



Amended Livingston City Commission Agenda

January 21, 2025 — 5:30 PM

City – County Complex, Community Room

<https://us02web.zoom.us/j/82115423002?pwd=0Pj7nJqccnuEp03tvvQS2fPT97IFGy.1>

Meeting ID: 821 1542 3002

Passcode: 024891

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 JANUARY 07, 2025, REGULAR MEETING [PG.4](#)

B. APPROVAL OF CLAIMS PAID 1/2/25 - 1/15/25 [PG.12](#)

C. CONSOLIDATED LAND USE BOARD APPOINTMENTS [PG.24](#)

D. AGREEMENT 20149 FOR PARK COUNTY CRISIS COALITION CHARTER RENEWAL [PG.27](#)

E. APPROVAL OF LIVINGSTON WEST LLC'S MOUNTAIN VIEW MAJOR SUBDIVISION FINAL PLAT [PG.36](#)

5. Proclamations

A. A PROCLAMATION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON MONTANA, DECLARING APRIL 25, 2025 AS NATIONAL ARBOR DAY IN LIVINGSTON MONTANA [PG.163](#)

6. Scheduled Public Comment

A. CONSOLIDATED LAND USE BOARD YEAR END SUMMARY 2024 [PG.166](#)

7. Action Items

A. POLICE DEPARTMENT PRESENTATION TO CITY COMMISSION

B. DISCUSSION OF PROPOSED GROWTH POLICY INSPIRED CHANGES TO THE CITY OF LIVINGSTON SUBDIVISION REGULATIONS [PG.169](#)



- C. RESOLUTION NO. 5152: A RESOLUTION BY THE CITY OF LIVINGSTON CITY COMMISSION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO DOT – REBUILDING AMERICAN INFRASTRUCTURE WITH SUSTAINABILITY AND EQUITY (RAISE), COMMITMENT OF NEEDED FUNDS AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO ENTER INTO REQUIRED CONTRACTS FOR GRANT FUNDS TO ENGAGE IN A CORRIDOR STUDY AND EVALUATION OF VIABLE AND SUSTAINABLE OPTIONS FOR A GRADE SEPARATED CROSSING. [PG.260](#)**

- D. RESOLUTION 5153: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, DECLARING CERTAIN PROPERTY AS SURPLUS AND DIRECTING THAT SAID PROPERTY BE DONATED, SOLD OR DISPOSED OF. [PG.265](#)**

- E. DISCUSSION AND DIRECTION TO STAFF REGARDING 2025 SESSION OF THE MONTANA STATE LEGISLATURE [PG.269](#)**

- F. APPOINTMENT OF CITY COMMISSIONERS TO COMMUNITY AND ADVISORY BOARDS [PG.272](#)**

- G. CLOSED SESSION TO DISCUSS LEGAL STRATEGY PURSUANT TO MCA 2-3-203(4)(a)**

- H. ACTION ARISING FROM CLOSED SESSION.**

8. City Manager Comment

9. City Commission Comments

10. Adjournment

Calendar of Events

Supplemental Material

Notice

- **Public Comment:** The public can speak about an item on the agenda during discussion of that item by coming up to the table or podium, signing-in, and then waiting to be recognized by the Chairman. Individuals are reminded that public comments should be limited to items over which the City Commission has supervision, control, jurisdiction, or advisory power (MCA 2-3-202).

- **Meeting Recording:** An audio and/or video recording of the meeting, or any portion thereof, may be purchased by contacting the City Administration. The City does not warrant the audio and/or video recording as to content, quality, or clarity.

- **Special Accommodation:** If you need special accommodations to attend or participate in our meeting, please contact the Fire Department at least 24 hours in advance of the specific meeting you are planning on attending.

File Attachments for Item:

A. APPROVAL OF MINUTES FROM JANUARY 07, 2025, REGULAR MEETING



Livingston City Commission Minutes

January 7, 2025 — 5:30 PM

City – County Complex, Community Room

<https://us02web.zoom.us/j/83837828806?pwd=xAnrclUba1zXBPxwrUvGYgsO1pGCVN.1>

Meeting ID: 838 3782 8806

Passcode: 828051

1. Call to Order

Chair Kahle called the meeting to order at 5:33 PM

2. Roll Call

Commissioners Present

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

City Staff Present

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

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



4. Consent Items

- A. APPROVAL OF MINUTES FROM DECEMBER 17, 2024, REGULAR MEETING [PG.4](#)**
- B. APPROVAL OF CLAIMS PAID 12/12/24 - 1/1/25 [PG.38](#)**
- C. JUDGES MONTHLY REPORT NOVEMBER 2024 [PG.54](#)**
- D. PURCHASE ORDER 20143 WITH RESSLER FOR 2025 CHEVROLET 2500 HD SILVERADO [PG.56](#)**
- E. CONTRACT AMENDMENT - SCJ UPDATE [PG.62](#)**
- F. AGREEMENT 20144 WITH DISCOVERY VISTA LLC [PG.79](#)**
- G. AGREEMENT 20145 WITH OFFICE OF INSPECTOR GENERAL OF THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES [PG.89](#)**

Commissioner Willich pulled Item A

Vice-Chair Nootz motioned to approve items B –G seconded by Commissioner Schwarz. Unanimously approved by all 5 Commissioners.

Commissioner Willich requested that that a couple questions he asked be included. 1. After asking about who Lindroth was he asked how the grant went from \$82,000 to \$90,000. 2. He would like the question included about what impact the Yellowstone Club and moonlighting has had, and wondered if data had been captured around this.

Vice-Chair Nootz asked if an email from Park County Rural Fire Chief Dan Babcox could be included into the minutes. It was directly related to the fire study in the previous meeting.

The City Manager stated yes, it would be included in the minutes.

Commissioner Willich motioned to approved consent item A with 3 additions requested seconded by Commissioner Schwarz. Unanimously approved.

5. Proclamations



A. A PROCLAMATION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA DECLARING JANUARY 9, 2025 AS JAMES "JIMMY" EARL CARTER OBSERVANCE DAY IN LIVINGSTON MONTANA PG.98

Chair Kahle read the proclamation

The City Manager and Commissioners expressed thoughts and feeling about Jimmy Carter and his presidency and what he implemented for after his term ended.

6. Scheduled Public Comment

7. Action Items

A. ELECTION OF CITY COMMISSION OFFICERS FOR CALENDAR YEAR 2025 PG.100

Chair Kahle introduced the item.

Vice Chair Nootz expressed that she was not interested in the Chair position since she has already served there, but would be happy to continue as Vice Chair.

Commissioner Schwarz would like to serve as Chair. He explained it's his 10th year on the Commission and believes it's healthy to have a new chair every year. He would like to create a comprehensive disclosure policy and streamline meetings.

Commissioner Willich expressed he has no issue with any of his fellow Commissioners to serve as Chair.

Commissioner Lyons expressed he has no interest in serving as Chair.

Chair Kahle expressed she would like to continue as Chair. She enjoys running meetings and working with the City Manager on agendas, and has made great effort to show up for City meetings and functions outside of Commission meetings.

Vice Chair Nootz expressed meeting length has a lot to do with the meeting agendas, and recognized that with previous administration that some of these meetings would go until midnight, so she appreciates wanting to streamline meetings, but not at the expense of cutting off Commissioners. She acknowledged the City Manager for being mindful about meeting agendas.

Commissioner Schwarz expressed it is not his intent to cut Commissioners off, he just hopes to help facilitate meetings, and streamlining is just something he would like to look at and work on.



Commissioner Lyons agrees about meeting length, but understand the importance of clarifying questions. He stated he asks questions, that he may already know the answer to, but feels they would be helpful for the public to hear and hear the answer. He expressed that he appreciates both Chairs he has served under in his time as Commissioner, as well as the current City Manager and thinks things are heading in the right direction.

Vice Chair Nootz expressed that she is in support of a disclosure policy.

Commissioner Schwarz motioned to nominate himself as Chair and Vice Chair Nootz to remain as Vice Chair seconded by Commissioner Willich.

Commissioner Lyons motioned for Commissioner Kahle to remain as Chair and Vice Chair Nootz to remain Vice Chair seconded by Chair Kahle.

