



Consolidated Land Use Board Agenda

May 14, 2025

5:30 PM

City – County Complex, Community Room

Join Zoom Meeting

<https://us02web.zoom.us/j/89571724413?pwd=Mt1yUsFeFdmNJSooiJv4q8hmZm3EjM.1>

Meeting ID: 895 7172 4413

Passcode: 100325

1. Roll Call

2. Approval of Minutes

A. APPROVAL OF MINUTES FOR NOVEMBER 13, 2024

B. APPROVAL OF MINUTES FOR FEBRUARY 24, 2025

C. APPROVAL OF MINUTES FOR APRIL 8, 2025

3. Public Comment

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

4. Planning Items

5. Zoning Items

A. MAP AMENDMENT TO CHAPTER 30 OF THE LIVINGSTON MUNICIPAL CODE FOR PARCEL LOCATED AT 38 LOVES LANE

6. Board Comments

7. Adjournment

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

Consolidated Land Use Board Meeting Minutes

Date: November 13, 2024

Time: 5:30 PM

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

Facilitated by: Chair Jessie Wilcox

Staff: Director Jennifer Severson

1. Roll Call

Present: Jessie Wilcox, Caitlin Chiller, Frank O'Connor, John Kalmon, Tori Lyons

Absent: Forrest Huisman, Baily Goodwine, Becky Moores

2. Approval of October 24, 2024 Minutes

Board member Chiller moved to approve the minutes of the October 24, 2024 meeting.

Board member O'Connor seconded the motion. Roll call vote:

Kalmon – Yes

Chiller – Yes

O'Connor – Yes

Lyons – Yes

Wilcox – Yes

Motion passed unanimously.

3. General Public Comment

Chair Wilcox opened the floor for public comment. No members of the public were present in person or online. Public comment was closed.

4. Planning Items

There were no planning items scheduled for this meeting.

5. Zoning Items – Zoning Code Update Presentation by SCJ Alliance

Representatives from SCJ Alliance, including Project Manager Aaron Murcar and planners Cassidy Olheiser and Mike Manning, presented an overview of the upcoming zoning code update process. The team provided a PowerPoint presentation outlining project objectives, public engagement strategies, and timelines.

The presentation included:

- The importance of zoning in guiding land use, building form, and density.

- Goals to implement recommendations from the Growth Policy, Downtown Master Plan, CTAP (Community Technical Assistance Program) report and Active Transportation Plan.
- Objectives such as improving housing variety and affordability, economic development, and preserving community character.
- A multi-phase engagement timeline with focus groups, a public workshop, surveys, and a draft code release in spring 2025.
- Conceptual priorities including improved connectivity, mixed-use development, historic preservation, and visual clarity in code language.

Board member Chiller asked about strategies for engaging young residents. She suggested coordinating with high school classes or clubs to help students understand the long-term impact of zoning. SCJ representatives discussed options such as interactive 3D housing models, laminated site maps, and simplified activities that could be used in classroom settings.

Board member Kalmon asked if the project timing was tracking with that in the SCJ proposal; Murcar confirmed that the adoption timeline may shift a few months because they were under contract to begin work a couple months later than original timeline proposed by the City. Severson anticipates the code revisions will likely begin adoption process late Summer or early fall 2025.

Board member Lyons emphasized outreach through local institutions such as hospitals and businesses. She recommended setting up informational booths in high-traffic areas like cafeterias and markets with QR codes linking to surveys. She also asked about coordination with the Livingston Enterprise, suggesting that a press release or simple educational article could help increase participation.

Director Severson confirmed the City had reached out to the Enterprise and would follow up. She also confirmed that social media posts and flyers were being used for outreach, and that she would provide printed materials for distribution.

Board members discussed integrating zoning education into public events such as Light Up Livingston, the Christmas Stroll, and the Winter Market. They suggested using visual materials from SCJ's public workshop boards to aid public understanding. Board member O'Connor raised concerns about older subdivision layouts on Bluebird and Robin Lanes and asked how such developments might be addressed in future zoning and subdivision regulations.

Commissioner Lyons discussed differences between zoning and subdivision ordinances and how each can shape future development in Livingston. Lyons clarified that subdivision rules govern layout and access, while zoning determines land use and density. Subdivision process is most important to shape larger tracts of land during future/ redevelopment. Existing large-lot subdivisions are non-conforming but future development could be shaped by updated subdivision standards or planned unit development (PUD) tools.

6. Board Comments

Board members expressed support for SCJ's engagement strategy and emphasized the importance of community awareness. They encouraged continued outreach through schools, events, and local media.

No formal action was taken. The presentation was informational only.

7. Adjournment

The meeting adjourned at approximately 7:05 PM.

Consolidated Land Use Board Meeting Minutes

Date: February 24, 2025

Time: 5:30 PM

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

Facilitated by: Chair Jessie Wilcox (until recusal); Vice Chair Baily Goodwine (following Item 6 start)

Staff: Planning Director Jennifer Severson

1. Roll Call

Present: Baily Goodwine, Becky Moores, Caitlin Chiller, Forrest Huisman, Frank O'Connor, John Kalmon, Jessie Wilcox

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

2. Election of Officers

Board member Wilcox opened the floor for nominations. Wilcox stated she was willing to continue as Chair unless someone else wished to take the position. Board member Goodwine nominated Wilcox as Chair. The motion was seconded by Board member Chiller.

Roll call vote was conducted:

Goodwine – Yes

Moores – Yes

Chiller – Yes

Huisman – Yes

O'Connor – Yes

Kalmon – Yes

Schwarz – Not Voting

Wilcox – Yes

Motion passed unanimously. Wilcox was re-elected as Chair.

Board member Chiller then moved to nominate Baily Goodwine as Vice Chair. The motion was seconded by Board member O'Connor.

Roll call vote:

Goodwine – Yes

Moores – Yes

Chiller – Yes

Huisman – Yes

O'Connor – Yes

Kalmon – Yes

Wilcox – Yes

Motion passed unanimously. Goodwine was elected Vice Chair.

3. Approval of Minutes

Director Severson stated that there were no minutes to approve at this meeting. The November 13, 2024 minutes will be brought forward for approval at the next Land Use Board meeting.

4. General Public Comment

Chair Wilcox opened the floor for general public comment. No general public comments were received in person or online.

5. Scheduled Public Comment (this had been mistakenly excluded from the meeting agenda)

Jeanette Blank from Montana Freshwater Partners presented overview of the 2024 Yellowstone River Channel Migration mapping project (update to 2009 map conducted post 2022 flood event). Project was funded by a Dept of Natural Resources and Conservation grant awarded to Park County. Blank briefly explained difference between floodplain maps (regulatory; show extent and depth of water during flood event) and channel migration maps (not regulatory; show where river has moved laterally and where it may move in the future). This project was completed to indicate where future erosion may occur to indicate what locations may be subject to erosion hazard and can assist with decisions about where new development should/ should not be located. Discussed specific areas of concern within the City and in Paradise Valley.

Board members and Blank discussed the fact that that floodplain maps are typically updated after an event to gauge damage and how flood volume and elevation has changed, while channel migration maps are updated to anticipate future hazard areas.

