shall submit the following in writing to the subdivider and the governing body:~~

- ~~(i) recommended findings of fact based on the evidence in subsection (b) above that discuss and weigh the subdivisions compliance with and impact on subsection (a) of these regulations; and~~
- ~~(ii) a recommendation for approval, conditional approval (including any recommended conditions and/or mitigation measures), or denial of the subdivision application and preliminary plat.~~

~~d. Water and Sanitation Information~~

~~The Planning Board or planning staff shall collect public comment regarding water and sanitation information pertaining to the subdivision. The Planning Board shall forward all comments regarding water and sanitation to the governing body.~~

~~28.5.1.6. Subdivider's Preference for Mitigation~~

~~No later than ten (10) days before the meeting at which the governing body is to consider the subdivision application and preliminary plat, the subdivider may submit in writing to the governing body the subdivider's comments on and responses to the Planning Board's Department's recommendations. This document may include the subdivider's alternative proposals, if any, for~~

~~mitigating the impacts identified in the Planning Board's Department's recommendations. The governing body will consult with the subdivider and will give due weight and consideration to the subdivider's expressed preferences [76-3-608(5)(b), MCA].~~

~~28.5.1.7. First Minor Subdivision Governing Body Decision and Documentation~~

~~28.5.1.7.1. Prerequisites to Approval~~

~~The governing body may not approve or conditionally approve a subdivision application and preliminary plat unless the proposed subdivision:~~

~~28.5.1.7.1.1. Provides easements for the location and installation of any planned utilities;~~

~~28.5.1.7.1.2. Provides legal and physical access to each parcel within the subdivision and the notation of that access on the applicable plat and any instrument transferring the parcel;~~

~~28.5.1.7.1.3. Assures that all required public improvements will be installed before final plat approval, or that their installation after final plat approval will be guaranteed as provided by Section III C 5 of these regulations;~~

~~28.5.1.7.1.4. Complies with the requirements of 76-3-504, MCA, regarding the disclosure and disposition of water rights as follows:~~

~~If the proposed subdivision will create lots averaging less than five (5) acres in size, pursuant to 76-3-504(1)(j), MCA, the subdivider shall:~~

~~(A) — reserve all or a portion of the appropriation water rights owned by the owner of the land to be subdivided and transfer the water rights to a single entity for use by landowners within the subdivision who have a legal right to the water, and reserve and sever any remaining surface water rights from the land;~~

~~(B) — if the land to be subdivided is subject to a contract or interest in a public or private entity formed to provide the use of a water right on the subdivision lots, establish a landowner's water use agreement administered through a single entity that specifies administration and the rights and responsibilities of landowners within the subdivision who have a legal right and access to the water; or~~



~~(C) — reserve and sever all surface water rights from the land.~~

~~28.5.1.7.2. Consideration — Standards~~

~~In approving, conditionally approving, or denying a first minor subdivision application, the governing body shall consider subsection (a) above and whether the proposed subdivision complies with:~~

~~28.5.1.7.2.1. These regulations, including but not limited to, the design standards set forth in Section VI;~~

~~28.5.1.7.2.2. Applicable zoning regulations;~~

~~28.5.1.7.2.3. Other applicable regulations; and.~~

~~(iv) — the MSPA, including but not limited to the following factors that are representative of, but not an exhaustive list of impacts on the criteria identified in 76-3-608(3)(a), MCA:~~

~~(A) — Impacts on agriculture~~

~~Agriculture is defined as the production of food, feed, and fiber commodities, livestock and poultry, bees, fruits and vegetables, and sod, ornamental, nursery, and horticultural crops that are raised, grown, or produced for commercial purposes.~~

~~(1) — Would the subdivision remove agricultural or timberlands with significant existing or potential production capacity?~~

~~(2) — Would the subdivision remove from production agricultural lands that are critical to the area's agricultural operations?~~

~~(3) — Would the subdivision create significant conflict with nearby agricultural operations (e.g. creating problems for moving livestock, operating farm machinery, maintaining water supplies, controlling weeds, applying pesticides or would the subdivision generate nuisance complaints due to nearby agricultural operations)?~~

~~(B) — Impact on agricultural water user facilities~~

~~Agricultural water user facilities are defined as any part of an irrigation system used to produce an agricultural product on property used for agricultural purposes.~~

- ~~(1) — Would the subdivision create a significant conflict with agricultural water user facilities (e.g. creating problems for operating and maintaining irrigation systems or creating nuisance complaints due to safety concerns, noise, etc.)?~~

~~(C) — Impact on local services~~

~~Local services are defined as all services provided by any local government unit having jurisdiction over the subdivision as well as those commonly provided by private entities to similar properties in the vicinity.~~

- ~~(1) — What additional or expanded public services and facilities would be demanded to serve this subdivision?
 
  - ~~a. — What additional costs would result for services such as streets, law enforcement, parks and recreation, fire protection, water, sewer and solid waste, schools and buses (including additional personnel, equipment, construction and maintenance costs)?~~
  - ~~b. — Who would bear these costs?~~
  - ~~c. — Can the service providers meet the additional costs given legal and other constraints?~~~~
- ~~(2) — Would the subdivision allow existing services, through expanded use, to operate more efficiently or make the installation or improvement of services feasible?~~
- ~~(3) — What are the present tax revenues received from the unsubdivided land by the County, City and Schools?~~
- ~~(4) — What would be the approximate revenues received by each above taxing authority when the subdivision is improved and built upon?~~
- ~~(5) — Would new taxes generated from the subdivision cover additional public costs?~~
- ~~(6) — Would any special improvement districts be created which would obligate the City fiscally or administratively?~~

~~(D) — Impact on natural environment~~

The natural environment is defined as the physical conditions that exist within a given area.

- (2) — How would the subdivision affect surface and groundwater, soils, slopes, vegetation, historical or archaeological features, and visual features within the subdivision or on adjacent lands?
  - a. — Would any streambanks be altered, streams rechanneled or any surface water contaminated from run-off carrying sedimentation or other pollutants?
  - b. — Would groundwater supplies likely be contaminated or depleted as a result of the subdivision?
  - c. — Would construction of streets or building sites result in excessive cuts and fills on steep slopes or cause erosion on unstable soils?
  - d. — Would significant vegetation be removed causing soil erosion or bank instability?
  - e. — Would significant historical or archaeological features be damaged or destroyed by the subdivision?
  - f. — Would the subdivision be subject to natural hazards such as flooding, rock, snow or land slides, high winds, severe wildfires or difficulties such as shallow bedrock, high water table, unstable or expansive soils, or excessive slopes?

(E) — Impacts on wildlife and habitat

Wildlife and wildlife habitat are defined as living things that are neither human nor domesticated and the physical surroundings required for their existence.

- (1) — How would the subdivision affect critical wildlife areas such as big game wintering range, migration routes, nesting areas, wetlands or other important habitat?
- (2) — How would pets or human activity affect wildlife?

(F) — Impacts on public health and safety

Public health and safety is defined as a condition of well being wherein risk of injury to the community at large is minimized.

- (1) — Would the subdivision be subject to hazardous conditions due to high voltage lines, airports, highways, railroads, high pressure gas lines, or adjacent industrial uses?

~~(2) — What existing uses may be subject to complaints from residents of the subdivision?~~

~~(3) — What public health or safety hazards, such as dangerous traffic or fire conditions, would be created by the subdivision?~~

~~28.5.1.7.3. Consideration—Evidence~~

~~In making its decision to approve, conditionally approve, or deny a proposed first minor subdivision the governing body may consider the following, as applicable:~~

- ~~(i) — the subdivision application and preliminary plat;~~
- ~~(ii) — the statement of probable impacts and mitigation;~~
- ~~(iii) — an officially adopted growth policy;~~
- ~~(iv) — planning staff report and recommendations;~~
- ~~(v) — Planning Board recommendation; and~~
- ~~(vi) — any additional information authorized by law.~~

~~28.5.1.7. Water and Sanitation—Special Rules~~

~~All subdivisions under the jurisdiction of these regulations will be serviced by the City’s municipal water and sanitary sewer utilities. The City will also review and approve storm water plans to ensure adequate storm water drainage. Subdividers will be required to submit, to the Department of Environmental Quality, a Municipal Facilities Exclusion application after the City has approved the utility and storm water design for the subdivision and prior to final plat approval.~~

- ~~(i) — The governing body may conditionally approve or deny a proposed subdivision application as a result of the water and sanitation information provided in Section IV A 2(a)(iii)(A) or public comment received pursuant to subsection (iv) below and Section IV A 8(d) on the water and sanitation information *only if* the conditional approval or denial is based on existing subdivision, zoning or other regulations that the governing body has the authority to enforce.~~

- ~~(ii) For a proposed subdivision that will create one or more parcels containing less than twenty (20) acres, the governing body may require approval by the DEQ as a condition of approval of the final plat.~~
- ~~(iii) For a proposed subdivision that will create one or more parcels containing twenty (20) acres or more, the governing body may condition approval of the final plat upon the subdivider demonstrating that there is an adequate water source and at least one area for a septic system and a replacement drainfield for each lot.~~
- ~~(iv) The governing body shall collect public comments regarding water and sanitation information and shall make any comments submitted or a summary of the comments submitted available to the subdivider within thirty (30) days after conditional approval or approval of the subdivision application and preliminary plat.~~
- ~~(iv) The subdivider shall, as part of the subdivider's application for sanitation approval, forward the comments or the summary provided by the governing body to the:
 
  - ~~(A) reviewing authority provided in Montana Code Annotated, Title 76, Chapter 4, for subdivisions that will create one or more parcels containing less than twenty (20) acres; and~~
  - ~~(B) local health department or board of health for proposed subdivisions that will create one or more parcels containing twenty (20) acres or more and less than one hundred sixty (160) acres.~~~~

~~28.5.1.7.5. Documentation of Governing Body Decision~~

~~28.5.1.7.5.1. In rendering its decision to approve, conditionally approve, or deny the proposed subdivision the governing body shall issue written Findings of Fact that discuss and weigh the proposed subdivision's compliance with (a) and impact on the standards set forth in subsection (b) above.~~

~~28.5.1.8. When the governing body Planning Department approves, denies, or conditionally approves the proposed subdivision, it shall, within 30 working days of its determination that the subdivision is sufficient for review, prepare a written statement that must be provided to the applicant, that must be made available to the public, and that send the subdivider a letter, with the appropriate signature, and make the letter available to the public. The letter shall:~~

28.5.1.8.1. ~~contain~~ Includes information regarding the appeal process for the denial or imposition of conditions;

28.5.1.8.2. ~~identify~~ Identifies the regulations and statutes that are used in reaching the decision to approve, deny, or impose conditions and explain how they apply to the decision;

28.5.1.8.3. Provides the facts and conclusions that the governing body Planning Department relied upon in making its decision and reference documents, testimony, or other materials that form the basis of the decision;

28.5.1.8.4. Provides the conditions that apply to the preliminary plat approval and that must be satisfied before the final plat may be approved.