Commissioner Schwarz stated he has been on the Commission for 10 years and has served as Vice Chair in 2 of those years. He reminded that the duty of Chair and Vice Chair is to run the meeting, not set the agenda as that is done by the City Manager. He would really like to implement a disclosure policy. He reminded that they all have the same amount of power regardless of title.

Chair Kahle understands Commissioner Schwarz bringing up the disclosure policy and reminded that at any time that could have been or could be brought up at any time by two Commissioners. She expressed she has tried really hard to educate herself in the Chair role, and feels it's important to acknowledge that she has attended other meetings outside of just City Commission, and feels that has helped her a lot in having a presence out in the community in this way.

Commissioner Schwarz expressed that he does have the time to devote to being Chair since he is retired.

Commissioner Willich expressed that Chair Kahle has done a great job as Chair with the rotation of Chairs it is an opportunity for progression with Commissioner Schwarz stepping in to the Chair role.

Commissioner Lyons understands the thoughts of changing this role yearly, but feels Chair Kahle has been doing a phenomenal job at running meetings and maintaining composure, and providing impeccable leadership. He would be happy to see Commissioner Schwarz in this role, but with Chair Kahle still interested in the position he feels she would be able to maintain momentum and continue to provide impeccable leadership.

Vice Chair Nootz recognized that it takes about a year to understand the Chair role, and understands Commissioner Schwarz has put in a lot of time on the Commission and she has seen him through the years and feels he is able to hold his composure and that he has the ability to show leadership in any role that he sits in. She expressed understanding that no matter what she says that someone



may have hurt feelings and she doesn't want to that to anyone. She reminded that on the Commission it seems the Chair tends to be the public's punching bag for difficult topics and being a Commissioner is a hard role. Ultimately, for the benefit of the community, she feels it would be nice to switch it up, and clarified it has nothing to do with Chair Kahle because she is doing a fine job, but knows being in that seat comes with heavy responsibility and feels it's good to spread that out among Commissioners.

The City Manager clarified there can only be one motion on the table at a time, so the motion for Chair Kahle to remain Chair and Vice Chair Nootz to remain Vice Chair will be an amendment to the first motion. They will need to vote on the amendment first.

A vote was called for the amendment which would result in Chair Kahle remaining Chair and Vice Chair Nootz remaining Vice Chair. The amendment failed three votes to two with Commissioners Nootz, Schwarz and Willich voting against.

A vote was called for the original motion for Commissioner Schwarz to become Chair and Vice Chair Nootz to remain Vice Chair. The motion passed unanimously.

B. ACTION ARISING FROM MONTANA SIXTH JUDICIAL DISTRICT COURT ORDER APPROVING DISCOVERY VISTA LLC MAJOR SUBDIVISION APPLICATION [PG.103](#)

Chair Schwarz introduced the item.

The City Manager stated this item is resulting from a November 15, 2024 decision and order that was issued by Montana sixth judicial district court and is related to a major subdivision application that was submitted by Discovery Vista, LLC. in March of 2022. The City Manager stated they are here today to comply with Montana's Sixth Judicial Court's order to approve the subdivision with conditions. The Manager noted that a separate settlement agreement was presented to the Commission in tonight's consent agenda and was approved earlier in the meeting. The settlement agreement will not be paid directly from taxpayer funds but, rather, by the City's insurer MMIA.

Chair Schwarz reminded the Commission that this is something they have to comply with and is not sure there is need for clarifying questions, but will entertain them if anyone has any.

Vice Chair Nootz motioned to comply with the November 15, 2024, decision and order issued by the Montana Sixth Judicial District Court and direct the City Manager to approve, by a written letter Discovery Vista, LLC's 2022 major subdivision application subject to the mediated conditions. The motion was seconded by Commissioner Willich.



Commissioner Kahle thanked the City Manager and City Attorney for their work in mediation.

Vice Chair Nootz asked if there are now processes in place to make sure something like this doesn't happen again.

The City Manager stated yes, they have changed internal process.

Commissioner Willich thanked the City Manager and his team for cleaning up the messes with this item, and feels this is probably the best possible outcome.

Chair Schwarz thanked the City Manager and City Attorney for their work on this, and feels it's good that we now have safeguards in place so this does not happen again.

Motion unanimously approved by all 5 Commissioners.

C. CLOSED SESSION TO DISUCSS LEGAL STRATEGY PURSUANT TO MCA 2-3-203(4)(a)

Closed Session was not entered during this meeting.

8. City Manager Comment

The City Manager thanked the City Commission and is excited to see what 2025 brings to the City Commission and the new Chair.

9. City Commission Comments

Commissioner Willich expressed Happy New Year and looks forward to working with everyone in the New Year.

Commissioner Lyons wished everyone Happy New Year and stated that the month of December was the warmest December ever on record in Livingston going back to 1948, it was on average 11.4 degrees warmer than normal. He is happy to see the snow in winter.

Commissioner Kahle congratulated the plaintiffs in the held Montana trial where that decision was upheld by the Montana Supreme Court right before Christmas, and supports the youth that put themselves forward on the topic of climate change. She reminded that 2025 legislative session is coming and hopes to learn what is coming for this year.

Vice Chair Nootz asked the City Manager if he will be bringing items pertinent to the session.



The City Manager stated yes, at the next meeting they will have that conversation as well as board appointments.

Vice Chair Nootz thanked Commissioner Kahle and Commissioner Schwarz for their interest in Chair, and thanked Commissioner Kahle for her service as Chair.

Chair Schwarz thanked fellow Commissioners for their support as Chair. He welcomed feedback on how he is doing as Chair.

10. Adjournment

6:30 PM Commissioner Lyons 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 1/2/25 - 1/15/25

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
AAA CLEANING, LLC							
3727	AAA CLEANING, LLC	244	city hall cleaning	12/31/2024	2,000.00	2,000.00	01/09/2025
3727	AAA CLEANING, LLC	245	cIVIC CENTER	12/31/2024	2,600.00	2,600.00	01/09/2025
3727	AAA CLEANING, LLC	246	330 BENNETT CLEANING	12/31/2024	156.25	156.25	01/09/2025
3727	AAA CLEANING, LLC	246	330 BENNETT CLEANING	12/31/2024	156.25	156.25	01/09/2025
3727	AAA CLEANING, LLC	246	330 BENNETT CLEANING	12/31/2024	156.25	156.25	01/09/2025
3727	AAA CLEANING, LLC	246	330 BENNETT CLEANING	12/31/2024	156.25	156.25	01/09/2025
Total AAA CLEANING, LLC:					5,225.00	5,225.00	
AHS RESCUE							
10006	AHS RESCUE	33379	ROPE BAG	12/12/2024	6,332.06	6,332.06	01/09/2025
Total AHS RESCUE:					6,332.06	6,332.06	
ALADTEC, INC.							
3488	ALADTEC, INC.	INV00351147	Subscription ANNUAL	06/14/2024	4,256.96	4,256.96	01/09/2025
Total ALADTEC, INC.:					4,256.96	4,256.96	
ALL SERVICE TIRE & ALIGNMENT							
22	ALL SERVICE TIRE & ALIGNME	69367	Tire Repair	12/10/2024	20.00	20.00	01/09/2025
22	ALL SERVICE TIRE & ALIGNME	69400	Mount TIRE	12/16/2024	130.00	130.00	01/09/2025
22	ALL SERVICE TIRE & ALIGNME	69423	ALIGNMENT OF WHEELS	12/19/2024	165.00	165.00	01/09/2025
22	ALL SERVICE TIRE & ALIGNME	69456	Flat repair	12/31/2024	20.00	20.00	01/09/2025
Total ALL SERVICE TIRE & ALIGNMENT:					335.00	335.00	
ALPINE ELECTRONICS RADIO SHACK							
402	ALPINE ELECTRONICS RADIO	10312106	COPY PAPER	12/17/2024	7.10	7.10	01/09/2025
402	ALPINE ELECTRONICS RADIO	10312106	COPY PAPER	12/17/2024	7.10	7.10	01/09/2025
402	ALPINE ELECTRONICS RADIO	10312106	COPY PAPER	12/17/2024	7.10	7.10	01/09/2025
402	ALPINE ELECTRONICS RADIO	10312106	COPY PAPER	12/17/2024	7.10	7.10	01/09/2025
402	ALPINE ELECTRONICS RADIO	10312106	COPY PAPER	12/17/2024	7.10	7.10	01/09/2025
Total ALPINE ELECTRONICS RADIO SHACK:					35.50	35.50	
ALSCO							
10005	ALSCO	LBIL1997506	220 E PARK	12/19/2024	122.40	122.40	01/09/2025
Total ALSCO:					122.40	122.40	
AMERICAN SOLUTIONS FOR BUSINESS							
10005	AMERICAN SOLUTIONS FOR B	INV07653453	APPAREL	11/06/2024	1,016.20	1,016.20	01/09/2025
10005	AMERICAN SOLUTIONS FOR B	INV07653453	APPAREL	11/06/2024	1,276.05	1,276.05	01/09/2025
Total AMERICAN SOLUTIONS FOR BUSINESS:					2,292.25	2,292.25	
AMERICAN WELDING & GAS INC							
10006	AMERICAN WELDING & GAS IN	0008284559	MASK	12/13/2024	250.00	250.00	01/09/2025
Total AMERICAN WELDING & GAS INC:					250.00	250.00	
ARROWHEAD ELECTRIC INC							
10005	ARROWHEAD ELECTRIC INC	5049	COMBO BREAKER	12/10/2024	240.79	240.79	01/09/2025