5. Planning Items

There were no planning items scheduled for this meeting.

6. Zoning Items – Zoning Map Amendment for Livingston Healthcare Parcels Tracts 5B and 1D from LI to MU

Chair Wilcox recused herself from the meeting due to her employment with the applicant, Livingston Healthcare. Vice Chair Goodwine assumed facilitation of the meeting.

Director Severson presented a request from Livingston Healthcare to rezone two parcels totaling approximately 112 acres from Light Industrial (LI) to Mixed Use (MU). The parcels are identified as Tract 5B (approx. 31 acres) and Tract 1D (approx. 81 acres). The properties are located adjacent to the hospital facility.

Director Severson reviewed the staff report and supporting maps. She explained that the current Light Industrial zoning does not permit residential development, whereas the proposed Mixed Use zoning allows for a wide variety of residential and medical-related

uses. The future land use map in the adopted 2021 Growth Policy designates these parcels for mixed use, which supports the proposed change.

Director Severson described how existing utilities are already partially in place, and any further development would be required to meet City infrastructure, public safety, and stormwater requirements. The properties are not currently in the FEMA-regulated 100-year floodplain, though this may change with the upcoming FEMA map update. She noted the request aligns with the growth policy's goals for expanding workforce and senior housing, as well as clustered health services.

Board members discussed the implications of mixed-use zoning. Board member Chiller emphasized the importance of future site planning to consider flood resilience and neighborhood compatibility. Director Severson noted that future site development will be subject to applicable reviews, including site plan review, PUD, or subdivision, depending on the proposal. Chiller also asked about the mixed use designation applied to the subject parcels in the Growth Policy and why they were not initially assigned similar LI designation as the hospital. Severson was unsure of the rationale of the participants in the process to adopt the Growth policy in 2021 (before she worked for the City) but confirmed that the proposed MU zoning aligns directly with the Growth Policy.

Rick Ojala, representing Livingston Healthcare, spoke on behalf of the applicant. He described the long-standing plan for phased development of healthcare-adjacent services, including medical clinics, independent and assisted living, and workforce housing. He stated no specific development is currently proposed, and that future decisions may involve public-private partnerships, land leases, or direct sales and he anticipates the types of housing that will be desired to be developed on the subject parcels would be denser than single family residences. Ojala confirmed they were actively coordinating with Montana Freshwater Partners to better understand site constraints related to floodplain and river channel migration. Board member Moores asked for clarification on the boundary line adjustment recently approved for the parcels. Mr. Ojala explained the division was intended to retain flexibility for future development, keeping the area nearest the hospital (Tract 5B) reserved for high-priority medical uses.

Board member Chiller moved to recommend approval of the zoning map amendment as proposed by staff. Board member O'Connor seconded the motion.

Roll call vote:

Huisman – Yes

Chiller – Yes

Moores – Yes

Goodwine – Yes

O'Connor – Yes

Kalmon – Yes

Schwarz – Not Voting

Motion passed 6–0. The Board recommended approval of the zoning map amendment to the City Commission.

7. Board Comments

Director Severson informed the Board that the November 13, 2024 minutes would be re-prepared following a technical issue that caused the original draft to be lost. She also reminded the Board that the next scheduled meeting is March 12, 2025 and may include a public input session.

8. Adjournment

The meeting adjourned at approximately 6:54 PM.

Consolidated Land Use Board Meeting Minutes

Date: April 9, 2025

Time: 5:30 PM

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

Facilitated by: Chair Jessie Wilcox

Staff: Director Jennifer Severson

1. Roll Call

Present: Baily Goodwine, Becky Moores, Caitlin Chiller, Forrest Huisman (online), Frank O'Connor, John Kalmon, Jessie Wilcox, Quentin Schwarz (non-voting)

2. Approval of Minutes

Chair Wilcox noted that the November 13, 2024 and February 24, 2025 meeting minutes were not yet ready for review. Board member Moores expressed concern regarding the delay and emphasized the need for timely documentation. Director Severson acknowledged technical delays and confirmed the minutes would be presented for approval at the next regular meeting.

3. General Public Comment

Chair Wilcox opened the floor for general public comment. No public comment was received in person or online.

4. Planning Items

There were no planning items scheduled for this meeting.

5. Zoning Items – Northtown Planned Unit Development (PUD)

Director Severson introduced a zoning map amendment request from Northtown Development Corp to rezone a 20.01-acre parcel from R2 (Medium Density Residential) to a Planned Unit Development (PUD). The proposed development includes 240 residential units, 12,850 square feet of commercial space, and more than 60% of the site dedicated to open space. The application includes an increase in maximum building height from 34 to 40 feet.

Director Severson explained that the PUD would allow for a mix of housing types, commercial services, and integrated infrastructure. She noted that while the proposal does not include deed-restricted affordable housing, it is intended to support workforce housing. The application is consistent with the 2021 Growth Policy and Housing Action Plan.

Board member Moores raised questions regarding wetland protections and requested clarification on lighting standards. Board member Chiller emphasized the importance of accessible trail systems and snow removal strategies. Board member O'Connor expressed concern about increased traffic and possible congestion without added infrastructure improvements.

Developer Matt Faure, representing Northtown Development Corp, stated that the project was redesigned following a failed 2018 rezoning attempt. He said market analysis showed a strong need for studio and one-bedroom units and described the planned commercial space as neighborhood-scaled. Foor explained that buildings would be color-coded for wayfinding and that on-site property management would oversee snow removal and maintenance.

Engineer Garrett Schultz of Headwaters Engineering provided details on the site's stormwater management plan. He stated that retention ponds had been significantly upsized and that drainage systems would rely on curb-and-gutter designs and underground piping. He confirmed that over 4,700 feet of sidewalk and 1,100 feet of natural trails were included, and that traffic projections were based on MDT standards.

Chair Wilcox asked about status of considerations about a new overpass; Commissioner Schwarz confirmed the City is still working on grant funds to conduct an updated location assessment for a new grade separated crossing. Wilcox also recommended the applicant utilize software to analyze viewshed impacts, similar to those renderings included in the Downtown Master Plan. Wilcox also requested the applicant consider including ownership model within PUD to offer opportunities for first time home buyers.

7:16 pm- Chiller motioned for a 10-minute break; Moores seconded and approved 7-0.

Public Comment

Meeting resumed at 7:26 pm. Chair Wilcox opened the floor for public comment on the Northtown PUD agenda item and thanked everyone who attended in order to participate and provide comments on the item.

Members of the public who commented:

Cynthia Westover objected to the PUC and stated that the proposed development was too dense for the area and questioned the fairness of allowing this density after similar requests in this area of the City had been denied in the past. Also expressed concerns over traffic and northside emergency access, in general, with additional traffic the development would introduce. Finally, expressed concern that the PUD would provide workforce housing for Bozeman residents instead of those already in Livingston.

Misi Ballard Reiterated concerns expressed about additional development and additional traffic impacts on emergency access to the north side of the City and their inability to

effectively evacuate in an emergency. Expressed concerns about additional on-street parking impacts (campers, second vehicles, etc) to surrounding neighborhoods. Stated that the open space included in the development was not usable for recreation because of the steep topography.