28.5.1.9. ~~Subdivision~~ Application and Preliminary Plat Approval Period

28.5.1.9.1. ~~Approval or conditional approval of a preliminary plat shall be in effect for two (2) calendar years from the date of the Planning Department action. The governing body must establish the term of the approval or conditional approval of the subdivision application and preliminary plat, which must be at least one but not more than three (3) calendar years.~~

28.5.1.9.2. At the end of this period the governing body Planning Department may, at the request of the subdivider, extend its approval for a mutually agreed-upon period of time.~~period of one year.~~

~~(B) — The governing body may extend the approval for more than one year if that approval period is included as a specific condition of a written subdivision improvements agreement between the governing body and the subdivider, provided for in Section IV A 10.~~

~~28.5.1.7.2.3. After the application and preliminary plat are approved, the governing body may not impose any additional conditions as a prerequisite to final plat approval unless the preliminary plat approval expires.~~

~~28.5.1.7.2.4. The governing body may withdraw approval of an application and preliminary plat if it determines that information~~

~~provided by the subdivider, and upon which the approval or conditional approval was based, is inaccurate.~~

~~28.5.1.8. First Minor Subdivisions—Amended Applications~~

~~28.5.1.8.1. If the subdivider changes the subdivision application or preliminary plat before the governing body makes its decision, the subdivider shall submit the amended application or preliminary plat to the Planning Department for review.~~

~~28.5.1.8.2. Within five (5) working days of receiving the amended application or preliminary plat, the Planning Department shall determine whether the changes to the subdivision application or preliminary plat are material.~~

~~28.5.1.8.3. The thirty five (35) working day review period is suspended while the Planning Department considers the amended application or preliminary plat.~~

~~28.5.1.8.4. If the Planning Department determines the changes are not material, the thirty five (35) working day review period resumes when the Department mails notice of the decision to the subdivider.~~

~~28.5.1.8.5. If the Planning Department determines the changes are material, the Department shall require the subdivider to schedule a new pre-application meeting and resubmit the application and preliminary plat as a new subdivision application.~~

~~28.5.1.8.6. By making changes to a pending subdivision application or preliminary plat, the subdivider consents to suspension of the review period as provided in subsection (a)(ii).~~

~~28.5.1.8.7. The following changes, although not an exhaustive list, may be considered material:~~

~~28.5.1.8.7.1. Configuration or number of lots;~~

~~28.5.1.8.7.2. Road layout;~~

~~28.5.1.8.7.3. Water and/or septic proposals;~~

~~28.5.1.8.7.4. Configuration of park land or open spaces;~~

~~28.5.1.8.7.5. Easement provisions;~~

~~28.5.1.8.7.6. Designated access;~~

~~28.5.1.8.8. A subdivider whose subdivision application or preliminary plat has been deemed materially changed by the Planning Department may appeal the decision to the governing body. The person may request a hearing, and may submit additional evidence to show that the changes to the preliminary plat are not material. When an appeal is made:~~

~~28.5.1.8.8.1. The thirty five (35) working day review period is suspended until the governing body decision on the appeal is made.~~

~~28.5.1.8.8.2. If the governing body concludes that the evidence and information demonstrate that the changes to the subdivision application or preliminary plat are material, the governing body shall require the subdivision application and preliminary plat should be resubmitted pursuant to subsection (a)(iv).~~

~~28.5.1.8.8.3. If the governing body concludes that the evidence and information demonstrate that the changes to the subdivision application or preliminary plat are not material, the thirty five (35) working day review period resumes as of the date of the decision.~~

~~28.5.1.8.8.4. By appealing the decision of the Planning Department, the subdivider agrees to suspension of the thirty five (35) working day review period provided in subsection (d)(i) above.~~

28.5.1.10. First Minor Subdivision Final Plat

~~The final plat must have the contents, and be submitted and reviewed in accordance with the appropriate requirements contained in Section III C, Final Plat. The Planning Department shall approve Minor Subdivision final plats after determining that the plat meets the requirements of these regulations, any conditions placed upon preliminary approval and all requirements of the Montana Subdivision and Platting Act. All final plats will be signed by the Chair of the Governing Body.~~

28.5.2. Subsequent Minor Subdivisions

~~Subsequent minor subdivisions shall be reviewed as major subdivisions. All the requirements and procedures of Section III of these regulations must be followed for subsequent minor subdivisions.~~



28.5.1.11. If a party identified in 76-3-625(3), MCA objects to subdivision administrator’s decision to approve, conditionally approve, or deny an administrative minor subdivision, the party may request in writing that the subdivision administrator forward the application on to the governing body. The governing body shall sustain the subdivision administrator’s decision based on the record as a whole unless the decision was arbitrary, capricious, or unlawful. The governing body has 15 working days from the receipt of the request to review a decision to approve, conditionally approve, or deny the administrative minor subdivision and make a final determination.

Protests under this section (28.5.1.11) will be accepted for a period of 30 days after the Final Administrative Decision on the subdivision is posted to the City’s official website.

**28.6. DIVISIONS OF LAND EXEMPTIONS FROM SUBDIVISION REVIEW**

**V-A. Purpose**

~~The State of Montana provides that certain divisions of land, which would otherwise constitute subdivisions, are exempt from local subdivision review and approval, unless the transactions are an attempt to evade the MSPA.~~

**V-B. Divisions of Land Entirely Exempt from the Requirements of These Regulations and the Montana Subdivision and Platting Act**

~~Unless the method of disposition is adopted for the purpose of evading these regulations or the MSPA, the requirements of these regulations and the MSPA do not apply unless otherwise specifically provided when:~~

- ~~a. A division of land is created by order of any court of record in this state or by operation of law or that, in the absence of agreement between the parties to the sale, could be created by an order of any court in the state pursuant to the law of eminent domain, Title 70, Chapter 30;
 
  - ~~(i) Before a court of record orders a division of land, the court shall notify the governing body of the pending division and allow the governing body to present written comments on the subdivision.~~~~
- ~~b. A division of land is created to provide security for mortgages, liens, or trust indentures for the purpose of construction, improvements to the land being divided, or refinancing purposes;~~
- ~~e. A division of land creates an interest in oil, gas, minerals, or water that is severed from the surface ownership of real property;~~
- ~~d. A division of land creates cemetery lots;~~

- e. ~~A division of land is created by the reservation of a life estate;~~
- f. ~~A division of land is created by lease or rental for farming and agricultural purposes;~~
- g. ~~A division of land is in a location over which the state does not have jurisdiction;~~
- h. ~~A division of land is created for public rights of way or public utility sites.~~

~~**V.C. Specific Exemptions**~~

- a. ~~Condominiums are constructed on land divided in compliance with these regulations and the MSPA provided that:
 
  - (i) ~~The approval of the original division of land expressly contemplated the construction of the condominiums and 76-3-621, MCA, is complied with;~~  
~~or~~
  - (ii) ~~The condominium proposal is in conformance with applicable zoning regulations.~~~~
- b. ~~The sale, rent, lease, or other conveyance of one or more parts of a building, structure, or other improvement, whether existing or proposed, is not a division of land;~~
- e. ~~A division of land created by lease or rental of contiguous airport related land owned by a city, county, the state, or a municipal or regional airport authority provided that the lease or rental is for onsite weather or air navigation facilities, the manufacture, maintenance, and storage of aircraft, or air carrier related activities;~~
- d. ~~A division of state owned land unless the division creates a second or subsequent parcel from a single tract for sale, rent, or lease for residential purposes after July 1, 1974;~~
- e. ~~Deeds, contracts, leases, or other conveyances which were executed prior to July 1, 1974.~~

~~**V.D. Specific Exemptions from Review but Subject to Survey Requirements and Zoning Regulations**~~

~~Unless the method of disposition is adopted for the purpose of evading these regulations or the MSPA, the following divisions of land are not subdivisions under these regulations and the MSPA, but are subject to the surveying requirements of 76-3-401, MCA, and zoning regulations adopted under Title 76 Chapter 2. A division of land may~~

~~not be made under this Section unless the County Treasurer has certified that no real property taxes and special assessments assessed and levied on the land to be divided are delinquent. The Clerk shall notify the Planning Department of any land division described in this Section or 76-3-207(1), MCA.~~

~~**V-D-1, Exemption as a Gift or Sale to a Member of the Immediate Family**~~

~~a. **Statement of Intent.**~~

~~The intention of this exemption is to allow a landowner to convey one parcel to each member of his or her immediate family without local subdivision review. A single parcel may be conveyed to each member of the immediate family under this exemption in each county where the landowner owns property.~~

~~(i) The term "immediate family" means the spouse, children (by blood or adoption), or parents of the grantor [76-3-103(8), MCA]. This exemption may be used only by grantors who are natural persons and not by non-corporal legal entities such as corporations, partnerships, and trusts.~~

~~b. **Required Information**~~

~~Filing of any certificate of survey (or recording of an instrument of conveyance) that would use this exemption to create a parcel for conveyance to a family member must show the name of the grantee, relationship to the landowner, and the parcel to be conveyed under this exemption, and the landowner's certification of compliance. Also, the certificate of survey or instrument of conveyance must be accompanied by a deed or other conveying document.~~

~~c. **Use of Exemption**~~

~~One conveyance of a parcel to each member of the landowner's immediate family is eligible for exemption from subdivision review under 76-3-207(1)(b), MCA, and these regulations. However, the use of the exemption may not create more than one new parcel per exemption.~~

~~d. **Rebuttable Presumptions**~~

~~(i) Any proposed use of the family conveyance exemption to divide a tract that was created through use of an exemption will be presumed to be adopted for purposes of evading the Act.~~

- (ii) ~~The use of the family conveyance exemption to divide tracts that were created as part of an overall development plan with such characteristics as common roads, utility easements, restrictive covenants, open space or common marketing or promotional plan raises a rebuttable presumption that the use of the exemption is adopted for purposes of evading the Act.~~

~~**V-D-2. Exemption to Provide Security for Construction Mortgages, Liens, or Trust Indentures**~~

~~a. **Statement of Intent.**~~

~~Under policies by many lending institutions and federal home loan guaranty programs, a landowner who is buying a tract with financing or through a contract for deed is required to hold title to the specific site on which the residence will be built. The intended purpose of this exemption is to allow a person who is buying a tract using financing or contract for deed to segregate a smaller parcel from the tract for security for financing construction of a home on the property.~~