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
Total ARROWHEAD ELECTRIC INC:					240.79	240.79	
BALCO UNIFORM COMPANY, INC.							
3371	BALCO UNIFORM COMPANY, IN	81625	UMFORM-WINTER JACKETS	12/26/2024	531.00	531.00	01/09/2025
Total BALCO UNIFORM COMPANY, INC.:					531.00	531.00	
BETTER DAYS CLEANING							
10004	BETTER DAYS CLEANING	1362	CLEANING	12/31/2024	875.00	875.00	01/09/2025
Total BETTER DAYS CLEANING:					875.00	875.00	
BIG SKY FIRE EQUIPMENT							
3	BIG SKY FIRE EQUIPMENT	0504907	R&M VEHI8CLES	12/20/2024	85.90	85.90	01/09/2025
Total BIG SKY FIRE EQUIPMENT:					85.90	85.90	
BOUND TREE MEDICAL, LLC							
2662	BOUND TREE MEDICAL, LLC	85587465	Patient Supplies	12/10/2024	1,163.76	1,163.76	01/09/2025
Total BOUND TREE MEDICAL, LLC:					1,163.76	1,163.76	
BRUCE E. BECKER, P.C.							
10000	BRUCE E. BECKER, P.C.	2024.12.31	Contracted service	12/31/2024	4,000.00	4,000.00	01/09/2025
Total BRUCE E. BECKER, P.C.:					4,000.00	4,000.00	
BUFFALO RESTORATION INC							
10005	BUFFALO RESTORATION INC	39831	CONSTRUCTION-FIELDHOUSE	12/02/2024	6,238.10	6,238.10	01/09/2025
Total BUFFALO RESTORATION INC:					6,238.10	6,238.10	
CALIBRE PRESS, LLC							
73	CALIBRE PRESS, LLC	25-123151	PATROL TACTICS	12/16/2024	199.00	199.00	01/09/2025
Total CALIBRE PRESS, LLC:					199.00	199.00	
CANON FINANCIAL SERVICES, INC							
1747	CANON FINANCIAL SERVICES, I	36889918	Printer Contract	12/13/2024	29.31	29.31	01/09/2025
1747	CANON FINANCIAL SERVICES, I	36889919	Printer	12/13/2024	29.75	29.75	01/09/2025
Total CANON FINANCIAL SERVICES, INC:					59.06	59.06	
CAROLINA SOFTWARE, Inc.							
3326	CAROLINA SOFTWARE, Inc.	93151	SOFTWARE SUPPORT	01/01/2025	600.00	600.00	01/09/2025
Total CAROLINA SOFTWARE, Inc.:					600.00	600.00	
CARQUEST AUTO PARTS							
23	CARQUEST AUTO PARTS	1912-622667	RAD CAP	10/04/2024	33.75	33.75	01/09/2025
23	CARQUEST AUTO PARTS	1912-625089	TRAILER CONNECT	11/04/2024	12.99	12.99	01/09/2025
23	CARQUEST AUTO PARTS	1912-625104	TRAILER LIGHT KIT	11/04/2024	55.37	55.37	01/09/2025
23	CARQUEST AUTO PARTS	1912-625127	FRAM FILTER	11/04/2024	31.98	31.98	01/09/2025
23	CARQUEST AUTO PARTS	1912-625292	FUEL HOSE	11/06/2024	13.80	13.80	01/09/2025
23	CARQUEST AUTO PARTS	1912-625299	ASST VALPK MINI	11/06/2024	16.00	16.00	01/09/2025
23	CARQUEST AUTO PARTS	1912-625449	HEADLAMP	11/07/2024	75.20	75.20	01/09/2025

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
23	CARQUEST AUTO PARTS	1912-625820	JUMP STARTER	11/12/2024	420.99	420.99	01/09/2025
23	CARQUEST AUTO PARTS	1912-626367	PRO POAT	11/19/2024	155.34	155.34	01/09/2025
23	CARQUEST AUTO PARTS	1912-626381	oil FILTER	11/19/2024	82.77	82.77	01/09/2025
23	CARQUEST AUTO PARTS	1912-626396	FILTERS	11/19/2024	76.53	76.53	01/09/2025
23	CARQUEST AUTO PARTS	1912-626482	CIRCUIT MININ	11/20/2024	5.53	5.53	01/09/2025
23	CARQUEST AUTO PARTS	1912-626513	AIR FILTER	11/21/2024	13.38-	13.38-	01/09/2025
23	CARQUEST AUTO PARTS	1912-626591	AIR FILTER	11/22/2024	14.72	14.72	01/09/2025
23	CARQUEST AUTO PARTS	1912-626655	WASHER FLUID	11/22/2024	36.00	36.00	01/09/2025
23	CARQUEST AUTO PARTS	1912-626683	BATTERY	11/23/2024	7.01	7.01	01/09/2025
23	CARQUEST AUTO PARTS	1912-627016	AIR FILTER	11/27/2024	51.39	51.39	01/09/2025
23	CARQUEST AUTO PARTS	1912-627021	air filter	11/27/2024	110.63	110.63	01/09/2025
23	CARQUEST AUTO PARTS	1912-627199	AIR FILTER	12/02/2024	44.43	44.43	01/09/2025
23	CARQUEST AUTO PARTS	1912-627371	ADHESIVE ERSR	12/04/2024	84.92	84.92	01/09/2025
23	CARQUEST AUTO PARTS	1912-627400	BRAKE PADS	12/04/2024	79.21	79.21	01/09/2025
23	CARQUEST AUTO PARTS	1912-627594	AIR FILTER	12/06/2024	97.44-	97.44-	01/09/2025
23	CARQUEST AUTO PARTS	1912-627595	SAFETY TERMINAL	12/06/2024	43.24	43.24	01/09/2025
23	CARQUEST AUTO PARTS	1912-627601	SAFETY TERMINAL	12/06/2024	3.74-	3.74-	01/09/2025
23	CARQUEST AUTO PARTS	1912-627681	SHOP TOWEL	12/09/2024	179.88	179.88	01/09/2025
23	CARQUEST AUTO PARTS	1912-627716	oil ABSORB	12/09/2024	31.64	31.64	01/09/2025
23	CARQUEST AUTO PARTS	1912-627717	LUBE AIR FILTER	12/09/2024	201.96	201.96	01/09/2025
23	CARQUEST AUTO PARTS	1912-627802	SPARK PLUGS	12/10/2024	84.64	84.64	01/09/2025
23	CARQUEST AUTO PARTS	1912-627870	FUEL FILTER	12/11/2024	12.67	12.67	01/09/2025
23	CARQUEST AUTO PARTS	1912-627894	oil FITLER	12/11/2024	84.07	84.07	01/09/2025
23	CARQUEST AUTO PARTS	1912-628377	oil ABSORB	12/18/2024	73.60	73.60	01/09/2025
23	CARQUEST AUTO PARTS	1912-628528	GLASS CLEANINER	12/20/2024	83.65	83.65	01/09/2025
23	CARQUEST AUTO PARTS	1912-629035	Battery	12/30/2024	135.99	135.99	01/09/2025
23	CARQUEST AUTO PARTS	1912-629040	XTRACLEAR	12/30/2024	19.98	19.98	01/09/2025
23	CARQUEST AUTO PARTS	1912-629110	PRIMARY WIRE	12/31/2024	16.04	16.04	01/09/2025
23	CARQUEST AUTO PARTS	1912-629112	PRIMARY WIRE	12/31/2024	301.95	301.95	01/09/2025
23	CARQUEST AUTO PARTS	1912-9628306	RX VISION BLADE	12/17/2024	68.78	68.78	01/09/2025
Total CARQUEST AUTO PARTS:					2,632.09	2,632.09	
CASELLE							
3763	CASELLE	138267	APPLICATION SOFTWARE	01/01/2025	3,159.00	3,159.00	01/09/2025
3763	CASELLE	138267	APPLICATION SOFTWARE	01/01/2025	99.00	99.00	01/09/2025
3763	CASELLE	138267	APPLICATION SOFTWARE	01/01/2025	99.00	99.00	01/09/2025
3763	CASELLE	138267	APPLICATION SOFTWARE	01/01/2025	191.00	191.00	01/09/2025
3763	CASELLE	138267	APPLICATION SOFTWARE	01/01/2025	191.00	191.00	01/09/2025
3763	CASELLE	138267	APPLICATION SOFTWARE	01/01/2025	291.00	291.00	01/09/2025
Total CASELLE:					4,030.00	4,030.00	
CENTURYLINK							
162	CENTURYLINK	2025.1.6	406-222-0137- 441b	01/06/2025	98.02	98.02	01/09/2025
Total CENTURYLINK:					98.02	98.02	
CITY OF LIVINGSTON							
131	CITY OF LIVINGSTON	2024_12	Disbursement to City	12/31/2024	8,100.72	8,100.72	01/02/2025
Total CITY OF LIVINGSTON:					8,100.72	8,100.72	
CLEARY BUILDING CORP							
10007	CLEARY BUILDING CORP	496062024112	CEMETERY STORAGE BUILDIN	01/07/2025	17,952.00	17,952.00	01/09/2025