Bob Ballard expressed concern about wildfire risk, infrastructure maintenance responsibility (developer vs. PUD HOA), and inadequate trail connectivity in existing developments applicant has built/ been approved for nearby. Commented on unsuitability of proposed open space for active use because of steep terrain.

David Westover stated that traffic is not his only concern with the PUD, as current neighborhood residents had purchased property based on existing zoning at that time – R2 Medium Density Residential- and felt this proposal violated community expectations for density.

Susan Curry commented that existing infrastructure like sidewalks and snow removal are already insufficiently maintained by the same developer applying for the PUD, and that this project would worsen those conditions.

Nathan Bolton supported the idea of a PUD, as developing that side with single family residences would require even more disturbance to the steep topography. Stated that local commercial development would also assist with relieving some of the traffic. However, the layout proposed by the developer lacked adequate traffic circulation and that the traffic study should be completed before approval.

Chris Curr described issues with condition of the 5th Street crossing and said future growth must include infrastructure improvements. Agreed that traffic analysis should be completed before this is approved. Does not support commercial development in the PUD and thinks single family residential homes would be more attractive.

Another member of the public (name unknown) expressed concern about traffic impacts but stated the project could help support working families by creating additional options for housing if done responsibly and she's excited about the additional people and that can create a sense of community for young families in the area.

Severson addressed questions that arose during public comment. Main road in PUD will be 60-foot wide right-of-way with parking along both sides of street. City currently restricts parking in public ROW for longer than five days; parking along PUD roads will be monitored by City for compliance with code. Staff will request developer address requests to connect existing informal 'social' trail network with new trails through PUD (within the PUD). Severson confirmed that duplexes and multi-family housing is allowed 'by right' in current

code in R2 zoning that meets density requirements; this PUD is not seeking more density than what is allowed 'by right' in the code and they do not have to seek a variance to build multi-family units in R2. Commissioner Schwarz commented that the Fire Chief has conditioned additional hydrants and that the proposed multifamily units must be sprinkled, whereas single family homes are not required to be sprinkled.

There was some additional discussion about emergency egress and evacuation routes and a recommendation was made to require the developer coordinate with emergency services at the City to ensure there are adequate evacuation plans in place as the PUD phases are developed.

Following discussion, public comment was closed. Moores expressed concerns about the existing topography on the PUD site and the amount of grading that is proposed, although she acknowledged good engineering can mitigate those impacts. Additionally, the proposed multi-family units and additional height being requested will impact the viewshed of the mountains and is inconsistent with the surrounding neighborhood. If the additional height was not allowed, this would reduce density, visual impacts and traffic impacts.

Board member Goodwine moved to recommend the City Commission approve the Northtown Planned Unit Development zoning map amendment with the conditions outlined by Director Severson, plus the following two additional conditions: the traffic study must be updated and completed prior to advancing before the City Commission; and the developer must coordinate with City Fire and Rescue and emergency responders to ensure there are adequate evacuation plans in place as the PUD phases are developed. O'Connor seconded the motion. Moores requested an additional condition be added that denies the requested 6-foot height variance so that the height does not exceed what is allowed in the R2 district 'by right'. The developer commented that they would not be able to make the economics work with reducing the height allowed in the PUD. Moores withdrew her request to add a condition. Wilcox requested a vote on the motion before the board.

Roll Call Vote:

Goodwine- Yes

Chiller- No

Kalmon- Yes

Moores- No

O'Connor- Yes

Huisman- Yes

Wilcox- Yes

Schwarz did not vote

Motion passes 5-2.

6. Board Comments

Board members reiterated the need for adequate infrastructure and thoughtful design to ensure neighborhood compatibility. Several members expressed appreciation for the

developer's efforts to include workforce housing and neighborhood-scale commercial services.

7. Adjournment

The meeting adjourned at approximately 8:47 PM.



LivingstonMontana.org | PublicComment@LivingstonMontana.org |
406.823.6000

DATE: May 14, 2025
TO: Consolidated Land Use Board
FROM: Jennifer Severson, Planning Director
RE: **Staff Report for a Map Amendment to Chapter 30 of the Livingston Municipal Code for the Parcel Located at 38 Loves Lane**

Introduction and History

On April 15, 2025, the City Commission Adopted Resolution 5159 (Attachment A) approving the annexation of the property located at 38 Loves Lane and legally described as LOT 9 POR. LOT 9S OF ACREVILLE SUBDIVISION SE ¼ OF SEC 23, T02S, R09E, P.M.M PARK COUNTY, MONTANA. The parcel is 2.439 acres in size and includes a single-family residence and several accessory structures. A map of the annexed parcel is shown in Figure 1 below. An amendment is required to update the City's Official Zoning Map to include the newly annexed property.

Analysis

The subject property is adjacent to City limits at its southeast corner and is bordered by lands within unincorporated Park County on its east, south and west sides, and it is flanked by I-90 to the north, Miller Drive to the east, Loves Lane to the south and a private residential property to the west. The neighborhood surrounding the subject property includes private residences and suburban agricultural uses, a self-storage facility, townhomes and multifamily condominiums (zoned R3 High Density Residential), with Highway Commercial (HC) uses between the multifamily residential development and US 89 S (See Attachment B Zoning Map).

The US Department of Agriculture (USDA) is under contract to purchase the subject property in order to move their existing office from its current location at 5242 US Hwy 89S to 38 Loves Lane. It is anticipated the move to a larger facility in a more central will allow USDA to provide additional convenience and ease of access to the residents of Park County and the greater public, at large. The subject property is located within the area the City's Growth Policy identifies as the Extra-Territorial Jurisdiction (ETJ). However, the Future Land Use Map in the Growth Policy does not



identify any recommended land use for the property (Attachment C). The property is currently served by well water and a septic system, and the owner is required to connect to City water and sewer at their expense before new or redevelopment can occur.



Figure 1 - Annexed Property at 38 Loves Lane

Staff recommends the subject property be zoned Mixed Use (MU), which is defined in Chapter 30 of the Livingston Municipal Code as *"A district intended to accommodate a mix of residential, neighborhood scale commercial services and offices, and small-scale manufacturing"*. As shown in the Table 30.40 (Attachment D), Business and Professional Offices are Allowed uses 'by right' in the MU zoning district and will enable the USDA to establish a new office facility at this location that complies with the code.

As required by Sec 2-110, the new USDA building must undergo Site Plan Review which will evaluate the new development and its potential impacts on the surrounding neighborhood, including: the safety of vehicular, bicycle and pedestrian ingress and egress; conformance with the City's Public Works Design Standards and Specification Policy; and landscaping and screening,



among other criteria. The City may require conditions of approval to mitigate potential impacts of the new development may have to its surroundings.

Proposed Findings of Fact

Criteria and Guidelines for Zoning Regulations (MCA 76-2-304): (1) *Zoning regulations must be:*

(a) made in accordance with a growth policy:

The Future Land Use Map in the Growth Policy does not provide a recommendation for land use on the subject property, if annexed. However, the recommendation to zone the property MU is supported elsewhere the Growth Policy.