~~a. **Use of Exemption**~~

~~This exemption is not available to simply create a parcel without review by claiming that the parcel will be used for security to finance construction of a home or other structure on the proposed lot.~~

~~This exemption may not be properly invoked unless (1) the claimant is purchasing a larger tract through financing or a contract for deed (and thus does not hold title) and (2) a lending institution requires the landowner to hold title to a small parcel of the tract because the smaller tract is required as security for a building construction loan.~~

~~b. **Required Materials**~~

~~When this exemption is to be used, the landowner must submit to the clerk and recorder Planning Department:~~

- (i) ~~a statement of how many parcels within the original tract will be created by use of the exemption;~~
- (ii) ~~the deed, trust indenture or mortgage for the exempt parcel (which states that the tract of land is being created only to secure a construction mortgage, lien or trust indenture);~~
- (iii) ~~a statement explaining who will have title to and possession of the balance of the original parcel after title to the exempted parcel is conveyed; and~~

- (iv) ~~a signed statement from a lending institution that the creation of the exempted parcel is necessary to secure a construction loan for buildings or other improvements on the parcel.~~

e. ~~Rebuttable Presumptions~~

~~The use of this exemption is presumed to have been adopted for the purpose of evading the Act if:~~

- (i) ~~it will create more than one new building site;~~
- (ii) ~~the financing is not for construction on the exempted parcel;~~
- (iii) ~~the person named in the statement explaining who would have possession of the remainder parcel if title to the exempted parcel is conveyed is anyone other than the borrower of funds for construction;~~
- (iv) ~~title to the exempted parcel will not be initially obtained by the lending institution if foreclosure occurs;~~
- (v) ~~it appears that the principal reason the parcel is being created is to create a building site and using the parcel to secure a construction loan is a secondary purpose;~~
- (vi) ~~if the division of land is created for the purpose of conveyance to any entity other than the financial or lending institution to which the mortgage, lien or trust indenture was given or to a purchaser upon foreclosure of the mortgage, lien or trust indenture.~~

~~V-D-3. Exemption for Agricultural Purposes~~

a. ~~Statement of Intent~~

~~The intention of this exemption is to allow a landowner to create a parcel without local review if the parcel will be used only for the production of livestock or agricultural crops and no residential, commercial or industrial buildings will be built on it.~~

b. ~~Use of Exemption~~

~~"Agricultural purpose," for purposes of these evasion criteria, means the use of land for raising crops or livestock, and specifically excludes residential structures and facilities for commercially processing agricultural products. Agricultural lands are exempt from review by the DEQ, provided the~~

~~applicable exemption under the Sanitation in Subdivisions Act is properly invoked by the property owner.~~

~~e. Rebuttable Presumptions~~

~~The following conditions must be met or the use of the exemption will be presumed to have been adopted for the purpose of evading the Act:~~

- ~~(i) — The parties to the transaction must enter into a covenant running with the land and revocable only by mutual consent of the county commissioners and the property owner that the divided land will be used exclusively for agricultural purposes. The covenant must be signed by the property owner, the buyer, and the county commissioners.~~
- ~~(ii) — The landowner must demonstrate that the planned use of the exempted parcel is for agricultural purposes and that no residential, commercial, or industrial buildings will be built on it.~~
- ~~(iii) — Any change in use of the land for anything other than agricultural purposes subjects the parcel to review as a minor subdivision.~~
- ~~(iv) — Residential, commercial, or industrial structures, including facilities for commercial processing of agricultural products, may not be utilized, constructed or erected on parcels created under this exemption unless the covenant is revoked.~~

~~26.1.1.1.1 V D 4. — Relocation of Common Boundary~~

~~a. Statement of Intent~~

~~The intended purpose of this exemption is to allow a change in the location or the elimination of a boundary line between two parcels and to allow a one-time transfer of a tract to effect that relocation or elimination without subdivision review.~~

~~b. Required Information~~

~~Certificates of survey claiming this exemption must clearly distinguish between the existing boundary location and, in case of a relocation, the new boundary. This must be accomplished by representing the existing boundary with a dashed line and the new boundary, if applicable, with a solid line. The appropriate certification must be included on the certificate of survey.~~

~~c. Use of Exemption~~

~~The proper use of the exemption for relocating common boundary lines is to establish a new boundary between adjoining parcels of land outside of a platted subdivision, without creating an additional parcel. The exemption may not be used if the division of land would result in the permanent creation of one or more additional parcels of land.~~

~~d. Rebuttable Presumptions~~

~~The use of this exemption is presumed to have been adopted for the purpose of evading the Act if the agent determines that the documentation submitted according to this Section does not support the stated reason for relocation.~~

~~V.E.A. Procedures and Review of Subdivision Exemptions~~

28.6.1. Exemption Submittal

Any person seeking exemption from the requirements of the Subdivision and Platting Act (76-3-101 et. seq., MCA) shall submit to the Planning Department (1) a certificate of survey or, if a survey is not required, an instrument of conveyance, and (2) evidence of, and an affidavit affirming, entitlement to the claimed exemption.

28.6.2. Review

When a claimed exemption is submitted to the Planning Department, the Department shall cause the documents to be reviewed. The Planning Department shall review the claimed exemption to verify that it is the proper use of the claimed exemption and complies with the requirements set forth in the MSPA, the Montana Sanitation in Subdivisions Act, and these regulations.

28.6.2.1. Landowners or their agents are encouraged to meet with the Planning Department to discuss whether a proposed land division or use of an exemption is in compliance with these criteria.

28.6.2.2. Within five (5) working days of submittal the Planning Department shall submit a written determination whether the use of the exemption is intended to evade the purposes of the Act.

28.6.2.3. If the Planning Department finds that the proposed use of the exemption complies with the statutes and these criteria, the Department shall notify and advise the ~~clerk and recorder~~ Chair of the City Commission to ~~file~~ sign the certificate of survey or authorize the recording of the instrument of conveyance and accompanying documents. If the Planning Department finds that the proposed use of the exemption does not comply with the statutes and these criteria, the Department shall advise the ~~clerk and recorder~~ Chair not to ~~file~~ sign or authorize

~~the recording~~ the documents, and ~~the clerk~~ shall return the materials to the landowner.

28.6.2.4. The Planning Department, when determining whether an exemption is claimed for the purpose of evading the Act, shall consider all of the surrounding circumstances. These circumstances may include but are not limited to: the nature of the claimant’s business, the prior history of the particular tract in question, the proposed configuration of the tracts if the proposed exempt transaction is completed, and any pattern of exempt transactions that will result in the equivalent of a subdivision without local government review.

28.6.3. Appeals.

28.6.3.1. Any person whose proposed use of an exemption has been denied by the Planning Department because the proposed division of land has been deemed an attempt to evade the MSPA and/or these regulations may appeal the decision to the governing body. The person may request a hearing, and may submit additional evidence to show that the use of the exemption in question is not intended to evade the MSPA and/or these regulations, ~~and, thereby overcome the rebuttable presumption.~~

28.6.3.2. If the governing body concludes that the evidence and information ~~overcomes the presumption demonstrate~~ that the exemption is not being invoked to evade the MSPA or these regulations, it may authorize the use of the exemption in writing. A certificate of survey claiming an exemption from subdivision review, which otherwise is in proper form, and which the governing body has found not to be an attempt to evade the MSPA or these regulations, may be filed (or an instrument of conveyance recorded) if it is accompanied by written authorization of the governing body.

28.6.3.3. ~~If the person proposing to use an exemption does not seek to rebut the rebuttable presumption or~~ If the governing body determines that the proposed use of the exemption was for the purpose of evading the Act, the landowner may submit a subdivision application for the proposed land division.

**~~V E 4. Non-Rebuttable Presumption for Patterns of Development~~**

~~Exempt divisions of land that would result in a pattern of development equivalent to a subdivision shall be deemed to be adopted for purposes of evading the Act. A “pattern of development” occurs whenever three (3) or more parcels of less than 160 acres with common covenants or facilities have been divided from the original tract by the same party or related parties.~~

**~~V E 5. Identification Codes~~**



To assist in the implementation of this review process and to monitor those parcels by exemption the Clerk and Recorder shall cause the following identification codes to be added to the numbering of recorded certificates of survey filed after the effective date of these regulations:

- CO ... Court order [76-3-201(1)(a), MCA]
- ME ... Mortgage Exemption [76-3-201(1)(b), MCA]
- LE ... Life Estate [76-3-201(1)(c), MCA]
- RB ... Relocation of Common Boundary [76-3-207(1)(a), MCA]
- FC ... Family Conveyance [76-3-207(1)(b), MCA]
- AE ... Agricultural Exemption [76-3-207(1)(c), MCA]
- OS ... Occasional Sale (used prior to April 6, 1993)
- AL ... Aggregation of Lots [76-3-207(e), MCA]

**28.7. DESIGN AND IMPROVEMENT STANDARDS**

28.7.1. General Standards

All subdivisions approved by the governing body must comply with the provisions of this Section, except where granted a variance pursuant to ~~Section 28.10.2-IX-B~~, Variances. The governing body may not grant variances from the provisions of ~~Section 28.7.5-VI-A-4~~, Floodplain Provisions. ~~For subdivisions created by rent or lease, planned unit developments, and condominiums, refer to Sections VII, VIII, and IX of these regulations.~~

28.7.2. Conformance with Zoning

The design and development of a subdivision must conform to any applicable zoning regulations.

28.7.3. Natural Environment

The design and development of subdivisions must provide satisfactory building sites, which are properly related to topography, and should, to the extent possible, preserve the natural terrain, natural drainage, and existing topsoil, trees and other existing-vegetation; it must also, to the extent possible, avoid disturbing historical, archaeological and scenic resources-

If the subdivision is located within an area identified by the State Historic Preservation Office (SHPO) as containing significant cultural or archaeological resources, efforts to mitigate impacts to these resources must be included in project plans.

28.7.4. Lands Unsuitable for Subdivision

Land that the governing body determines is unsuitable for subdivision because of natural or human caused hazards may not be subdivided for building or residential purposes unless the hazards are eliminated or will be overcome by approved design and construction techniques.

If the subdivision will encroach into an area identified by the Montana Department of Fish, Wildlife and Parks (FWP) as being a wildlife migration corridor, efforts to mitigate impacts to this resource must be included in project plans. This may include, but is not limited to, incorporating fencing that is considered “wildlife friendly” under FWP guidance.

If the subdivision will encroach into an area identified by the US Army Corps of Engineers as a wetland, efforts to mitigate impacts to this resource must be included in project plans.