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
Total CLEARY BUILDING CORP:					17,952.00	17,952.00	
CORE & MAIN LP							
3733	CORE & MAIN LP	V332155	SERVICE MATERIAL	07/31/2024	2,204.95	2,204.95	01/09/2025
3733	CORE & MAIN LP	V364879	SERVICE MATERIAL	08/30/2024	979.87	979.87	01/09/2025
3733	CORE & MAIN LP	V753530	SEWER PARTS	10/07/2024	101.53	101.53	01/09/2025
Total CORE & MAIN LP:					3,286.35	3,286.35	
CV STUDIO LLC							
10007	CV STUDIO LLC	24-48	GEODESIGN WORKSHOPS	11/21/2022	8,000.00	8,000.00	01/09/2025
Total CV STUDIO LLC:					8,000.00	8,000.00	
D&R COFFEE SERVICE INC							
10002	D&R COFFEE SERVICE INC	186157	RENTAL FEE	12/30/2024	50.00	50.00	01/09/2025
Total D&R COFFEE SERVICE INC:					50.00	50.00	
DANA SAFETY SUPPLY, INC.							
3234	DANA SAFETY SUPPLY, INC.	935874.1	APX6500	10/31/2024	1,925.00	1,925.00	01/09/2025
3234	DANA SAFETY SUPPLY, INC.	935895	NEW R1	10/31/2024	3,850.00	3,850.00	01/09/2025
Total DANA SAFETY SUPPLY, INC.:					5,775.00	5,775.00	
DELL MARKETING L.P.							
745	DELL MARKETING L.P.	10790478555	COMPUTER-STORDALEN	12/20/2024	.00	.00	
745	DELL MARKETING L.P.	10791428751	COMPUTER-HAEFS	12/27/2024	1,162.30	1,162.30	01/09/2025
Total DELL MARKETING L.P.:					1,162.30	1,162.30	
DELTA SIGNS & GRAPHICS							
509	DELTA SIGNS & GRAPHICS	3191	SignS	12/18/2024	160.00	160.00	01/09/2025
509	DELTA SIGNS & GRAPHICS	3191	SignS	12/18/2024	160.00	160.00	01/09/2025
509	DELTA SIGNS & GRAPHICS	3191	SignS	12/18/2024	160.00	160.00	01/09/2025
509	DELTA SIGNS & GRAPHICS	3191	SignS	12/18/2024	160.00	160.00	01/09/2025
509	DELTA SIGNS & GRAPHICS	3191	SignS	12/18/2024	160.00	160.00	01/09/2025
Total DELTA SIGNS & GRAPHICS:					800.00	800.00	
DEPARTMENT OF LABOR & INDUSTRY							
2338	DEPARTMENT OF LABOR & IND	2025.1.1	Building code edu fu	01/01/2025	320.79	320.79	01/09/2025
Total DEPARTMENT OF LABOR & INDUSTRY:					320.79	320.79	
DOOR TECH							
10002	DOOR TECH	241654	REPAIR BAY DOORS	12/26/2024	658.94	658.94	01/09/2025
Total DOOR TECH:					658.94	658.94	
DRIVER RECORDS							
10007	DRIVER RECORDS	2025.01	RECORDS REQUESTS	01/09/2025	15.00	15.00	01/09/2025
Total DRIVER RECORDS:					15.00	15.00	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
ENERGY LABORATORIES, INC.							
424	ENERGY LABORATORIES, INC.	680116	Analysis parameter	12/20/2024	304.00	304.00	01/09/2025
Total ENERGY LABORATORIES, INC.:					304.00	304.00	
FISHER SAND AND GRAVEL							
2904	FISHER SAND AND GRAVEL	37875	Sanding Material	11/30/2024	2,941.28	2,941.28	01/09/2025
2904	FISHER SAND AND GRAVEL	38645	FLOWFILL CONCRETE	12/21/2024	712.25	712.25	01/09/2025
Total FISHER SAND AND GRAVEL:					3,653.53	3,653.53	
FRONTLINE AG SOLUTIONS, LLC							
2516	FRONTLINE AG SOLUTIONS, LL	1192491	PARTS	12/11/2024	156.35	156.35	01/09/2025
Total FRONTLINE AG SOLUTIONS, LLC:					156.35	156.35	
HANSER'S AUTOMOTIVE & WRECKER							
1687	HANSER'S AUTOMOTIVE & WR	LIV6080	Towing-JEEP	12/30/2024	100.00	100.00	01/09/2025
Total HANSER'S AUTOMOTIVE & WRECKER:					100.00	100.00	
HAWKINS, INC							
470	HAWKINS, INC	6938238	Chlorine	12/15/2024	100.00	100.00	01/09/2025
Total HAWKINS, INC:					100.00	100.00	
HIGH COUNTRY WILDLIFE CONTROL							
10002	HIGH COUNTRY WILDLIFE CON	13393	PEST CONTROL	12/26/2024	210.00	210.00	01/09/2025
Total HIGH COUNTRY WILDLIFE CONTROL:					210.00	210.00	
HORIZON AUTO PARTS							
1920	HORIZON AUTO PARTS	018926	ARGON	12/17/2024	111.87	111.87	01/09/2025
Total HORIZON AUTO PARTS:					111.87	111.87	
INDUSTRIAL COMM & ELEC OF BOZEMAN							
3455	INDUSTRIAL COMM & ELEC OF	35041	NORTH HILL COMPUTER	12/11/2024	1,395.00	1,395.00	01/09/2025
Total INDUSTRIAL COMM & ELEC OF BOZEMAN:					1,395.00	1,395.00	
J.P COOKE CO.							
261	J.P COOKE CO.	859705	Dog TAGS	11/19/2024	535.95	535.95	01/09/2025
Total J.P COOKE CO.:					535.95	535.95	
JON M HESSE PC							
10005	JON M HESSE PC	46067	PROFESSIONAL SERVICES	12/30/2024	9,517.57	9,517.57	01/13/2025
Total JON M HESSE PC:					9,517.57	9,517.57	
KAMP IMPLEMENT CO							
10007	KAMP IMPLEMENT CO	W064051	REPLACE ATTACHEMENT CON	12/27/2024	938.77	938.77	01/09/2025
Total KAMP IMPLEMENT CO:					938.77	938.77	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
KELLEY CREATE							
10006	KELLEY CREATE	38155838	AGREE 112-3075248	12/23/2024	281.49	281.49	01/09/2025
Total KELLEY CREATE:					281.49	281.49	
KIMBALL MIDWEST							
2863	KIMBALL MIDWEST	102668887	NITRILE GLOVES	10/03/2024	579.60	579.60	01/09/2025
Total KIMBALL MIDWEST:					579.60	579.60	
L.N. CURTIS AND SONS							
10004	L.N. CURTIS AND SONS	INV893807	NEW RESERVE 1 TRUCK	12/09/2024	15,746.87	15,746.87	01/09/2025
Total L.N. CURTIS AND SONS:					15,746.87	15,746.87	
LIVINGSTON ACE HARDWARE - #122005							
26	LIVINGSTON ACE HARDWARE -	D54317	HEATER RADIANT	12/17/2024	89.99	89.99	01/09/2025
26	LIVINGSTON ACE HARDWARE -	F44716	SM PRTS BIN	11/27/2024	22.49	22.49	01/09/2025
26	LIVINGSTON ACE HARDWARE -	F45636	ROD WELD	11/29/2024	27.99	27.99	01/09/2025
26	LIVINGSTON ACE HARDWARE -	F45810	CABLETIE	11/29/2024	16.99	16.99	01/09/2025
26	LIVINGSTON ACE HARDWARE -	F46998	BALLCOCK ADJ	12/02/2024	14.99	14.99	01/09/2025
26	LIVINGSTON ACE HARDWARE -	F47286	RESPIRATOR	12/02/2024	19.99	19.99	01/09/2025
26	LIVINGSTON ACE HARDWARE -	F47522	GROUND PLUG	12/03/2024	48.98	48.98	01/09/2025
26	LIVINGSTON ACE HARDWARE -	F48454	TUBE HEAT	12/05/2024	26.57	26.57	01/09/2025
26	LIVINGSTON ACE HARDWARE -	F50889	TEMP DEICER	12/09/2024	26.97	26.97	01/09/2025
26	LIVINGSTON ACE HARDWARE -	F50916	station Supply	12/09/2024	169.99	169.99	01/09/2025
26	LIVINGSTON ACE HARDWARE -	F51563	SPRAY PAINT	12/11/2024	41.93	41.93	01/09/2025
26	LIVINGSTON ACE HARDWARE -	F51616	BUCKET	12/11/2024	59.90	59.90	01/09/2025
26	LIVINGSTON ACE HARDWARE -	F51808	ELBOW/NIPPLE-ROLLER	12/11/2024	133.62	133.62	01/09/2025
26	LIVINGSTON ACE HARDWARE -	F52134	ELBOW/NIPPLE	12/12/2024	117.85	117.85	01/09/2025
26	LIVINGSTON ACE HARDWARE -	F52523	SCOURING PAD	12/13/2024	10.58	10.58	01/09/2025
26	LIVINGSTON ACE HARDWARE -	F52702	ELMT GRD	12/13/2024	53.99	53.99	01/09/2025
26	LIVINGSTON ACE HARDWARE -	F53855	CLOROX OUTDOOR	12/16/2024	9.99	9.99	01/09/2025
26	LIVINGSTON ACE HARDWARE -	F54356	SCALE ANALOG	12/17/2024	17.99	17.99	01/09/2025
26	LIVINGSTON ACE HARDWARE -	F54908	SELF CUT CBL	12/18/2024	14.99	14.99	01/09/2025
26	LIVINGSTON ACE HARDWARE -	F55662	ACE BAG	12/20/2024	13.99	13.99	01/09/2025
26	LIVINGSTON ACE HARDWARE -	F57367	STATION SUPPLY	12/23/2024	59.88	59.88	01/09/2025
26	LIVINGSTON ACE HARDWARE -	X37397	SHOVEL	12/05/2024	125.88	125.88	01/09/2025
26	LIVINGSTON ACE HARDWARE -	X37455	TORPEDO	12/05/2024	8.99	8.99	01/09/2025
26	LIVINGSTON ACE HARDWARE -	X37877	BALL VALVE	12/10/2024	9.99	9.99	01/09/2025
26	LIVINGSTON ACE HARDWARE -	X37919	HAND WASH	12/10/2024	56.95	56.95	01/09/2025
26	LIVINGSTON ACE HARDWARE -	X38671	COUPL HOSE	12/17/2024	17.98	17.98	01/09/2025
26	LIVINGSTON ACE HARDWARE -	X39320	GREAT STUFF	12/23/2024	16.77	16.77	01/09/2025
Total LIVINGSTON ACE HARDWARE - #122005:					1,236.22	1,236.22	
LIVINGSTON HEALTH CARE							
55	LIVINGSTON HEALTH CARE	200363413	770526050	12/16/2024	45.00	45.00	01/09/2025
55	LIVINGSTON HEALTH CARE	200363414	770530976	12/16/2024	45.00	45.00	01/09/2025
55	LIVINGSTON HEALTH CARE	200363415	200363415	12/16/2024	45.00	45.00	01/09/2025
55	LIVINGSTON HEALTH CARE	200363416	200363416	12/16/2024	45.00	45.00	01/09/2025
55	LIVINGSTON HEALTH CARE	200363417	200363417	12/16/2024	45.00	45.00	01/09/2025
Total LIVINGSTON HEALTH CARE:					225.00	225.00	
MARCO HUERTA							
10007	MARCO HUERTA	2024.12.21	SANTA SUPPLIES	12/21/2024	24.12	24.12	01/09/2025