- *Strategy 3.1.1.2: Evaluate and amend the zoning ordinance to allow for higher densities and wider land uses in areas that can support such development.*
 - The property is directly accessed by Loves Lane and Miller Drive, and the City's water and sewer infrastructure currently extends to the southeast corner of the subject parcel, where these two streets intersect. This infrastructure can be easily extended to serve new development on the parcel and the property owner will be required to connect to City utilities at their own expense.
- *Strategy 3.4.3.2: Encourage development near transit routes and active transportation infrastructure to promote development that produces minimal strain on the environment and existing transportation infrastructure.*
 - The subject property is adjacent to Loves Lane, which provides access to the major transportation routes along US Hwy 89S and I-90, less than 1/3 of a mile to the east. Additionally, the Hwy 89 South multi-use trail provides direct access to downtown Livingston to the north and highway commercial services and Paradise Valley to the south.
- *Strategy 6.1.5.8: Dedicate resources to strategies designed to help the local economy by investing in local businesses.*
 - The establishment of expanded office space by USDA will allow for the retention of local jobs and continued support of local services by its employees, which will enhance the general welfare of the Livingston community.

(b) designed to:

(i) secure safety from fire and other dangers;



As stated above, the owner will be required to extend City water service to the property, which will improve fire protection and safety on site. All future development on this property will be required to meet all adopted fire and building codes, ensuring safe conditions on the property and surrounding areas.

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

All future development on this property will be required to meet adopted fire and building codes, ensuring safe conditions on the property and surrounding areas. Furthermore, retention of USDA jobs, and the local businesses supported by its employees, promotes the general welfare of the community and its citizens.

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

As stated above, the property has direct access to US Hwy 89 S and the I-90 interchange via Loves Lane. Although the construction of new offices on the subject property may allow for some additional employment opportunities at this USDA facility, it is Staff's understanding that the majority of personnel will be from the existing USDA office located at 5242 Hwy 89 S. Any increase to enrollment at area Park County Schools is expected to be minimal and would not be a direct result of the zoning of the parcel. Sewer and water infrastructure needs for the new office building is be assessed during the analysis required during the Site Plan Review process.

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

(a) reasonable provision of adequate light and air;

It is not anticipated that zoning the property to allow a mix of uses will inhibit the reasonable provision of adequate light and air to the subject parcel or the surrounding neighborhood. New buildings must comply with applicable property setbacks for the MU District in the City's zoning code, and with building setbacks as required by the International Building Code.

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

The property is accessed by Loves Lane and Miller Drive, and has direct access to US 89S and the I-90 interchange via Loves Lane and the existing Hwy 89 S multi-use trail provides bike and pedestrian access to downtown Livingston to the north and highway commercial services and Paradise Valley to the south. A new USDA office building will require a traffic impact study as part of the Site Plan Review process before a building permit will be issued. If the traffic study indicates the level of



service of the nearby transportation network will be negatively impacted by the new development, the property owner will be responsible for installing treatments that will mitigate these impacts.

(c) promotion of compatible urban growth;

The neighborhood surrounding the subject parcel includes single and multifamily residences, a self-storage facility, marijuana retail store, hotel, large grocery store, truck stop and casino, and several other auto-centric uses as allowed in the HC zoning district. Staff anticipates that the diversity of uses allowed in the MU district will provide a transition between higher intensity commercial businesses and multi-family development to the east and the existing suburban residential development to the south and west. Additionally, requirements for landscaping and screening that will be required for new commercial development on the subject parcel will help to buffer traffic noise from I-90 to the north toward the residential neighborhoods south of Loves Lane.

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

The City recently adopted a Gateway Overlay Design district for commercial development near key community gateways identified in the Growth Policy. The purpose of the overlay district is to define and celebrate Livingston's unique and character, provide welcoming entry points into town, and encourage buildings that reflect pedestrian scale. As required under Sec 30.46.C.2, new buildings in the district that are larger than those existing in the area shall establish a transition in scale to reduce the impact of building scale on the neighborhood. If the proposed MU zoning is approved, the parcel will be integrated into the Gateway Overlay District and the new USDA building will be subject to the building design standards in Sec 30.46.

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

The existing single-family residence and accessory structures will be removed to allow for the construction of the new USDA facility. Staff finds that the new office building and related improvements, combined with the owner's investment to extend the City's water infrastructure to service the new development, encourages the appropriate use of this annexed property.

Staff Recommendation

For the reasons outlined above, Staff finds that the proposed Mixed Use (MU) zoning designation meets the requirements of the City of Livingston and State Statute. Staff recommends that the



Consolidated Land Use Board recommend the City Commission approve the zoning of the property at 38 Loves Lane to Mixed Use (MU) and adopt the map amendment to the Official Zoning Map as proposed by staff.

Attachments

- A. Resolution 5159
- B. Zoning Map
- C. Growth Policy Future Land Use Map
- D. Table 30.40- Mixed Use



LivingstonMontana.org | PublicComment@LivingstonMontana.org | 406.823.6000

DATE: April 15, 2025
TO: Chair Schwarz and City Commissioners
FROM: Grant Gager, City Manager
RE: Staff Report for Resolution 5159

Recommendation and Summary

Staff recommends the Commission approve Resolution 5159 by adopting the following motion:

"I move to approve Resolution 5159 and authorize the Chair to sign."

The reasons for the recommendation are as follows:

- Montana Code Annotated establishes certain requirements for the annexation of land.
- The City has received a request from a property owner to be annexed into the City.

Introduction and History

Montana Code Annotated (MCA) has established procedures for the annexation of land in certain circumstances. Section 46 of Chapter 2 of Title 7 establishes the procedure for annexation of land by petition of owners. When a majority ownership interest requests annexation by petition, MCA 7-2-4601(3)(b) provides that "The governing body may approve or disapprove a petition submitted [...] on its merits. When the governing body approves the petition, it shall pass a resolution providing for the annexation."

This subject parcel, 38 Loves Lane, was the subject of a request that was presented to the Commission on March 18 and April 1. That application has been withdrawn due to legal review and conversations with the applicant. The current application is from the registered Manager/Member and Registered Agent of the owner of record for the parcel.

Analysis

The City of Livingston has received a petition for annexation from the owners of the parcel at 38 Loves Lane. The owners have requested annexation. The application is compliant with the City's adopted annexation policy.

Fiscal Impact



The City will receive additional property tax revenue from the annexation. The additional revenue is expected to have a minimal revenue impact to the General Fund adding less than 1%.

Strategic Alignment

The annexation of lands is required before the provision of utility service pursuant to the City's current Annexation Policy. The application is compliant with the City's adopted annexation policy.

Attachments

- Attachment A: Resolution 5159
- Attachment B: Revised Petition of Annexation
- Attachment C: 2025 Secretary of State Filing for Applicant
- Attachment D: City of Livingston Annexation Policy

RESOLUTION NO. 5159

**A RESOLUTION OF THE CITY OF LIVINGSTON, MONTANA, ANNEXING THE
PARCEL AT 38 LOVES LANE.**

WHEREAS, Montana Code Annotated establishes procedures for the annexation of land pursuant to a petition by the owner in MCA 7-2-4601; and

WHEREAS, The City of Livingston has received a petition signed by more than 50% of the owners of the certain real property; and

WHEREAS, the City desires to annex such lands in accordance with its adopted Annexation Policy;

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Livingston, Montana, that the land described in the attached Exhibit A is hereby annexed into and made a part of the City of Livingston, Montana.