28.7.5. Floodplain Provisions

Land within a proposed subdivision located in the regulatory floodway of a 100-year flood event, as defined by Title 76, Chapter 5, MCA, or other land determined by the governing body to be subject to flooding may not be subdivided for building or residential purposes or other uses that may increase flood hazards is subject to requirements and restrictions stated in Chapter 29 of the Livingston Municipal Code for Floodplain Regulations.

28.7.6. Improvement Design

28.7.6.1. Engineering and survey plans, specifications, and reports required in connection with public improvements and other elements of the subdivision required by the governing body must be prepared by a professional engineer or a professional land surveyor as their respective licensing laws allow in accordance with the MSPA and these regulations.

28.7.6.2. All subdivision improvements must be designed to comply with the City of Livingston Public Works Design Standards and Specification Policy; the City’s Modification to the Montana Public Works Standards, and Table 1 in Appendix B.

28.7.6.3. All subdivisions under the jurisdiction of these regulations will be serviced by the City’s municipal water and sanitary sewer utilities. The City will also review and approve storm water plans to ensure adequate storm water

drainage. Subdividers will be required to submit, to the Department of Environmental Quality, a Municipal Facilities Exclusion application after the City has approved the utility and storm water design for the subdivision and prior to final plat approval.

28.7.7. Lots

28.7.7.1 Each lot must contain a satisfactory building site and conform to ~~health department regulations~~, applicable zoning regulations and these regulations.

28.7.7.2 No lot may be divided by a municipal or county boundary line.

28.7.7.3 No lot may be divided by a public road, alley or utility right-of-way or easement.

28.7.7.4 Each lot must abut and have access to a public ~~or private~~ street or road. Alleys may not be used to provide the primary access to a lot.

28.7.7.5 Corner lots must have driveway access to the same street or road that provides access to interior lots.

28.7.7.6 Corner lots must be designed to provide acceptable sight distances for safe vehicular movement.

~~28.7.7.7 No lot may have an average depth greater than three times its average width~~

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28.7.7.8 Side lot lines must be at substantially right angles to street or road lines and radial to curved street or road lines.

28.7.7.9 Through lots are prohibited, except when they are essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography or orientation.

28.7.8. Blocks

28.7.8.1. Blocks must be designed to assure traffic safety and ease of traffic control and circulation, to accommodate the special needs of the use contemplated, and to take advantage of the limitations and opportunities of the topography.

28.7.8.2. ~~Unless impractical~~, block length must not be more than ~~1,600~~1,000 feet nor less than 400 feet.

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28.7.8.3 Blocks must be ~~wide enough~~ at least 300 feet wide to allow for two tiers of lots ~~separated by a twenty-foot-wide alley, unless a narrower configuration is~~

~~essential to provide separation of residential development from traffic arteries, or to overcome specific disadvantages of topography and orientation, or unless the governing body approves a design consisting of irregularly shaped blocks indented by cul-de-sacs~~

28.7.8.4. All blocks will be oriented in the same direction, creating a street grid with intersections at or very near ninety degrees.

28.7.9. Streets and Roads  
28.7.9.1. Design

28.7.9.1.1. Streets must be designed to comply with the City of Livingston Public Works Design Standards and Specification Policy; the City's Modification to the Montana Public Works Standards, and Table 1 in Appendix B. The arrangement, type, extent, width, grade, and location of all streets must be considered in their relation to existing and planned streets, topographical conditions, public convenience and safety, and the proposed uses of the land to be served by them.

28.7.9.1.2 The arrangement, type, extent, width, grade, and location of all streets must be considered in their relation to existing and planned streets, topographical conditions, public convenience and safety, and the proposed uses of the land to be served by them. Streets must meet the design specifications in Table 1.

~~28.7.9.1.3 Where streets terminate, either a~~The use of a cul-de-sac or "T" turnaround must be provided at the terminus. Cul-de-sacs and "T" turnarounds must conform to the design specifications in Table 1~~may only be approved by variance.~~

~~28.7.9.1.4. Unless a variance is granted, All streets must either be dedicated to the public or be private streets to be owned and maintained by an approved property owners' association.~~

~~28.7.9.1.5 Residential driveways must not have direct access to primary highways. Any vehicular access onto a state highway must be approved by the Montana Department of Transportation.~~

28.7.9.1.6 Local streets must be designed so as to discourage through traffic.

28.7.9.1.7 Whenever a subdivision abuts or contains an existing or proposed arterial highway or major thoroughfare, the governing body may require frontage roads or other treatment as may be necessary to adequately protect residential properties and to separate arterial and local traffic.

28.7.9.1.8 Half streets are prohibited except when they are essential to the development of the subdivision and when the governing body is satisfied that the other half of the street will be dedicated to the public when the adjoining property is subdivided. When an existing half street is adjacent to a tract to be subdivided, the other half of the street must be platted within the new subdivision.

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28.7.9.1.9 The alignment of all streets and roads must provide adequate sight distances.

28.7.9.2 Intersections. The following requirements apply to intersections:

28.7.9.2.1 Streets must intersect at 90 degree angles except when topography prohibits this alignment. In no case may the angle of an intersection be less than 60 degrees to the center line of the roadway being intersected.

28.7.9.2.2 Streets meeting a third street from opposite sides must be offset at least 125 feet for local roads and 300 feet for arterials or collectors.

28.7.9.2.3 No more than two (2) streets may intersect at one point.

28.7.9.2.4 Intersections of local streets with major arterials or highways must be avoided.

28.7.9.2.5 Intersections must be designed to provide adequate visibility for traffic safety based on the designed operating speeds of the intersecting roadways.

28.7.9.2.6 Hilltop intersections are prohibited, unless no alternatives exist. Intersections on local roads within 100 feet of a hilltop are prohibited. Intersections on arterial and collector roads within 200 feet of a hilltop are prohibited. If no alternative to a hilltop intersection exists, additional traffic control devices will be required.

28.7.9.2.7 The grade of approaches to major highways may not exceed five percent.

28.7.9.1.2.8 Names of new streets or roads aligned with existing streets must be the same as those of the existing streets. Proposed street names may not duplicate or cause confusion with existing street names.

28.7.9.3 Improvements

28.7.9.3.1 All roadway improvements including pavement, curbs, gutters, sidewalks, and drainage, street lighting, signage and pavement markings must be constructed to comply with the City of Livingston Public Works Design Standards and Specification Policy; the City's Modification to the Montana Public Works Standards, and Table 1 in Appendix B in accordance with the specifications and standards prescribed in these regulations using materials approved by the governing body.

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28.7.9.3.2 Roadway subgrades must be free of topsoil, sod, vegetation or organic matter, soft clay, and other substandard materials. Subgrades must be properly rolled, shaped, and compacted, and must be approved by the governing body.

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28.7.9.3.3 Streets and roads must be designed to ensure proper drainage. This may require surface crowning, culverts, curbs and gutters, drainage swales and storm drains.

28.7.9.3.4 Where access from a public road to the subdivision will cross properties not owned by the subdivider, the subdivider must obtain proper easements of sufficient width to satisfy the requirements of Table 1.

28.7.9.3.5 Easements must be granted by each property owner in a signed and notarized document. (Appendix F contains a model road access easement). The location of any road easement must be shown on the plat or on a supplemental map. The existence of easements must be noted on the face of the final plat and on any deeds or other instruments conveying lots within the subdivision.

28.7.9.3.6 A minimum of one (1) boulevard tree planting is required for each lot frontage. See Appendix XX for recommended species. A Tree Plan must be provided by for all boulevard plantings prior to final plat. The plan must identify tree type and planting locations and it must be approved by the City Arborist. Existing trees and other vegetation must be preserved whenever appropriate. Plantings may be required for buffering, screening, or prevention of soil erosion and are subject to approval by the governing body.

28.7.9.3.7 Street lights will be required in subdivisions proposed within or adjacent to areas with existing street lighting. Street lighting may be required in other areas when necessary to protect public safety.

28.7.9.3.8 Alleys, designed in accordance with Table 1 in Appendix B, shall be provided in all residential subdivisions. Alleys will also be the preferred method for providing utility and garbage pick up access in non-residential subdivisions.

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28.7.9.3.9 Street or road signs and traffic control devices of the size, shape, and height approved by the governing body must be placed at all intersections. Traffic control devices must conform to the standards contained in the *Manual on Uniform Control Devices* available from the Montana Department of Transportation.

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28.7.9.3.10 When required by the United States Postal Service, the developer must provide an off-street area for mail delivery.

**TABLE 1: *Street Design Standards for Subdivisions***

1. Right of way width	64 ft.
2. Minimum roadway width	
a. Curbs, back to back	38 ft.
b. Alleys	20 ft.
c. Boulevards	8 ft.
d. Sidewalks	5 ft.
3. Maximum grade less than 100 ft.	10 %
4. Maximum grade more than 100 ft.	8 %
5. Approaches onto Public Roads	
a. minimum sight distance	200 ft.
b. maximum grade for 20'	5%
6. Turning radius	50 ft.
7. Cul de sacs/Turnarounds	
a. maximum road length	1000 ft.
b. cul de sac: minimum outside right of way radius	45 ft.
c. cul de sac: minimum outside roadway radius	40 ft.
d. "T" turnaround: backup lengths (2 required)	30 ft. each
8. Bridges	
a. curb to curb widths	same as roadway

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- b. design load capacity 20 tons
- c. vertical clearance 15ft.

28.7.10. Drainage Facilities

All storm water and drainage facilities shall be designed and constructed according to the City of Livingston Public Works Design Standards and the City's Modification to the Montana Public Works Standards.

- a. The drainage system and facilities required for any surface run-off affecting the subdivision is subject to approval by the governing body. Subdivisions containing lots less than twenty (20) acres in size must also be reviewed and approved under Title 76, Chapter 4, MCA, by the DEQ.
- b. Curbs and gutters will be required on all streets and roadways. Curbs and gutters of adjoining properties must be extended in conformance with current specifications of local and state authorities.
- e. Culverts and bridges of adequate size must be provided and installed by the subdivider where drainage channels intersect any street or road right of way or easement. All culverts and bridges must be constructed and installed according to applicable local and state standards. Culverts and other drainage facilities must be large enough to accommodate potential run-off from upstream drainage areas.
- d. The subdivider must provide suitable drainage facilities for any surface run-off affecting the subdivision. These facilities must be located in street rights of way or in perpetual easements of appropriate widths.
- e. Drainage systems must not discharge into any sanitary sewer facility.
- f. Drainage systems must be designed and certified by a professional engineer.
- g. The governing body may require the subdivider to grant easements to prevent encroachment or disruption of drainageways or facilities. Drainage easements must be shown on the plat and a signed statement granting the easements must appear on the plat.