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
Total MARCO HUERTA:					24.12	24.12	
MED ONE CAPITAL FUNDING LLC							
10007	MED ONE CAPITAL FUNDING LL	M00341904	cms075884-ls	12/17/2024	405.25	405.25	01/09/2025
Total MED ONE CAPITAL FUNDING LLC:					405.25	405.25	
MISC							
99999	MISC	2024.12.18	WITNESS FEE	12/18/2024	10.00	10.00	01/09/2025
99999	MISC	2024.12.18.1	WITNESS FEE	12/18/2024	10.00	10.00	01/09/2025
99999	MISC	TK2024-0146	Bond Refund	01/08/2025	1,680.00	1,680.00	01/08/2025
99999	MISC	TK2024-0231	Bond Refund	01/08/2025	1,725.00	1,725.00	01/08/2025
Total MISC:					3,425.00	3,425.00	
MOBILE REPAIR & WELDING, INC							
10	MOBILE REPAIR & WELDING, IN	35865	CUT METAL	12/26/2024	16.63	16.63	01/09/2025
Total MOBILE REPAIR & WELDING, INC:					16.63	16.63	
MONTANA LAW ENFORCEMENT ACADEMY							
642	MONTANA LAW ENFORCEMENT	25-09-072	TraNSACTIONS	09/26/2024	768.53	768.53	01/09/2025
642	MONTANA LAW ENFORCEMENT	25-09-127	TraNSACTIONS	09/26/2024	6,018.99	6,018.99	01/09/2025
Total MONTANA LAW ENFORCEMENT ACADEMY:					6,787.52	6,787.52	
MOUNTAIN FRESH CLEANING							
10005	MOUNTAIN FRESH CLEANING	FB0000147	JANITORIAL SERVICES	12/30/2024	2,800.00	2,800.00	01/09/2025
Total MOUNTAIN FRESH CLEANING:					2,800.00	2,800.00	
MOUNTAIN MOBILE AUTO GLASS							
2106	MOUNTAIN MOBILE AUTO GLAS	22426	Medic 4	12/18/2024	795.00	795.00	01/09/2025
Total MOUNTAIN MOBILE AUTO GLASS:					795.00	795.00	
MURDOCH'S RANCH & HOME SUPPLY							
3688	MURDOCH'S RANCH & HOME S	INV-011177883	Coupler LOCK	11/27/2024	109.98	109.98	01/09/2025
3688	MURDOCH'S RANCH & HOME S	INV-011318384	SWIVEL EYE	12/03/2024	57.95	57.95	01/09/2025
3688	MURDOCH'S RANCH & HOME S	INV-011336568	BATTERY BLOWER	12/04/2024	468.99	468.99	01/09/2025
3688	MURDOCH'S RANCH & HOME S	INV-011472420	BOLT AND NUTS	12/10/2024	63.48	63.48	01/09/2025
3688	MURDOCH'S RANCH & HOME S	INV011502180	GLOVES	12/11/2024	111.94	111.94	01/09/2025
3688	MURDOCH'S RANCH & HOME S	INV-011515505	U BOLT	12/12/2024	15.56	15.56	01/09/2025
3688	MURDOCH'S RANCH & HOME S	INV011679005	SAW	12/18/2024	209.98	209.98	01/09/2025
3688	MURDOCH'S RANCH & HOME S	INV-011848111	RATCHET STRP	12/23/2024	79.96	79.96	01/09/2025
Total MURDOCH'S RANCH & HOME SUPPLY:					1,117.84	1,117.84	
NORDIC FIRE DEFENSE							
10006	NORDIC FIRE DEFENSE	1164	RECHARGE 20LB	12/23/2024	95.00	95.00	01/09/2025
Total NORDIC FIRE DEFENSE:					95.00	95.00	
NORTHWESTERN ENERGY							
151	NORTHWESTERN ENERGY	0708370-2 202	8th & Park Sprinklers	12/23/2024	6.41	6.41	01/09/2025
151	NORTHWESTERN ENERGY	0709877-5 202	200 E Reservoir (north side hill)	12/23/2024	932.52	932.52	01/09/2025