PASSED AND ADOPTED by the City Commission of the City of Livingston, Montana, this 15TH day of April 2025.

QUENTIN SCHWARZ – Chair

ATTEST:

APPROVED AS TO FORM:

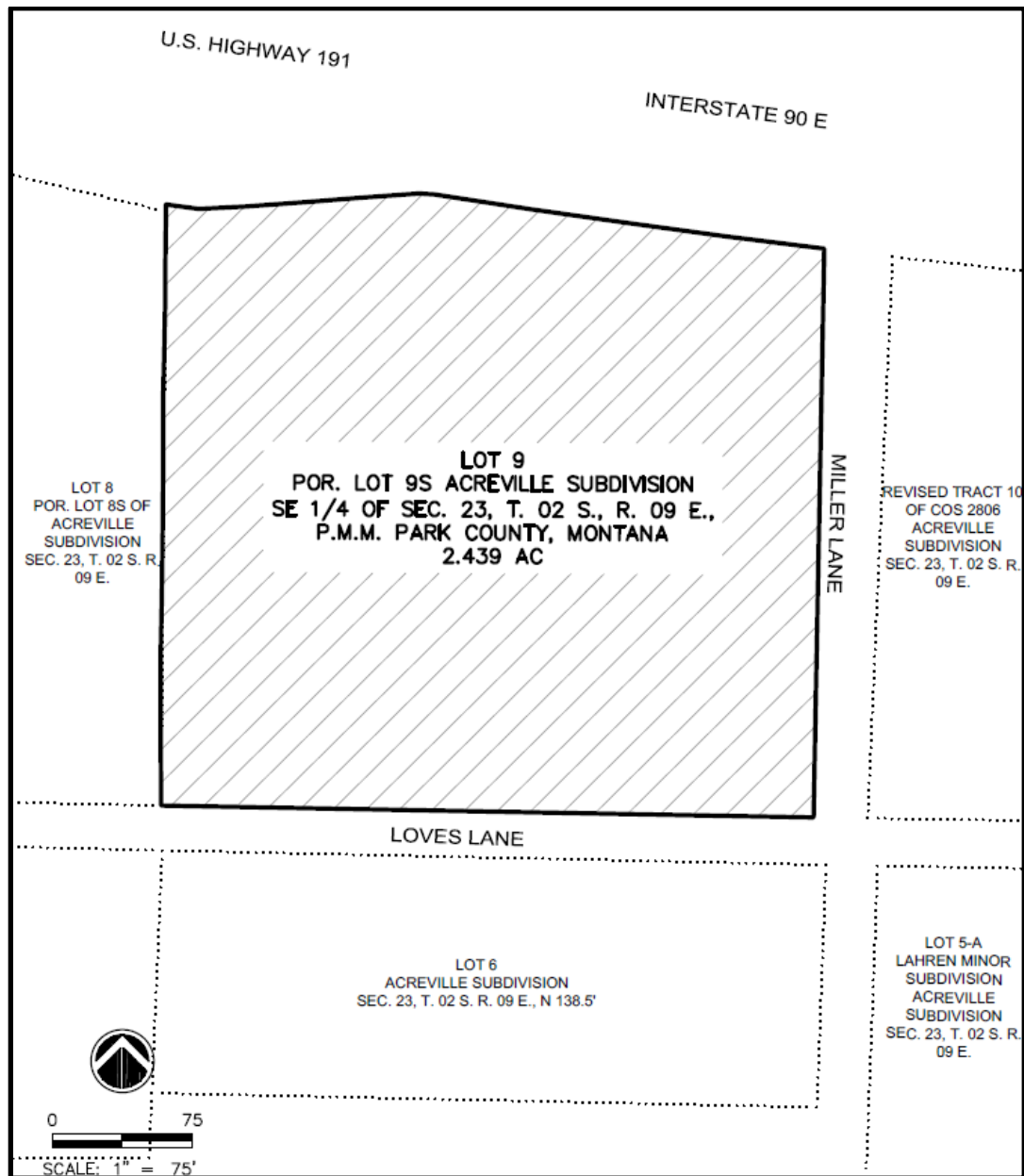
EMILY HUTCHINSON
City Clerk

JON HESSE
City Attorney

EXHIBIT A

Legal Description of Annexed Land

LOT 9 POR. LOT 9S OF ACREVILLE SUBDIVISION SE $\frac{1}{4}$ OF SEC. 23, T. 02 S., R. 09 E.,
P.M.M. PARK COUNTY, MONTANA



PETITION FOR ANNEXATION

Pursuant to 7-2-4601 *et seq.* Montana Code Annotated, we, the undersigned, being the owners of all of the property described on Exhibit A which is attached hereto and incorporated by this reference as though fully set forth herein, hereby petition the City of Livingston, Montana, to annex the property described by Exhibit A into the City of Livingston, Montana.

By executing this petition, we consent to said annexation and agree to cooperate fully with the officers and employees of the City of Livingston, Montana, to accomplish the annexation of the land described by Exhibit A.

Dated this 10th day of April, 2025.

PETITIONERS:

Signature

Printed name

Address

Signature

Printed name

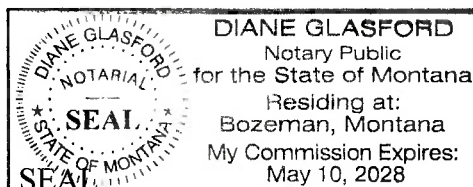
Address

STATE OF MONTANA)

: ss

County of Gallatin)

SIGNED AND SWORN before me on this 10th day of April, 2025, by Tiera J. Goich.



[Signature]
Notary Public for the State of Montana

EXHIBIT A

LOT 9 POR. LOT 9S OF ACREVILLE SUBDIVISION SE ¼ OF SEC. 23, T. 02 S., R. 09 E.,
P.M.M. PARK COUNTY, MONTANA

PETITION TO ANNEX AND NOTICE OF WITHDRAWAL FROM RURAL FIRE DISTRICT

The undersigned hereinafter referred to as Petitioner respectfully petition the City Commission of the City of Livingston for annexation of a portion of the real property located at 38 Loves Lane, Livingston, Montana 59047, including the tract of record described as follows (referred to herein as "Property"):

[See attached Exhibit A]

The Petitioner requesting City of Livingston annexation of the Property described herein hereby mutually agree with the City of Livingston that immediately upon annexation of the land by the City of Livingston municipal water services will be provided to the Property described herein on substantially the same basis and in the same manner as such water services are provided or made available to other properties within the rest of the municipality. The Petitioner hereby states that there is no need to prepare a Municipal Annexation Service Plan for this annexation pursuant to Section 7-2-4610, M.C.A. since the parties agree as to the provision of municipal services to the property requested to be annexed.