28.7.11. Water Supply Systems

All water supply systems shall be designed and constructed according to the City of Livingston Public Works Design Standards and Specification Policy and the City's Modifications to the Montana Public Works Standards.

- a. For subdivisions that will create one or more parcels containing less than twenty (20) acres, the proposed method of supplying domestic water to each lot in the



subdivision must comply with the design standards adopted by the Montana DEQ and contained in the Administrative Rules of Montana (ARM) 17.36.301, 17.36.302, 17.36.303, and 17.36.305. By this reference these DEQ standards are incorporated into and made a part of these regulations. Unless defined elsewhere in these regulations, the terms used in these standards will have the meanings assigned to them in ARM 17.36.101.

b. The governing body may not approve the final plat of a subdivision containing lots of less than twenty (20) acres in size, unless the subdivision has been approved by DEQ or other authorized reviewing authority under the Sanitation in Subdivisions Act, sections 76-4-101 *et seq.*, MCA.

e. Any central water supply system must provide adequate and accessible water for fire protection.

28.7.12. Sewage Wastewater Treatment Collection Systems

All sewage wastewater collection systems shall be designed and constructed according to the City of Livingston Public Works Design Standards and Specification Policy and the City's Modifications to the Montana Public Works Standards.

a. For subdivisions that will create one or more parcels containing less than twenty (20) acres, the proposed method of disposing of sewage from each lot in the subdivision must comply with the design standards adopted by the DEQ and contained in the Administrative Rules of Montana (ARM) 17.36.301, 17.36.302, 17.36.312, and 17.36.320 through 17.36.326. By this reference these DEQ standards are incorporated into and made a part of these regulations. Unless defined elsewhere in these regulations, the terms used in these standards will have the meanings assigned to them in ARM 17.36.101.

b. For subdivisions that will create one or more parcels containing less than twenty (20) acres, the subdivision must have been approved by DEQ or other authorized reviewing authority under the Sanitation in Subdivisions Act, sections 76-4-101 *et seq.*, MCA before the governing body can approve the final plat.

e. For subdivisions containing parcels containing twenty (20) acres or more, the subdivider shall have demonstrated that there is an adequate water source and at least one area for a septic system and a replacement drainfield for each lot before the governing body may approve the final plat.

28.7.13. Solid Waste

28.7.13.1. The subdivider shall assure that the provisions for collection and disposal of solid waste meet the requirements of the City of Livingston and DEQ standards. For subdivisions that will create one or more parcels containing less than twenty (20) acres, the proposed method of must comply with the standards

~~adopted by the DEQ and contained in the Administrative Rules of Montana (ARM) 17.36.309. By this reference this DEQ standard is incorporated into and made a part of these regulations. Unless defined elsewhere in these regulations, the terms used in these standards will have the meanings assigned to them in ARM 17.36.101.~~

28.7.13.2. The location and means for solid waste collection and disposal shall be subject to approval by the City Public Works Director. In areas where bear activity is a concern, the City may require that all trash be stored in bear-proofed containers or else be stored inside until it is scheduled for pick up. ~~Before the governing body will approve the final plat of a subdivision containing lots of less than twenty (20) acres in size, the subdivision must have been approved by the DEQ or other authorized reviewing authority under the Sanitation in Subdivisions Act sections 76-4-101, et seq., MCA.~~

28.7.13.3. If solid waste disposal is not individual, curbside pick-up for individual lots, the subdivider shall provide an off street area for solid waste collection which will be aesthetically screened from general public view, protected from the elements to reduce blowing and scattering of waste, and conveniently accessible to collection vehicles subject to approval by the City Public Works Director. ~~For subdivisions that will create one or more parcels containing twenty (20) acres or more and less than 160 acres, the proposed method of storing and disposing of solid waste generated within the subdivision in the subdivision must comply with the local environmental health department regulations.~~

28.7.14. Non-Municipal Utilities

28.7.14.1. The subdivider must provide adequate and appropriate easements for the construction and maintenance of utilities within the subdivision. The subdivider must obtain any easements necessary to extend utilities to the subdivision.

28.7.14.2. Utilities must be placed underground, wherever practical. Underground utilities, if placed in a street right-of-way, must be located between the roadway and the right-of-way line to simplify location and repair of lines. Underground facilities must be installed after the street has been brought to grade and before it is surfaced/paved.

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~~28.7.14.3. Where practical, overhead~~ Overhead utility lines must be located within the rear property line of each lot and parallel to the adjacent alley. ~~utility lines must be located at the rear property line.~~

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28.7.14.3. Utility facilities must be designed by utility firms in cooperation with the subdivider. These facilities are subject to all applicable laws, rules, and regulations of the appropriate regulatory authorities.

28.7.14.4. Utility easements located between adjoining lots must be centered on lot lines. If easements are placed in the street, they must be located between the roadway and the right-of-way line.

28.7.14.5. Utility easements must be fifteen (15) feet wide unless otherwise specified by a utility company or governing body.

28.7.14.6. When a utility is to be located in an existing, dedicated right-of-way, a notice of utility occupancy must be obtained from the governing body, or local or state highway department.

28.7.14.7. In addition to showing the location of utility easements on the plat with dashed lines, the following statement must appear on the final plat:

“The undersigned hereby grants unto each and every person, firm, or corporation, whether public or private, providing or offering to provide telephone, ~~telegraph~~ internet/broadband, electric power, gas, cable television, ~~water or sewer service to the public~~, the right to the joint use of an easement for the construction, maintenance, repair and removal of their lines and other facilities, in, over, under and across each area designated on this plat as ‘Utility Easement’ to have and to hold forever.”

28.7.15. Water Course and Irrigation Easements

28.7.15.1. Except as noted in ~~subsection (b)-28.7.15.2~~, below, the subdivider shall establish within the subdivision ditch easements that:

28.7.15.1.1. Are in locations of appropriate topographic characteristics and sufficient width to allow the physical placement and unobstructed maintenance of open ditches or below ground pipelines for the delivery of water for irrigation to persons and land legally entitled to the water under an appropriated water right or permit of an irrigation district or other private or public entity formed to provide for the use of the water right on the subdivision lots;

28.7.15.1.2. Are a sufficient distance from the centerline of the ditch to allow for construction, repair, maintenance, and inspection of the ditch; and

28.7.15.1.3. Prohibit the placement of structures or the planting of vegetation other than grass within the ditch easement without the written permission of the ditch owner;

28.7.15.2. The subdivider need not establish irrigation easements as provided above if:

28.7.15.2.1. The average lot size in the proposed subdivision will be one acre or less and the subdivider provides for disclosure, in a manner acceptable to the governing body, notifying potential buyers that lots within the subdivision are classified as irrigated land and may continue to be assessed for irrigation water delivery even though the water may not be deliverable to the lots; or

28.7.15.2.2. The water rights have been removed from the land within the subdivision or the process has been initiated to remove the water rights from the subdivided land; and

28.7.15.2.3. The fact the water rights have been or will be removed from the land within the subdivision is denoted on the preliminary plat. If the removal of water rights has not been completed at the time the final plat is filed, the subdivider shall provide written notification to prospective buyers of the subdivider’s intention to remove the water right and shall document that intent, when applicable, in agreements and legal documents for related sales transactions.

28.7.15.3. The subdivider shall, unless otherwise provided under separate written agreement or filed easement, show on the preliminary and final plat, and file and record with the county clerk and recorder, ditch easements for the unobstructed use and maintenance of existing water delivery ditches, pipelines, and facilities in the proposed subdivision that are necessary to convey water through the subdivision to lands adjacent to or beyond the subdivision boundaries in quantities and in a manner that are consistent with historic and legal rights. A minimum width of ten (10) feet is required on each side of irrigation canals and ditches for maintenance purposes.

28.7.16. Disposition of Water Rights

If a subdivision will create lots averaging less than five (5) acres in size, the subdivider shall submit evidence with the final plat that the subdivider has:

28.7.16.1. Reserved all or a portion of the appropriation water rights owned by the owner of the land to be subdivided and transfer these water rights to a single entity for use by landowners within the subdivision who have a legal right to the water and reserved and severed any remaining surface water rights from the land;

28.7.16.2. If the land to be subdivided is subject to a contract or interest in a public or private entity formed to provide for the use of a water right on the subdivision lots, established a landowner’s water use agreement administered

through a single entity. This agreement must specify how the water rights will be administered and describe the rights and responsibilities of landowners within the subdivision who have a legal right and access to the water; or

28.7.16.3. Reserved and/or severed all surface water rights from the land proposed for subdivision.

28.7.17. Park Land Dedication – Cash in Lieu – Waivers -- Administration

28.7.17.1. Except as provided below, the final plat of a residential subdivision must show that the subdivider has dedicated to the governing body a cash or land donation equal to:

28.7.17.1.1. Eleven percent (11%) of the area of the land proposed to be subdivided into parcels of one-half acre or smaller;

28.7.17.1.2. Seven and one-half percent (7.5%) of the area of the land proposed to be subdivided into parcels larger than one-half acre and not larger than one acre;

28.7.17.1.3. Five percent (5%) of the area of the land proposed to be subdivided into parcels larger than one acre and not larger than three (3) acres; and

28.7.17.1.4. Two and one-half percent (2.5%) of the area of the land proposed to be subdivided into parcels larger than three (3) acres and not larger than five (5) acres.

28.7.17.2. Parks and open space types and standards. Parks, open space and common area dedication shall meet at least one of the following criteria:

28.7.17.2.1. Provides for the preservation of a physical amenity such as a meadow, a stand of trees, significant wildlife habitat or a wildlife corridor, a scenic hillside with slopes of less than 25%, a stream or significant water body, an area of riparian resource or some other natural feature that the governing body determines is significant enough for parkland dedication. Open space shall be managed to remain in a near natural state when it has been dedicated for preservation or conservation purposes and managed for weeds and public safety concerns such as wild land fire and hazardous trees. Public trail connections are permitted if deemed appropriate by the governing body; or

28.7.17.2.2. Provides a site for active recreation and public gathering (neighborhood park) which shall substantially conform to the following standards:

28.7.17.2.2.1. Five acres or greater in size unless the opportunity for this size is not feasible or required;

28.7.17.2.2.2. Centrally located within the proposed subdivision or adjacent to other planned or existing park or open space;

28.7.17.2.2.3. Adjacent to public streets on at least 50% of the park’s perimeter;

28.7.17.2.2.4. Accessible to bicycle and pedestrian trails where possible;

28.7.17.2.2.5. At least 50% of the park shall have 2% or less slope to accommodate playing fields; or

28.7.17.2.3. Establishes a pedestrian/bicycle greenway corridor if such corridor is determined by the ~~park department~~ city to have a primarily recreational and/or commuter function; or

28.7.17.2.4. Creates a courtyard of less than one-half (1/2) acre, provided the courtyard shall be part of a common area dedicated to a private homeowner’s association; or

28.7.17.2.5. -Provides for other parks, open space, or common area designs which meet the intent of this section, support the -and meet the goals of the ~~growth~~ Growth Policy, and is consistent with the City’s adopted plans for Parks and Recreation and Trails and Active Transportation, other applicable area plans.