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
151	NORTHWESTERN ENERGY	0709880-9 202	200 River Drive - Pool	12/23/2024	199.22	199.22	01/09/2025
151	NORTHWESTERN ENERGY	0709881-7 202	229 River Drive - Civic Center	12/23/2024	1,268.03	1,268.03	01/09/2025
151	NORTHWESTERN ENERGY	0709882-5 202	229 River Drive - Pump Civic Cent	12/23/2024	.00	.00	
151	NORTHWESTERN ENERGY	0719271-9 202	601 Robin Lane - Well	12/23/2024	1,867.58	1,867.58	01/09/2025
151	NORTHWESTERN ENERGY	0719272-7 202	4 Billman Lane - Well	12/23/2024	2,120.31	2,120.31	01/09/2025
151	NORTHWESTERN ENERGY	0719358-4 202	Street Lights - Livingston	12/23/2024	2,531.31	2,531.31	01/09/2025
151	NORTHWESTERN ENERGY	0719373-3 202	229 River Drive	12/23/2024	9.42	9.42	01/09/2025
151	NORTHWESTERN ENERGY	0720113-0 202	229 River Drive - CC Building	12/23/2024	236.81	236.81	01/09/2025
151	NORTHWESTERN ENERGY	0720122-1 202	400 North M	12/23/2024	.00	.00	
151	NORTHWESTERN ENERGY	0802599-1 202	608 W Chinook	12/23/2024	53.77	53.77	01/09/2025
151	NORTHWESTERN ENERGY	0933715-5 202	710 W Callender	12/23/2024	33.80	33.80	01/09/2025
151	NORTHWESTERN ENERGY	2024.12 38372	220 E PARK	12/10/2024	534.88	534.88	01/09/2025
Total NORTHWESTERN ENERGY:					9,794.06	9,794.06	

NRS

10005	NRS	1668992	WATER RESCUE	12/04/2024	11,416.14	11,416.14	01/09/2025
Total NRS:					11,416.14	11,416.14	

PARK COUNTY

272	PARK COUNTY	2024.11	Library internet	11/01/2024	430.70	430.70	01/09/2025
272	PARK COUNTY	2024_11	CITY/COUNTY COMPLEX JANIT	11/30/2024	805.00	805.00	01/09/2025
272	PARK COUNTY	2024_11	PC SPEAKERS	11/30/2024	24.99	24.99	01/09/2025
272	PARK COUNTY	2024_11	CITY SHARE - MATS	11/30/2024	30.87	30.87	01/09/2025
272	PARK COUNTY	2024_11	CITY SHARE - MATS	11/30/2024	30.87	30.87	01/09/2025
272	PARK COUNTY	2024_11	CITY SHARE - MATS	11/30/2024	30.87	30.87	01/09/2025
272	PARK COUNTY	2024_11	OCTOBER MOWING	11/30/2024	20.70	20.70	01/09/2025
272	PARK COUNTY	2024_11	INTERNET - CITY/COUNTY COM	11/30/2024	345.36	345.36	01/09/2025
272	PARK COUNTY	2024_11	INTERNET - CITY HALL	11/30/2024	2,699.62	2,699.62	01/09/2025
272	PARK COUNTY	2024_11	INTERNET - CITY HALL	11/30/2024	841.86	841.86	01/09/2025
272	PARK COUNTY	2024_11	INTERNET - PUBLIC WORKS	11/30/2024	195.71	195.71	01/09/2025
272	PARK COUNTY	2024_11	INTERNET - PUBLIC WORKS	11/30/2024	195.71	195.71	01/09/2025
272	PARK COUNTY	2024_11	INTERNET - PUBLIC WORKS	11/30/2024	195.72	195.72	01/09/2025
272	PARK COUNTY	2024_11	INTERNET - PUBLIC WORKS	11/30/2024	195.72	195.72	01/09/2025
272	PARK COUNTY	2024_11	INTERNET - CIVIC CENTER	11/30/2024	782.86	782.86	01/09/2025
272	PARK COUNTY	2024_11	INTERNET - TRANSFER STATIO	11/30/2024	230.37	230.37	01/09/2025
272	PARK COUNTY	2024_11	INTERNET - POOL	11/30/2024	230.37	230.37	01/09/2025
272	PARK COUNTY	2024_11	INTERNET - STREET SHOP	11/30/2024	76.79	76.79	01/09/2025
272	PARK COUNTY	2024_11	INTERNET - STREET SHOP	11/30/2024	76.79	76.79	01/09/2025
272	PARK COUNTY	2024_11	INTERNET - STREET SHOP	11/30/2024	76.79	76.79	01/09/2025
272	PARK COUNTY	2024_11	ANALOG LINE - LOBBY ELEVAT	11/30/2024	9.64	9.64	01/09/2025
272	PARK COUNTY	2024_11	STORAGE ARRAY BACK-UP	11/30/2024	5,121.00	5,121.00	01/09/2025
272	PARK COUNTY	2024_11	IT CONSULTING	11/30/2024	843.75	843.75	01/09/2025
272	PARK COUNTY	2024_11	PLUMBING REPAIRS	11/30/2024	108.23	108.23	01/09/2025
272	PARK COUNTY	2024_11	TRASH LINERS	11/30/2024	17.48	17.48	01/09/2025
272	PARK COUNTY	2024_11	RECYLING	11/30/2024	46.00	46.00	01/09/2025
272	PARK COUNTY	2024_11	RECYLING	11/30/2024	57.50	57.50	01/09/2025
272	PARK COUNTY	2024_11	ELEVATOR SERVICE	11/30/2024	234.00	234.00	01/09/2025
272	PARK COUNTY	2024_11	SUPPLIES	11/30/2024	17.70	17.70	01/09/2025
272	PARK COUNTY	2024_11	SUPPLIES	11/30/2024	29.89	29.89	01/09/2025
272	PARK COUNTY	2024_11	SPRINKLER WINTERIZATION	11/30/2024	46.00	46.00	01/09/2025
272	PARK COUNTY	2024_11	LEAF REMOVAL	11/30/2024	353.63	353.63	01/09/2025
272	PARK COUNTY	2024_11	OCTOBER POWER	11/30/2024	2,199.81	2,199.81	01/09/2025
272	PARK COUNTY	2024_11	HVAC FILTERS	11/30/2024	94.75	94.75	01/09/2025
272	PARK COUNTY	2024_11	BUILDING SUPPLIES	11/30/2024	6.67	6.67	01/09/2025
272	PARK COUNTY	2024_11	OCT-CELL PHONE	11/30/2024	55.68	55.68	01/09/2025