The Petitioner further herein express an intent to have the Property as herein described withdrawn from the Park County Rural Fire District under the provisions of Section 7-33-2127, M.C.A.; and that incorporated into this Petition to Annex is the Notice requirement pursuant to said Section; and that upon proper adoption of an ordinance or resolution of annexation by the City Commission of the City of Livingston, the Property shall be detracted from said district.

In the event the Property is not immediately annexed, the Petitioner further agrees that this covenant shall run to, with, and be binding upon the title of the said real property, and shall be binding upon our heirs, assigns, successors in interest, purchasers, and any and all subsequent holder or owners of the above-described Property.

This City hereby agrees to allow the Petitioner to connect and receive the utilities from the City of Livingston as provided herein.

TIERA GOICH PROPERTY MANAGEMENT LLC

Tiera Goich April 9th, 2025
 Petitioner/ Owner Date

State of Montana County of Beaumont
 Subscribed and sworn before me on April 9, 2025 by Tiera J. Goich
 (Date)

[Signature]
 (Notary Signature)

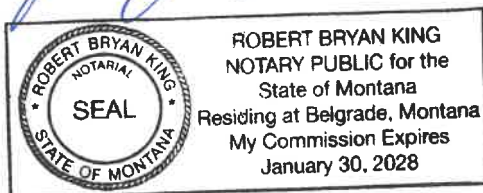


EXHIBIT A

LOT 9 POR. LOT 9S OF ACREVILLE SUBDIVISION SE ¼ OF SEC. 23, T. 02 S., R. 09 E.,
P.M.M. PARK COUNTY, MONTANA



STATE OF MONTANA
SECRETARY OF STATE
2025 ANNUAL REPORT

Item A.

STATE OF MONTANA
-FILED-
SECRETARY OF STATE
File Number: 16525236
Date Filed: 2/18/2025 6:28:12 AM

Business Type									
Business Type	Domestic Limited Liability Company								
Business Sub-Type	Limited Liability Company								
Business Name									
Annual Report Year	2025								
Name of Business Entity	Tiera Goich Property Management LLC								
Montana File Number	C1184940								
Country of Organization	United States								
State of Organization	Montana								
Business Purpose	property management								
Business Mailing Address of Principal Office									
Address	TIERA GOICH 557 ST ANDREWS DRIVE BOZEMAN, MT 59715								
Business Physical Address of Principal Office									
Address	TIERA GOICH 557 ST ANDREWS DRIVE BOZEMAN, MT 59715-8748								
The registered agent on record is:									
Registered Agent	Tiera Goich Non-Commercial Registered Agent Agent Number RA1330806 Email Address tiera0224@gmail.com Website Physical Address 557 ST ANDREWS DR BOZEMAN, MT 59715-8748 Mailing Address 557 ST ANDREWS DR BOZEMAN, MT 59715-8748								
LLC Management									
LLC Managed By	Managers								
Managers									
<table><tr><th>Name Of Individual Or Business Entity</th><th>Business Mailing Address</th><th>Email Address</th><th>Active Registered Entity</th></tr><tr><td>Tiera Goich</td><td>TIERA GOICH 557 ST ANDREWS DRIVE BOZEMAN, MT 59715</td><td>tiera0224@gmail.com</td><td></td></tr></table>		Name Of Individual Or Business Entity	Business Mailing Address	Email Address	Active Registered Entity	Tiera Goich	TIERA GOICH 557 ST ANDREWS DRIVE BOZEMAN, MT 59715	tiera0224@gmail.com	
Name Of Individual Or Business Entity	Business Mailing Address	Email Address	Active Registered Entity						
Tiera Goich	TIERA GOICH 557 ST ANDREWS DRIVE BOZEMAN, MT 59715	tiera0224@gmail.com							
Declarations									
<input checked="" type="checkbox"/> I confirm I have reviewed the information set forth in this Annual Report and that all information is correct and factual.									
<input checked="" type="checkbox"/> I have been authorized by the business entity to file this document online.									

B1394-5945 02/18/2025 6:28 AM Received by MT Secretary of State Christi Jacobsen

Item A.

☒ I, HEREBY SWEAR AND/OR AFFIRM, under penalty of law, including criminal prosecution, that the facts contained in this document are true. I certify that I am signing this document as the person(s) whose signature is required, or as an agent of the person(s) whose signature is required, who has authorized me to place his/her signature on this document.

Signature

<i>Self</i>	<i>Tiera Goich</i>	<i>02/18/2025</i>
Signer's Capacity	Sign Here	Date

Position	Manager/Member
----------	----------------

Daytime Contact	
Phone Number	(406) 451-4291
Email	tiera0224@gmail.com

ANNEXATION PLAN
CITY OF LIVINGSTON, MONTANA

Adopted February, 1997
Revised September, 2006

Introduction

This plan is intended to guide the City and County governments in all decisions concerning the extension of Livingston's municipal boundaries. In doing so, it will delineate a set of annexation criteria and identify areas where the Governing Bodies would like to direct future growth.

The Plan

In the past, Livingston's lack of an annexation policy has precluded any long-range planning "vision" of the development pattern that we would like to create. By basing annexation decisions on the criteria listed in this plan, the City of Livingston can take a more forward looking and structured approach to maintaining a livable and functional land use pattern for the benefit of all of its citizens.

The basic premise of this plan is that the City and County should, by being selective in their annexation decisions, direct growth to areas that have been identified as being economically and logistically easier to provide with sewer, water, solid waste, police and fire protection and other public services. The reasons for doing this are many. First, close proximity to public services means that those services can be provided more cheaply. Secondly, the City and County will be able to promote "in-fill" and avoid "sprawl" and "strip" commercial development while at the same time conserve open space and slow the rate of land consumption. Lastly, by following such a plan, the City and County can create a sense of knowledge, both for government and any prospective developers, about the future location of growth and public facilities.

Annexation Criteria

The attached map, Figure 1., will be reexamined at least every five (5) years and upon such examination may be updated or altered to reflect any change in land use needs. As a result of recent annexations and infrastructure development, new tracts of land located outside of the City should be taken into consideration for future annexations as shown by the maps attached hereto as Exhibit A.

ANNEXATION GUIDELINES

Based upon the attached map (Figure 1.) and the combined Ordinances of the City, the following guidelines will be used in making determinations as to annexation requests and sewer and water extensions:

1. Generally, to be considered for annexation, the property in question must fall within the City Services Growth Area as shown on Figure 1. or be in an area that is identified as already receiving City Services.
2. The use of City utilities beyond City boundaries often times necessitates annexation to

occur in a hap-hazard manner. For this reason extension of City sewer and water utilities beyond the established Growth Area boundaries will not be allowed. This will help to preserve the more rural and less dense development pattern at the edges of the City while encouraging more dense development to occur in the established urban areas.

3. Where utility extensions are proposed to property which is contiguous to the City Limits annexation will occur prior to any utility work or land development.

4. Impacts on transportation systems, solid waste collection and emergency services will be considered in requests for annexations. The City may require, at the expense of the person(s) requesting annexation, that a community impact report be prepared which may include, among other things, technical studies related to the above mentioned services.