28.7.17.3. Unless the governing body determines otherwise, the following areas within a subdivision will not count toward the parkland dedication:

28.7.17.3.1. Hillsides over 25% slope;

28.7.17.3.2. Areas of riparian resource and adjacent buffers associated with irrigation or roadside ditches;

28.7.17.3.3. Monument entry areas and central landscaped boulevards;

28.7.17.3.4. Storm water retention or detention ponds that are designed to hold storm water runoff from less than 100-year events.

28.7.17.3.5. Public utility easements.

28.7.17.4. Provide as part of the required parkland, twenty (20) foot wide pedestrian access easements to parkland or common area from public streets.

Pedestrian access easements on hillsides may require additional width to accommodate switchbacks for trails, etc. Setbacks for structures other than fences adjacent to the access easement shall be a minimum of ten (10) feet. The governing body may require that the developer construct a trail leading into park or common areas.

28.7.17.5. At least twenty-five percent (25%) of the required parkland dedication shall be developed for active use as defined in 28.7.17.2.2. No more than seventy-five percent (75%) of the required parkland dedication shall be for passive use as defined in 28.7.17.2.1.

28.7.17.5. A park dedication is not required for:

28.7.17.5.1. Minor subdivisions;

28.7.17.5.2. Subdivision lots larger than five (5) acres;

28.7.17.5.3. Nonresidential subdivision lots;

28.7.17.5.4. Subdivisions in which parcels of land will not be created, ~~other than except when the subdivisions that~~ will provide permanent multiple spaces for recreational camping vehicles, mobile homes, ~~or condominiums~~; or

28.7.17.5.5. Subdivisions which will create only one additional parcel.

28.7.17.6. The governing body, in consultation with the subdivider and the Planning Board ~~or park board that has jurisdiction~~, may determine suitable locations for parks and playgrounds and, giving due weight and consideration to the expressed preference of the subdivider, may determine whether the park dedication must be a land donation, cash donation, or a combination of both. When a combination of land donation and cash donation is required, the cash donation may not exceed the proportional amount not covered by the land donation. The land dedicated for park use may be inside or outside the boundaries of the proposed subdivision.

28.7.17.7. The governing body will waive the park dedication requirement if it determines that:

~~28.7.17.7.1. The preliminary plat provides for a planned unit development or other development with land permanently set aside for park and recreational uses sufficient to meet the needs of the persons who will ultimately reside in the development; and~~

~~The area of the land and any improvements set aside for park and recreational purposes equals or exceeds the area of the dedication required under subsection (a);~~

28.7.17.7.2. The proposed subdivision will provide for the long-term protection of critical wildlife habitat; cultural, historical, or natural resources; agricultural interests; or aesthetic values; and

The provision of this long-term protection will result in the reduction of the area of the land proposed to be subdivided by an amount equal to or exceeding the area that would have had to be dedicated under ~~(a)28.7.17.1~~ above;

28.7.17.7.3. The area of the land proposed to be subdivided, by virtue of a combination of the provisions of ~~subsections (d)(i) and (ii)28.7.17.1 and 28.7.17.7.2~~ above, is reduced by an amount equal to or exceeding the area of the dedication required under ~~subsection (a) 27.7.17.1~~; or

28.7.17.7.4. The subdivider provides for land outside of the subdivision to be set aside for park and recreational uses sufficient to meet the needs of the persons who will ultimately reside in the subdivision; and

The area of the land and any improvements set aside for park and recreational uses equals or exceeds the area of dedication required under ~~subsection (a) 27.7.17.127.7.17.1~~.

28.7.17.8. The local governing body may waive the park dedication requirement if:

28.7.17.8.1. The subdivider provides land outside the subdivision that affords long-term protections of critical wildlife habitat, cultural, historical, or natural resources, agricultural interests, or aesthetic values; and

The area of land to be subject to long-term protection, as provided in ~~subsection (d)(ii) 28.7.17.7.2~~, equals or exceeds the area of dedication required under ~~subsection (a) 27.7.17.1~~.

28.7.17.8.2. The City may also waive some, or all, of the park land dedication requirement if the subdivider provides land for trails or paths which enhance the City’s trail system as guided by the ~~Livingston/Park County Trails Plan~~ City’s adopted plans for Parks and Recreation and Trails and Active Transportation.

28.7.17.9. The governing body will administer funds dedicated to the public under this Section in accordance with Section 76-3-621, MCA. For the purposes of this park dedication requirement:



28.7.17.9.1. “Cash donation” means the fair market value of the unsubdivided, unimproved land;

28.7.17.9.2. Fair market value must be determined by a Montana State certified general real estate appraiser (as provided under MCA 37-54-201) hired and paid for by the subdivider. For the purposes of this regulation, appraisals are valid if prepared within six (6) months of the date of submittal of an application for final subdivision approval.

#### Fire Protection

All subdivisions must be planned, designed, constructed, and maintained so as to minimize the risk of fire and to permit the effective and efficient suppression of fires in order to protect persons, property, and forested areas. Measures must include:

- a. The placement of structures so as to minimize the potential for flame spread and to permit adequate access for fire fighting equipment.
- b. The presence of adequate fire fighting facilities on site, including an adequate water supply and water distribution system.
- c. The availability, through a fire protection district or other means, of fire protection services adequate to respond to fires that may occur within a subdivision.

#### Special Requirements for Subdivisions Proposed in Areas of High Fire Hazard

For areas identified as wildfire hazard areas by the United States Forest Service, the Montana Department of Natural Resources and Conservation, a local fire protection authority, or a local growth policy, the following apply:

- a. A Fire Prevention and Control Plan must accompany the submission of any application for preliminary plat approval.
- b. The Fire Prevention and Control Plan must include the following items:
  - (i) an analysis of the wildfire hazards on the site, as influenced by existing vegetation and topography;
  - (ii) a map showing the areas that are to be cleared of dead, dying, or severely diseased vegetation;
  - (iii) a map of the areas that are to be thinned to reduce the interlocking canopy of trees;

- (iv) the identification of roads, driveways, and bridges that are sufficient for emergency vehicle access and fire suppression activities. Slopes of all roads and driveways must be provided.
- c. At least two (2) entrances/exits must provide escape routes for residents and access to the subdivision by fire-fighting vehicles. Bridges providing access to the subdivision must be built to a design load of twenty (20) tons and constructed of non-flammable materials. Road rights-of-way must be cleared of slash.
- d. Building sites may not be located on slopes greater than twenty-five (25) percent or at the apex of "fire chimneys" (topographic features, usually drainageways or swales, which tend to funnel or otherwise concentrate fire toward the top of steep slopes).
- e. The Fire Prevention and Control Plan must be implemented before the governing body will approve the final plat, and will be considered part of the subdivider's obligations for land development. The local fire chief, or designee, will inspect and approve the implementation of the Fire Prevention and Control Plan. The Plan will not be considered fully implemented until the fire chief has given written notice to the Planning Board or Planning Department that the Plan has been completed as approved by the Planning Board.
- f. Provisions for the maintenance of the Fire Prevention and Control Plan shall be included in the covenants, conditions, and restrictions for the development. A property owners' association must be formed and designated to enforce the covenants, conditions, and restrictions.
- g. Open space, park land, and recreation areas (including green belts, riding or hiking trails) should be located, where appropriate, to separate residences and other buildings from densely forested areas.

~~h. A water supply of sufficient volume for effective fire control must be provided in accordance with standards set by local fire protection authority. \*~~

~~\* In the absence of such standards, the subdivider must at least provide the following for effective fire control:~~

~~a. A central water system with a minimum flow of 1,000 gallons per minute; or~~

~~b. Cisterns, reservoirs or fill ponds at appropriate locations:~~

~~(i) For single dwelling units: minimum capacity of 2,500 gallons;~~

~~(ii) For six (6) or more dwelling units: minimum capacity of 500 gallons per dwelling unit.~~

**28.8. AREAS SUBDIVISIONS THAT WILL PROVIDE MULTIPLE SPACES FOR RECREATIONAL CAMPING VEHICLES OR MOBILE HOMES – LAND SUBDIVISIONS CREATED BY RENT OR LEASE**

**VII A. Subdivisions That Will Provide Multiple Spaces for Recreational Camping Vehicles or Mobile/Manufactured Homes**

**28.8.1. Recreational Camping Vehicles, Subdivision – Definition**

~~Developments which are subject to subdivision review because they will provide two (2) or more spaces for recreational camping vehicles will be reviewed under Section VII E recreational camping vehicle Park Standards, below in accordance with this part. For purposes of these regulations the term “recreational camping vehicle” means a vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel use that either has its own motor power or is mounted on or drawn by another vehicle. The term includes but is not limited to travel trailers, camping trailers, truck campers, and motor homes.~~

**28.8.2. Mobile Homes, Subdivision – Definition**

~~Developments which are subject to subdivision review because they will provide two (2) or more spaces for mobile homes will be reviewed under section VII D Mobile Home Park Standards, below in accordance with this part. For purposes of these regulations the term “mobile home” means a detached residential dwelling unit, which may consist of one (1), two (2) or more sections, fabricated at a factory and designed to be towed on its own chassis to a building site for occupation as a dwelling with or without a permanent foundation. The term includes, but is not limited to, “trailer homes,” “house trailers,” and “manufactured homes” whether or not the unit has been constructed after July 1, 1976, in conformance with Federal Manufactured Home Construction and Safety Standards. The term does not include “modular” or “factory built buildings” that are fabricated at a factory in accordance with the Uniform Building Code Standards applicable to site built homes, and are transported to the site for final assembly on a permanent foundation.~~

**28.8.1. Subdivisions Created by Rent or Lease -- Definition**

A subdivision created by rent or lease, including a mobile home or recreational camping vehicle park, is any tract of land divided by renting or leasing portions thereof. It is owned, however, as one parcel under single ownership (which can include a number of persons owning property in common).

28.8.1.1. Land subdivision created by rent or lease will be reviewed under the procedures described in Section ~~HH28.4~~, Major Subdivisions, ~~or~~ Section ~~IV28.5~~, Minor Subdivisions, or Appendix A, Expedited Review, as may be appropriate,

except that the subdivider shall submit an unsurveyed final plan drawn to scale, rather than a final plat.