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
272	PARK COUNTY	2024_11	NOV-CELL PHONE	11/30/2024	573.51	573.51	01/09/2025
272	PARK COUNTY	2024_11	IT SUPPORT	11/30/2024	119.50	119.50	01/09/2025
Total PARK COUNTY:					17,452.41	17,452.41	
PARK COUNTY COMMUNITY JOURNAL							
10001	PARK COUNTY COMMUNITY JO	1432	calendar of events	12/29/2024	78.00	78.00	01/09/2025
Total PARK COUNTY COMMUNITY JOURNAL:					78.00	78.00	
PITNEY BOWES							
10001	PITNEY BOWES	1026556712	Ink Cartridge	12/06/2024	199.18	199.18	12/26/2024
10001	PITNEY BOWES	2024.12.20	Postage	12/20/2024	1,000.00	1,000.00	12/20/2024
Total PITNEY BOWES:					1,199.18	1,199.18	
RIVER BEND THREADS							
2299	RIVER BEND THREADS	6096	EMBROIDERY	11/25/2024	13,155.00	13,155.00	01/09/2025
Total RIVER BEND THREADS:					13,155.00	13,155.00	
SAFETRAC							
3143	SAFETRAC	46650	CDL Services	01/01/2025	90.74	90.74	01/09/2025
3143	SAFETRAC	46650	CDL Services	01/01/2025	82.23	82.23	01/09/2025
3143	SAFETRAC	46650	CDL Services	01/01/2025	151.25	151.25	01/09/2025
3143	SAFETRAC	46650	CDL Services	01/01/2025	224.95	224.95	01/09/2025
3143	SAFETRAC	46650	CDL Services	01/01/2025	82.23	82.23	01/09/2025
3143	SAFETRAC	46650	CDL Services	01/01/2025	60.50	60.50	01/09/2025
3143	SAFETRAC	46874	EMPLOYMENT SCREEN	12/31/2024	342.80	342.80	01/09/2025
Total SAFETRAC:					1,034.70	1,034.70	
SEA WESTERN FIRE FIGHTING EQUIPMENT							
10005	SEA WESTERN FIRE FIGHTING	INV35891	TURNOUT GEAR NAME PLATE	10/23/2024	154.76	154.76	01/09/2025
10005	SEA WESTERN FIRE FIGHTING	INV37947	NEW R1 NOZZLE	12/11/2024	158.49	158.49	01/09/2025
Total SEA WESTERN FIRE FIGHTING EQUIPMENT:					313.25	313.25	
SECURITY SOLUTIONS, INC.							
3020	SECURITY SOLUTIONS, INC.	20302-A	COMMERCIAL ALARM MONITO	01/01/2025	96.00	96.00	01/09/2025
Total SECURITY SOLUTIONS, INC.:					96.00	96.00	
SERA DESIGN AND ARCHITECTURE INC							
10006	SERA DESIGN AND ARCHITECT	03005923	ENERGY ACTION PLAN	12/18/2024	13,365.35	13,365.35	01/09/2025
Total SERA DESIGN AND ARCHITECTURE INC:					13,365.35	13,365.35	
SHI INTERNATIONAL CORP.							
2907	SHI INTERNATIONAL CORP.	B19175652	OFFICE-STRODALEN	12/18/2024	450.50	450.50	01/09/2025
2907	SHI INTERNATIONAL CORP.	B19184727	OFFICE-HAEFS	12/20/2024	450.50	450.50	01/09/2025
Total SHI INTERNATIONAL CORP.:					901.00	901.00	
SLEEPING GIANT ANIMAL CLINIC							
3645	SLEEPING GIANT ANIMAL CLINI	73578	BRIGGS	12/24/2024	40.89	40.89	01/09/2025

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
Total SLEEPING GIANT ANIMAL CLINIC:					40.89	40.89	
TARR, MARGARET							
3586	TARR, MARGARET	12.17.2024	HOLIDAY PARTY REIMBURSEM	12/17/2024	186.69	186.69	01/09/2025
Total TARR, MARGARET:					186.69	186.69	
TAYLOR CAHILL							
10004	TAYLOR CAHILL	81614	REIMB-UNIFORM	12/03/2024	363.40	363.40	01/09/2025
Total TAYLOR CAHILL:					363.40	363.40	
TD&H ENGINEERING, INC							
3390	TD&H ENGINEERING, INC	40859	2025 ALLEY CIP	12/10/2024	2,062.59	2,062.59	01/09/2025
3390	TD&H ENGINEERING, INC	40859	2025 ALLEY CIP	12/10/2024	2,062.58	2,062.58	01/09/2025
3390	TD&H ENGINEERING, INC	40859	2025 ALLEY CIP	12/10/2024	2,062.58	2,062.58	01/09/2025
3390	TD&H ENGINEERING, INC	40860	I&I PROJECT	12/10/2024	5,016.29	5,016.29	01/09/2025
3390	TD&H ENGINEERING, INC	40861	ON CALL SERVICES	12/10/2024	240.75	240.75	01/09/2025
3390	TD&H ENGINEERING, INC	40861	ON CALL SERVICIES	12/10/2024	2,146.50	2,146.50	01/09/2025
3390	TD&H ENGINEERING, INC	40861	ON CALL SERVICES	12/10/2024	240.75	240.75	01/09/2025
3390	TD&H ENGINEERING, INC	40862	RRFB MDT PROJECT	12/10/2024	2,103.50	2,103.50	01/09/2025
3390	TD&H ENGINEERING, INC	40863	ON CALL SERVICES WEST END	12/10/2024	475.00	475.00	01/09/2025
3390	TD&H ENGINEERING, INC	40864	REGIONAL WATER PER	12/10/2024	7,192.50	7,192.50	01/09/2025
3390	TD&H ENGINEERING, INC	40865	BENNETT ST LOOP CONNECTI	12/10/2024	7,964.50	7,964.50	01/09/2025
Total TD&H ENGINEERING, INC:					31,567.54	31,567.54	
THOMSON REUTERS - WEST							
2823	THOMSON REUTERS - WEST	0850409813	SOFTWARE	07/01/2024	396.09	396.09	01/09/2025
2823	THOMSON REUTERS - WEST	851294039	SOFTWARE	01/01/2025	396.09	396.09	01/09/2025
Total THOMSON REUTERS - WEST:					792.18	792.18	
TOWN & COUNTRY FOODS - LIVINGSTON							
2595	TOWN & COUNTRY FOODS - LI	TK2024-0217.5	Restitution	01/02/2025	134.12	134.12	01/02/2025
Total TOWN & COUNTRY FOODS - LIVINGSTON:					134.12	134.12	
USA BLUEBOOK							
1430	USA BLUEBOOK	INV00570257	AQUAPLATES	12/17/2024	496.27	496.27	01/09/2025
1430	USA BLUEBOOK	INV00576243	COLIFORM BACTERIA MOD	12/23/2024	760.00	760.00	01/09/2025
1430	USA BLUEBOOK	INV00577513	AMMONIA TESTS	12/26/2024	190.76	190.76	01/09/2025
1430	USA BLUEBOOK	INV00578309	GLASS FIBER FILTER	12/27/2024	200.42	200.42	01/09/2025
Total USA BLUEBOOK:					1,647.45	1,647.45	
WATERLY							
10007	WATERLY	1531	OP WORKS SOFTWARE	12/26/2024	5,000.00	5,000.00	01/09/2025
Total WATERLY:					5,000.00	5,000.00	
WHISTLER TOWING, LLC							
3237	WHISTLER TOWING, LLC	8742	REPAIR AND MAINT	11/15/2024	253.88	253.88	01/09/2025
3237	WHISTLER TOWING, LLC	8799	OIL CHANGE MEDIC 4	12/17/2024	240.24	240.24	01/09/2025
3237	WHISTLER TOWING, LLC	8803	STARTING SYSTEM	12/18/2024	484.80	484.80	01/09/2025