5. Priority will given to those annexation requests which will 'fill-in' the City boundary by bringing into the City properties which separate previously annexed parcels from the remainder of the City.

6. Utility extensions into areas that can not be immediately annexed because they are not contiguous to the City limits will only be allowed if, in the judgment of the governing body, such extension will be an overall benefit to the community by providing needed utility service to the intervening property or by furthering the Growth Policy by directing growth to a desirable location.

7. Any application for the extension of City utilities beyond municipal boundaries must be accompanied by a Waiver of Annexation Protest. A Waiver of SID Protest must accompany utility extension requests both inside and outside of the City Limits when the area to be served does not have in place any of the following improvements:

- Streets built to City standards
- Sidewalks
- Curbs and gutters
- Storm Sewer
- Street Lights

Timing of installation of infrastructure may be altered in the case of new subdivisions. These improvements will be a condition of final plat approval.

This Policy will not serve in any way to require the City of Livingston to disallow any annexation request which is deemed by the governing body to be in the best interest of the City. However, the City may disallow any annexation request which is determined not to comply with this Policy.

ADMINISTRATIVE PROCEDURE

The following procedure will apply when processing annexation requests:

1. All annexation requests, whether from a property owner or originating from the City, will be reviewed by the Development Review Committee (DRC). If the DRC recommends approval, the following list of materials will be forwarded to the City Manager:

The common name of the property with the address of the owner.

A map of the property to be used as a Resolution Exhibit.

If already signed, a copy of the annexation waiver and withdrawal from rural fire district. (If not already signed, a blank withdrawal from rural fire district to be sent to property owner for signature)

A brief description of the reason for the annexation (i.e. property is served by City water, property is surrounded by City, etc.)

2. Resolution of Intent to Annex approved by City Commission.
3. Recording Secretary publishes Notice of Intent to annex in legal section of the Livingston Enterprise as provided by law.
4. Recording Secretary sends Resolution of Intent to Annex to all property owners involved (include Exhibit).
5. Resolution Annexing the property is considered by the City Commission.
6. Upon approval of annexation, Recording Secretary sends copies of the Resolution annexing the property and exhibits to the County Assessor, City Fire Chief, City Police Chief, Director of Public Works and City Planner. The same package plus the signed withdrawal from Rural Fire District go to the Clerk and Recorder and Park County Rural Fire Dept.
7. Recording Secretary sends Welcome to the City of Livingston form letter along with resolution and map to newly annexed property owners.