28.8.1.2. Land subdivisions created by rent or lease are subject to the applicable design and improvement standards contained in Section ~~VI~~28.7, Design and Improvement Standards.

28.8.2. Procedures for Review

~~28.8.4.1. Review and Approval~~

Subdivisions which will provide multiple spaces for recreational camping vehicles or mobile homes and subdivisions created for rent or lease are exempt from the surveying and filing requirements of the MSPA. These subdivisions must be submitted for review and approved by the governing body before portions of the subdivision may be rented or leased. ~~The subdivider shall submit a completed application form and a plan of the proposed development. The procedure used to review subdivisions for rent or lease will depend on the number of spaces within the proposed subdivision. Proposed subdivisions containing six (6) or more spaces must be reviewed pursuant to Section III 28.4 of these regulations. Proposed subdivisions containing five (5) or fewer spaces must be reviewed pursuant to Section IV of these regulations.~~ The subdivider shall submit to the governing body the preliminary plans, profiles, tentative grades, and specifications for proposed improvements. The plan must show the lot layout and the proposed location of the mobile home, recreational camping vehicle, or other unit on the lot.

28.8.2.1. Improvements

The subdivider shall install all required improvements before renting or leasing any portion of the subdivision. The governing body will inspect all required improvements in order to assure conformance with the approved construction plans and specifications.

28.8.2.2. Final Plan Review

In lieu of filing a final plat, the subdivider shall submit a plan conforming to the requirements for preliminary plats contained in Appendix ~~A-B~~ and Appendix ~~B-C~~. The subdivider shall submit the plan to the Planning Department. The plan will be reviewed to assure that it conforms to the approved preliminary plan. The approved plan shall be maintained in the office of the Planning Department.

28.8.2.3. DPHHS License

If a subdivision that will provide multiple spaces for recreational camping vehicles or mobile homes is also a “trailer court,” “work camp,” “youth camp,” or “campground” as those terms are defined in section 50-52-102, MCA, the

governing body will not grant final approval of the subdivision until the subdivider obtains a license for the facility from the Montana Department of Public Health and Human Services under Title 50, Chapter 52, MCA.

~~28.8.5. Design Standards for Subdivision Spaces Created by Rent or Lease~~

~~Subdivisions created by rent or lease must comply with the provisions of Section VI, Design and Improvements Standards.~~

~~VII C 2. Additional Provisions~~

~~The governing body may require provision for:~~

- ~~a. storage facilities on the lot or in compounds located within a reasonable distance;~~
- ~~b. a central area for storage or parking of boats, trailers, or other recreational camping vehicles;~~
- ~~c. landscaping or fencing to serve as a buffer between the development and adjacent properties;~~
- ~~d. an off street area for mail delivery; and~~
- ~~e. street lighting.~~

~~VII D. Mobile Home Park Standards~~

~~VII D 1. Mobile Home Spaces~~

- ~~a. Mobile home spaces must be arranged to permit the safe and practical placement and removal of mobile homes.~~
- ~~b. All mobile homes must be located at least twenty (25) feet from any property boundary line abutting upon a public street or highway right of way and at least fifteen (15) feet from other boundary lines of the park.~~
- ~~c. The mobile home pad must be located at least ten (10) feet from the street that serves it.~~
- ~~d. The size of the mobile home pad must be suitable for the general market to be served and must fit the dimensions of mobile homes anticipated.~~
- ~~e. A mobile home pad may not occupy more than one third (1/3) of the area of its space. The total area occupied by a mobile home and its roofed accessory buildings and structures may not exceed two thirds (2/3) of the area of a space.~~

f. The governing body may require that the mobile home pad be improved to provide adequate support for the placement and tie down of the mobile home.

g. No mobile home or its attached structures, such as awnings and carports, may be located within twenty (20) feet of any other mobile home or its attached structures.

h. No detached structure, such as a storage shed, may be located within five (5) feet of any mobile home or its attached structures.

i. A minimum of two (2) off street parking spaces must be provided on or adjacent to each mobile home space. The driveway must be located to allow for convenient access to the mobile home, and be a minimum of 10 feet wide.

j. One guest parking space must be provided for each ten (10) mobile home spaces. Group parking may be provided.

k. The limits of each mobile home space must be clearly marked on the ground by permanent flush stakes, markers or other suitable means. Location of space limits on the ground must be approximately the same as those shown on the approved plans. Precise engineering of space limits is not required either on the plans or on the ground.

l. Each mobile home must be skirted within thirty (30) days after it is moved to a space within the mobile home park. The skirting must be of a fire resistant material similar to that of the mobile home exterior.

m. VII D 2. Streets

Streets within a mobile home park must meet the design standards specified in Section VI A 8 Streets and Roads. Streets must be designed to allow safe placement and removal of mobile homes.

a. Streets must be designed to provide safe access to public roads.

b. Roads within the mobile home park must be designed to provide safe traffic circulation and parking.

VII D 3. Electrical Systems

Electrical systems must be designed and installed in accordance with the applicable codes adopted by the authority having jurisdiction. Where the state or other political subdivision does not assume jurisdiction, such installations must be designed and constructed in accordance with the applicable state electrical standards.

VII D 4. Gas Systems

- a. Gas equipment and installations must be designed and constructed in accordance with the applicable codes adopted by the authority having jurisdiction.
- b. A readily accessible and identified shutoff valve controlling the flow of gas to the entire gas piping system must be installed near to the point of connection of the liquefied petroleum gas container.
- e. Each mobile home lot must have an accessible, listed gas shutoff installed. This valve must not be located under a mobile home. Whenever the mobile home lot gas outlet is not in use, the shutoff valve must be plugged to prevent accidental discharge.

VII E. Recreational camping vehicle Park Standards

VII E.1. Recreational camping vehicle Spaces

- a. Spaces in recreational camping vehicle parks must be arranged to allow for the safe movement of traffic and access to spaces.
- b. Roads within recreational camping vehicle parks must be designed to provide safe traffic circulation and parking.
- e. Recreational vehicles must be separated from each other and from other structures by at least fifteen (15) feet. Any accessory structures such as attached awnings must, for purposes of this separation requirement, be considered part of the recreational camping vehicle.
- d. No recreational camping vehicle space may be located less than twenty five (25) feet from any public street or highway right of way.

**28.9. CONDOMINIUMS PHASED DEVELOPMENT**

28.9.1. Application

A subdivider applying for phased development review shall submit with the phased development application an overall phased development preliminary plat on which independent platted development phases must be presented. The phased development application must contain the information required pursuant to 28.4.3 of these regulations for all phases of a development and a schedule for when the subdivider plans to submit for review each phase of the development. The subdivider may change the schedule for review of each phase of the development upon approval of the governing body if the change does not negate conditions of approval or otherwise adversely affect public health, safety, and welfare.

28.9.2. Preliminary Plat Review

The phased development overall preliminary plat will be reviewed according to 28.4.4, through 28.4.7. of these regulations. If approved or conditionally approved, the entire phased development will be deemed to be granted preliminary plat approval.

28.9.3. Phase Review

Each individual phase will, according the approved schedule, be reviewed by the governing body as an application for final plat approval pursuant to 28.4.9 of these regulations. For any phase of the approved subdivision submitted for final plat approval more than 5 years after the date of preliminary approval of the subdivision, the subdivider shall provide written notice to the governing body not more than 1 year or less than 90 calendar days in advance of submitting the final plat application. The governing body shall hold a public hearing within 30 working days after receipt of the written notice from the subdivider to determine whether changed circumstances justify amending any conditions of approval or imposing additional conditions of approval. The governing body may amend or impose additional conditions of approval only if it determines, based on a review of the primary criteria, that the existing conditions of approval are inadequate to mitigate the potentially significant adverse impacts identified during the original review based on changed circumstances. The governing body shall issue supplemental written findings of fact within 20 working days of the hearing. Any additional conditions must be met before final plat approval for each remaining phase and the approval is in force for not more than 3 calendar years or less than 1 calendar year within the maximum timeframe provided in Section 28.9.4, below.

28.9.4. Time Limit Extension

The governing body may approve phased developments that extend beyond the time limits set forth in 28.4.7.6. of these regulations but all phases of the phased development must be submitted for review and approved, conditionally approved, or denied within 20 years of the date the overall phased development preliminary plat is approved by the governing body.

28.9.5. Periodic Fees

The governing body may impose a reasonable periodic fee for the review of the individual phases in the phased development.

~~Unless exempted by section 76-3-203, MCA, all condominium developments are subdivisions subject to the terms of the MSPA as follows:~~

~~VIII A 1. Review Where Land Will Not be Divided~~

~~If no division of land will be created by a condominium subdivision, the subdivision must be reviewed under the procedures contained in Section VII, Subdivisions Created~~



~~by Rent or Lease, with the following exception: final approval will not be given until the subdivider has either installed all required improvements, or has entered into a subdivision improvements agreement pursuant to Section III C 5 Public Improvements Agreement; Guaranty.~~

~~VIII A 2. Condominium Subdivisions Involving Land Divisions~~

~~If a proposed condominium development will involve a division of land, the subdivision must be reviewed under the procedures contained in Sections:~~

~~III A Review and Approval Procedures for Major Subdivisions~~

~~III C Final Plats.~~

~~VIII B. Standards~~

~~VIII B 1. Design Standards~~

~~Condominium developments must comply with applicable standards contained in Section VI, Design and Improvement Standards.~~

~~VIII B 2. Unit Ownership Act~~

~~Condominium developments must comply with all provisions of the Unit Ownership Act, Sections 70-23-102 through 70-23-703, MCA.~~

**IX. CLUSTER DEVELOPMENT**

**IX A. Cluster Development, Option I**

**a. As authorized by 76-3-509, MCA, the following apply to subdivisions proposed under this Section:**

**(i) An area of open space must be preserved that is at least as large as the area that will be developed.**

**(ii) Open space must be preserved through an irrevocable conservation easement, granted in perpetuity as provided in Title 76, Chapter 6, prohibiting further subdivision of the parcel.**

**(iii) Unless the subdivision will be provided with community sewer or water, each lot in the cluster must be a minimum of one acre.**

(iv) Multiple adjacent tracts of record may be aggregated to create a single parcel for the purpose of creating a cluster development.

(v) The maximum number of parcels permissible in a cluster development is the maximum number of parcels that are authorized by the administrative rules adopted by the DEQ under Title 76, Chapter 4, MCA.

(vi) The maximum size of parcels allowed within a cluster development is ( ) acres.

b. Park dedication requirements for clustered subdivisions created under this section are waived.

**IX. B. Cluster Development, Option II**

a. The following apply to cluster developments created under this option:

(i) The development must preserve an area of open space that is at least as large as the area that will be developed.

(ii) The proposal must provide a mechanism for the maintenance of the open space in perpetuity. The open space may be dedicated to a homeowners' association for the purpose of maintenance, and may be used for agricultural or other purposes that enhance the preserved area.

(iii) Unless the subdivision will be served by a community sewer or water system, each lot in the cluster must be a minimum of one acre in size.

(iv) Multiple adjacent tracts of record may be aggregated to create a single parcel for the purpose of creating a cluster development.

b. Park dedication requirements are waived for clustered subdivisions created under this section.

**28.10. ADMINISTRATIVE PROVISIONS**

**28.10.1. Subdivision Fees Schedule**

To cover costs of reviewing plans, advertising, holding public hearings, and other activities associated with the review of a subdivision proposal, the subdivider shall pay a non-refundable fee at the time of application for preliminary plat approval. The fees, payable to the City, ~~are as follows:~~ shall be established by separate resolution of the Livingston City Commission.

Minor Subdivisions

— Preliminary Plat —————	\$600.00 plus \$20 per lot
— Final Plat/Summary review —————	\$400.00
— Subsequent Minor —————	\$800.00 plus \$40 per lot

Major Subdivisions

— Preliminary Plat —————	\$800.00 plus \$40 per lot
— Final Plat —————	\$400.00 plus \$20 per lot

Subdivision by Rent or Lease and Condominiums

— Preliminary Review (five or fewer units) —————	\$600.00 plus \$20 per unit
— Final Review —————	\$400.00
— Preliminary Review (over five units) —————	\$800.00 plus \$20 per unit
— Final Review —————	\$400.00 plus \$20 per unit

28.10.2. Variances

28.10.2.1. Variances Authorized

The governing body may grant variances from Section ~~V~~28.7, Design and Improvement Standards, of these regulations when, due to the characteristics of land proposed for subdivision, strict compliance with these standards would result in undue hardship and would not be essential to the public welfare. A variance will not be granted if it would have the effect of nullifying the intent and purpose of these regulations.

The governing body will not approve a variance unless it finds that:

28.10.2.1.1. ~~The granting of the variance-~~It will not be detrimental to the public health, safety, or general welfare or injurious to other adjoining properties;

28.10.2.1.2 ~~Due to the physical surroundings, shape, or topographical conditions of the property involved, strict compliance with the regulations will impose an undue hardship on the owner. Undue hardship does not include personal or financial hardship, or any hardship that is self-imposed~~ It is necessary because of unique physical conditions on the site;

28.10.2.1.3. ~~The variance~~It will not cause a substantial increase in public costs; and

28.10.2.1.4. ~~The variance~~It will not place the subdivision in nonconformance with any adopted zoning regulations.

28.10.2.1.5 The area of the subdivision affected by the variance and the overall extent of the variance is the least accommodation that will alleviate the hardship.

#### 28.10.2.2. Variances from Floodway Provisions Not Authorized

The governing body will not by variance permit subdivision for building purposes in areas located within the floodway of a flood of 100-year frequency as defined by Title 76, Chapter 5, MCA.

#### 28.10.2.3. Variance Procedure

The subdivider shall include with the submission of the preliminary plat a written statement describing and justifying the requested variance. It is the burden of the applicant to prove that because of unique topography or other exceptional conditions on the property the strict application of these regulations would result in an undue hardship rectified only through approval of a variance. The planning board will consider the requested variance and recommend its approval or denial to the governing body.

#### 28.10.2.4. Variance Conditions

In granting variances, the governing body may impose reasonable conditions to secure the objectives of these regulations.

#### 28.10.2.5. Variance Statement of Facts

When a variance is granted, the motion of approval of the proposed subdivision must contain a statement describing the variance and the facts and conditions upon which the issuance of the variance is based.

#### 28.10.3. Amendment of Regulations

Before the governing body amends these regulations it will hold a public hearing on the proposed amendment. Notice of the time and place of the public hearing must be published in a newspaper of general circulation in the City not less than fifteen (15) days or more than thirty (30) days before the date of the hearing.

28.10.4. Enforcement

Except as provided in 76-3-303, MCA, every final subdivision plat must be filed for record with the county clerk and recorder before title to the subdivided land can be sold or transferred in any manner. If unlawful transfers are made, the county attorney shall commence action to enjoin further sales or transfers and compel compliance with all provisions of the MSPA and these regulations. The cost of this action shall be imposed against the party not prevailing. §76-3-301 M.C.A.

28.10.5. Violation and Penalties

Any person, firm, corporation, or other entity who violates any of the provisions of the MSPA or these regulations is guilty of a misdemeanor punishable by a fine of not less than \$100 nor more than \$500 or by imprisonment in jail for not more than three months or by both fine and imprisonment. Each sale, lease, or transfer, or offer of sale, lease, or transfer of each separate parcel of land in violation of any provision of the MSPA or these regulations shall be deemed a separate and distinct offense. §76-3-105 M.C.A.

28.10.6. Appeals

A decision of the governing body regarding a proposed subdivision may be appealed to the district court, as provided by §76-3-625 M.C.A.

**APPENDIX A**

**Procedure for Expedited Review**

Pre-application Process

Prior to submittal of the subdivision application, the subdivider shall request a pre-application meeting with the Planning Department. The meeting shall occur within thirty (30) days after the subdivider submits a written request for the meeting to the Planning Department.

At the pre-application meeting, the subdivider shall provide the Planning Department with a sketch plan of the proposed subdivision showing the layout of the proposed features in relation to existing site conditions. The sketch plan may be a freehand sketch drawn directly on a print of the topographic map and should include the following:

Information on the current status of the site, including:

- location;
- approximate tract and lot boundaries of existing tracts of record;
- description of general terrain;
- natural features;
- existing structures and improvements;
- existing utility lines and facilities;
- existing easements and rights of way.

Information on the proposed subdivision, including:

- tract and lot boundaries;
- proposed public improvements;
- location of utility lines and facilities;
- easements and rights of way;
- parks and open space.

At the pre-application meeting, the following will occur:

The Planning Department shall identify, for informational purposes, the state laws, local regulations and growth policy provisions that may apply to the subdivision review process;

The Planning Department shall provide the subdivider with a list of public utilities, local, state and federal agencies, and any other entities that have a substantial interest in the proposed subdivision.

The Planning Department shall identify particular additional information the Department anticipates will be required for review of the subdivision application. This does not limit the ability of the City to request additional information at a later time.

Unless the subdivider submits the subdivision application within 180 working days of the pre-application meeting, the subdivider must request a second pre-application meeting prior to submitting the application.

Applications for expedited review are exempt from:

- the preparation of an environmental assessment as required in 76-3-603, MCA.; and
- the review criteria listed in 76-3-608(3)(a), MCA.

Subdivision Application for Expedited Review

The subdivider shall submit to the Planning Department a subdivision application containing the following materials:

- Two (2) copies of the completed Subdivision Application form and the supplements required therein;
- The required review fee;
- Three (3) copies of the preliminary plat of the proposed subdivision which:
  - Contains the information required for preliminary plats and;
  - Conforms to the Design and Improvement Standards set forth in Section 28.7;
- Proof that the subdivider has submitted for review copies of the subdivision application to the public utilities and agencies of local, state, and federal government identified during the pre-application meeting or subsequently identified as having a substantial interest in the proposed subdivision; and

- Such additional relevant and reasonable information as identified by the Planning Department during the pre-application meeting that is pertinent to the required elements of this Section.
- One electronic copy of the subdivision application and all supporting material.

Expedited Review Process

Applications for expedited review must provide evidence that the proposed subdivision complies with the applicable zoning regulations, local subdivision regulations, including the local design standards, and must include a proposal for the extension of public infrastructure in accordance with adopted ordinances and regulations.

The application will be reviewed for required elements and sufficiency of information as provided in 76-3-601(1) through (3), MCA to verify that the application complies with local zoning and subdivision regulations, including local design standards and to verify that a plan for the extension of public infrastructure is provided. The application may include a request for variance from the design standards contained in these regulations.

Upon determination by the Planning Department that the application contains the required elements and is sufficient for review, the City shall have thirty-five (35) working days to approve, conditionally approve or deny the subdivision application. The review period shall be forty-five (45) working days if the application contains any request(s) for variance from any of the requirements of these regulations.

Public Hearing: The City Commission shall hold a public hearing on the application and shall approve, conditionally approve or deny the subdivision application. Notice of the time and date of the hearing shall be given by publication in a newspaper of general circulation in the County not less than fifteen (15) days prior to the meeting date.

City Commission Decision

The City Commission shall approve the subdivision unless public comment or other information demonstrates that the application does not comply with:

- adopted zoning regulations, design standards, and other requirements of the adopted subdivision regulations, including the criteria for granting variances from the subdivision regulations; or



- adopted ordinances or regulations for the extension of public infrastructure.

The City Commission shall adopt conditions of approval only to ensure an approved subdivision application is completed in accordance with the approved application and any applicable requirements pursuant to Title 76, chapter 4, MCA.

The City Commission shall provide to the applicant and the public a written statement within 30 days of the decision to approve or deny the subdivision that includes:

- The facts and conclusions that the City Commission relied on in making its decision; and
- The conditions that apply to the preliminary plat approval that must be satisfied before the final plat may be approved, as applicable.

Section 28.3.4 of these regulations applies to this Section as it pertains to the appeal process.

Preliminary Plat Approval Period and Final Plat

- The approved preliminary plat is subject to Section 28.4.7.6.1 through 28.4.7.6.3 of these regulations.
- Final plats are subject to Sections 28.4.9.1 through 28.4.9.7 of these regulations.

**APPENDIX B**

**TABLE 1: Street Design Standards for Subdivisions**

1. Right-of-way width	64 ft.
2. Minimum roadway width	
a. Curbs, back to back	38 ft.
b. Alleys	20 ft.
c. Boulevards	8 ft.
d. Sidewalks	5 ft.
3. Maximum grade less than 100 ft.	10 %
4. Maximum grade more than 100 ft.	8 %
5. Approaches onto Public Roads	
a. minimum sight distance	200 ft.
b. maximum grade for 20'	5%
6. Turning radius	50 ft.
8. Permanent Cul de sacs/Turnarounds (by variance only)	
a. maximum road length	1000 ft.
b. cul de sac: minimum outside right of way radius	45 ft.
c. cul de sac: minimum outside roadway radius	40 ft.
d. "T" turnaround: backup lengths (2 required)	30 ft. each
7. Bridges	
a. curb-to-curb widths	same as roadway
b. design load capacity	20 tons
c. vertical clearance	15ft.