ZONING MAP

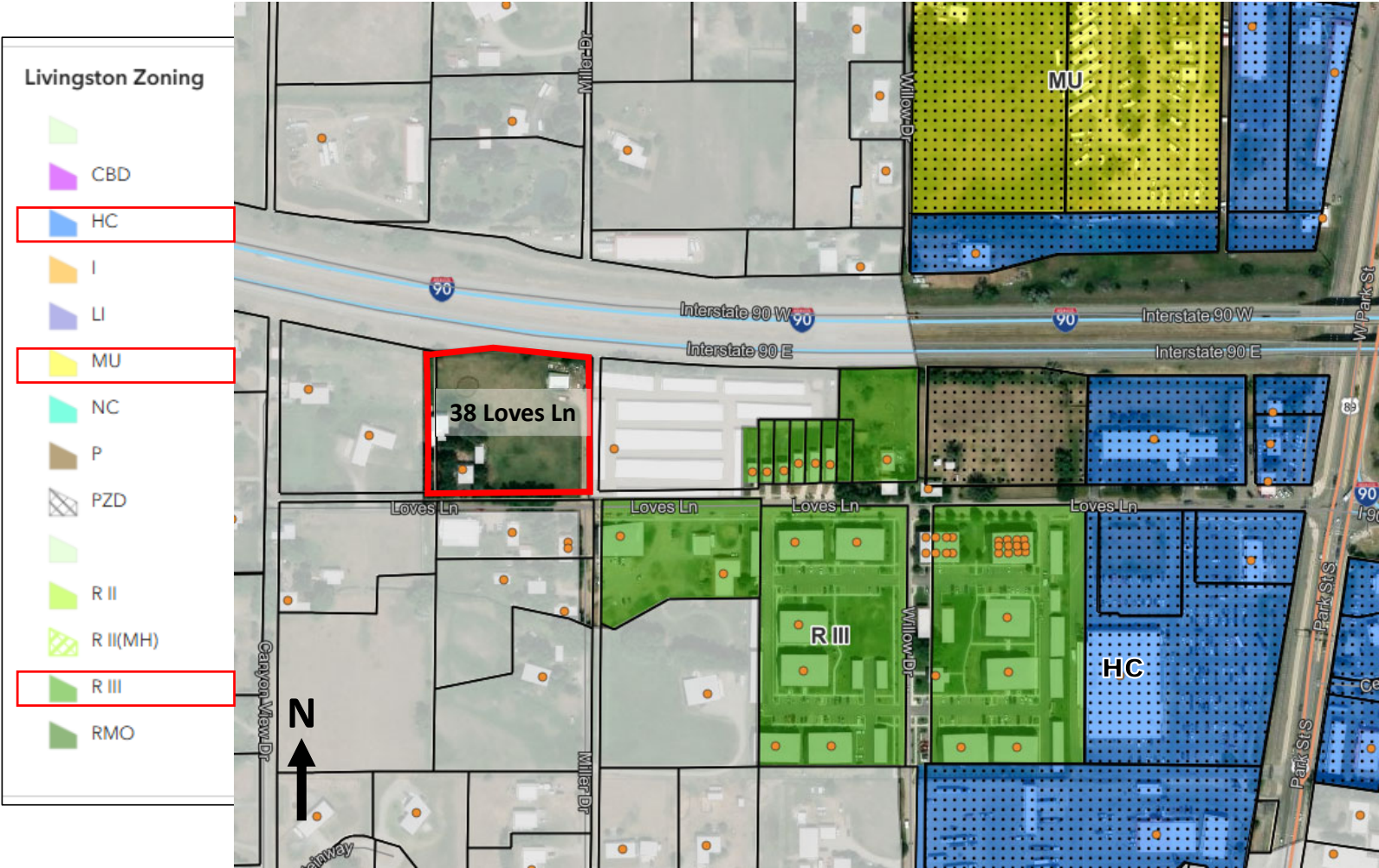


Exhibit 11.1: Recommended Future Land Use Map

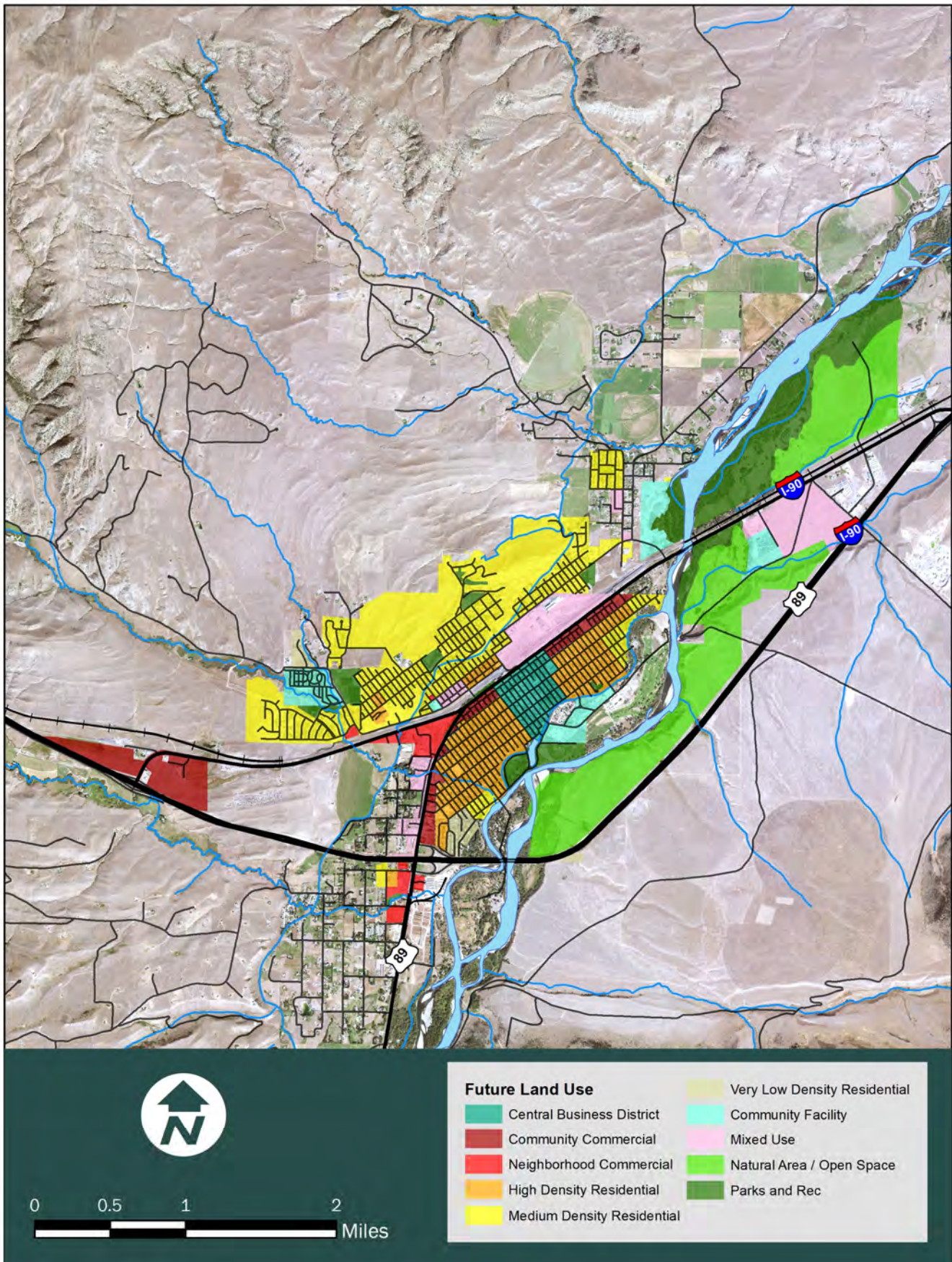


Exhibit 11.2: Recommended Future Land Use Map (Detailed)

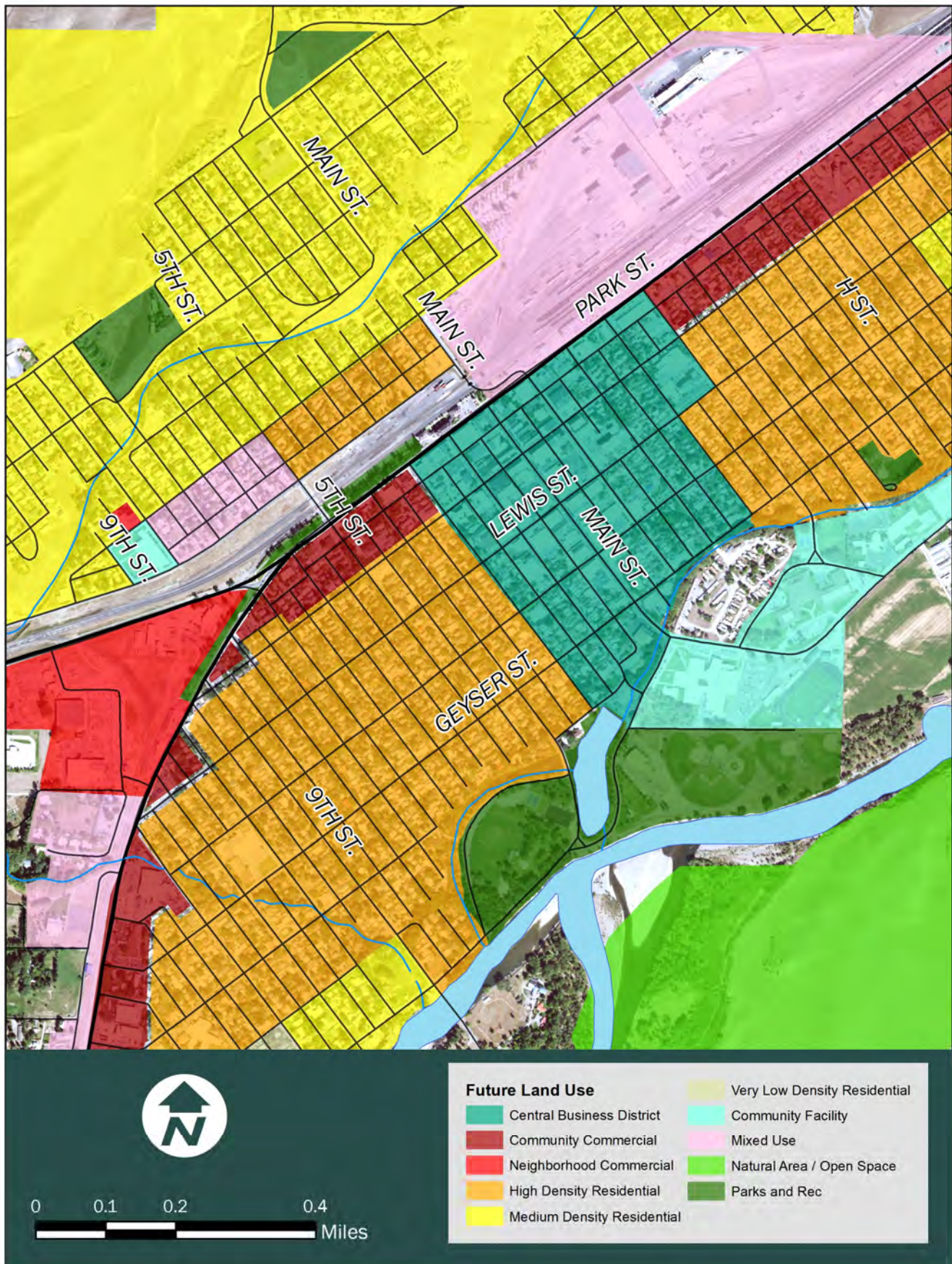


Table 30.40**List of Uses**

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

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