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
Total WHISTLER TOWING, LLC:					978.92	978.92	
WISPWEST.NET							
2087	WISPWEST.NET	399901	Internet-CIVIC CENTER	12/22/2024	63.51	63.51	01/09/2025
2087	WISPWEST.NET	399901	Internet SOCCER	12/22/2024	85.19	85.19	01/09/2025
Total WISPWEST.NET:					148.70	148.70	
WITMER PUBLIC SAFETY GROUP,INC.							
2629	WITMER PUBLIC SAFETY GRO	INV550067	YAKTRAX WALKER	10/01/2024	19.99	19.99	01/09/2025
Total WITMER PUBLIC SAFETY GROUP,INC.:					19.99	19.99	
XYLEM WATER SOLUTIONS U.S.A, INC.							
2432	XYLEM WATER SOLUTIONS U.S	3556D544416	MIXER/MAST QT	12/09/2024	2,151.00	2,151.00	01/09/2025
2432	XYLEM WATER SOLUTIONS U.S	3556D56365	MIXER/MAST QT	12/19/2024	44,145.94	44,145.94	01/09/2025
2432	XYLEM WATER SOLUTIONS U.S	356D55953	Bellows boot	12/18/2024	1,145.77	1,145.77	01/09/2025
Total XYLEM WATER SOLUTIONS U.S.A, INC.:					47,442.71	47,442.71	
YELLOWSTONE NEWS GROUP							
10005	YELLOWSTONE NEWS GROUP	565660	LEGAL NOTICE	10/09/2024	26.00	26.00	01/09/2025
10005	YELLOWSTONE NEWS GROUP	568850	PUBLIC NOTICE	10/12/2024	39.00	39.00	01/09/2025
10005	YELLOWSTONE NEWS GROUP	575383	LEGAL NOTICE	11/02/2024	39.00	39.00	01/09/2025
10005	YELLOWSTONE NEWS GROUP	576505	LEGAL NOTICE	11/02/2024	39.00	39.00	01/09/2025
10005	YELLOWSTONE NEWS GROUP	577177	ORDINANCE UPDATE	11/02/2024	26.00	26.00	01/09/2025
Total YELLOWSTONE NEWS GROUP:					169.00	169.00	
Grand Totals:					293,578.25	293,578.25	

Dated: _____

Mayor: _____

City Council: _____

City Recorder: _____

File Attachments for Item:

C. CONSOLIDATED LAND USE BOARD APPOINTMENTS



LivingstonMontana.org | PublicComment@LivingstonMontana.org | 406.823.6000

DATE: January 21, 2025
TO: Chair Schwarz and City Commissioners
FROM: Jennifer Severson, Planning Director
RE: Staff Report **for Reappointment of Consolidated Land Use Board Members**

Recommendation and Summary

Staff recommends the Commission reappoint three members to the Consolidated Land Use Board by adopting the following motion:

"I move to reappoint Jessica Wilcox, John Kalmon and Becky Moores to the Consolidated Land Use Board for two-year terms ending on December 31, 2026."

The reasons for the recommendation are as follows:

- Chapter 27 of the Livingston Municipal Code establishes the Consolidated Land Use Board.
- The board shall consist of seven (7) citizen members appointed to two (2) year overlapping terms.
- The terms of board members Jessica Wilcox, John Kalmon and Becky Moores expire on January 31, 2025; all have expressed an interest in continuing to serve on the Consolidated Land Use Board.
- Staff recommends these term appointments end December 31, 2026 (instead of January 31, 2027) to be consistent with other City appointed boards.

Introduction and History

Ordinance 3048 established a Consolidated Land Use Board (LUB) as an advisory board to the City Commission to function as both the Planning Board and Zoning Commission for the City of Livingston. The LUB consists of 8 members, seven of whom are citizen voting members appointed by the City Commission, and one of whom represents the City Commission as a non-voting member and is appointed annually by the Commission.



Analysis

The one-year term appointments of Ms. Wilcox, Mr. Kalmon and Ms. Moores will end on January 31, 2025. These three members have actively engaged in board discussions, analysis and considerations that have come before the LUB since its' inaugural meeting in March 2024. Staff finds that reappointing these members will be an efficient means of building on the momentum the Land Use Board has developed in the final months of 2024. Staff anticipates several significant development projects will come before the Land Use Board in 2025 and the reappointment of these three members will streamline board deliberation and allow for the most efficient use of board, staff and applicant time during public hearings.

Fiscal Impact

There is no fiscal impact to the City resulting from the reappointments of Ms. Wilcox, Mr. Kalmon and Ms. Moores to this volunteer advisory 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:

D. AGREEMENT 20149 FOR PARK COUNTY CRISIS COALITION CHARTER RENEWAL



DATE: January 21, 2025
TO: Chair Schwarz and City Commissioners
FROM: Grant Gager, City Manager
RE: Agreement 20149 for Park County Crisis Coalition

Recommendation and Summary

Staff is seeking Commission approval of Agreement 20149 with various partners to continue guiding the work of the Park County Behavioral Health and Crisis Response Coalition by adopting the following motion:

"I move to approve Agreement 20149 and authorize the City Manager to sign the agreement."

The reasons for the request are as follows:

- The City has worked with several community partners to help implement programs that respond to mental health crises in the community.
- The effort is grant funded and requires a charter to guide the efforts.

Introduction and History

The City of Livingston has been working with community partners to implement several programs designed to respond to mental health crises in the community. The coalition is facilitated by a coordinator funded by a Montana Department of Public Health and Human Services. The Coalition's programs to date include the Community Paramedic program. The Mobile Crisis Response Team is preparing to launch. The programs provide support for community members that utilize certain emergency medical resources.

Analysis

The renewal of the Coalition charter continues a framework for the group to move forward in compliance with grant funding. The Charter was originally approved in September 2023.

Fiscal Impact

There is no fiscal impact arising from this action.

Strategic Alignment



The charter will enable efforts consistent with Growth Policy strategy 7.2.4.2. which states that the City should “Collaborate with mental health providers [...] to assess any unmet needs of Livingston’s residents.

Attachments

- Attachment A: Agreement 20149

**Park County Behavioral Health and Crisis Response Coalition
Project Charter
July 2024 - June 2025**

Project Summary:

Driven by statistically high rates of behavioral health concerns, community partners in Park County are committed to building a more robust behavioral health crisis system that seeks to decriminalize or offer intervention outside of the criminal court for mental health and substance use issues. The aim of the Coalition is to build pathways to proper, behavioral health care that links individuals to community based behavioral health supports for follow up post-crisis. The Park County Behavioral Health and Crisis Response Coalition will focus on developing a robust, community based behavioral health system that diverts individuals from the Montana State Hospital, jail or the emergency department and instead assesses, de-escalates, and stabilizes individuals in the community whenever possible, and in the least restrictive and most supportive environment possible.

To ensure efficiency with Coalition members' time and efforts and to ensure members are working towards project goals within their own scope of work, separate workgroups may be established as needed. Each work group may be comprised of 2-5 Coalition members, to focus specifically on the project scope outlined below. Each workgroup will develop its own charter and submit to the Coalition for approval. If additional working groups are deemed necessary by the Coalition these may also be form in addition to the ones listed below.

Park County Behavioral Health and Crisis Response Coalition Members:

Shannan Piccolo	Interim Crisis Coalition Coordinator; Director of Health Department	Park County, MT
Kristen Galbraith	Director of Grants & Special Projects	Park County, MT
Andrew Emanuel	Assistant Police Chief	City of Livingston, MT
Wayne Hard	Chief of Police	City of Livingston, MT
Tad Dykstra	Undersheriff	Park County Sheriff's Office
Stacy Kohler	VP of Acute Care Services	Livingston HealthCare
Julie Anderson	MSW	Private Practice
Chad Glenn	Interim County Attorney	Park County, MT
Bryan Wells	Commissioner	Park County, MT
Kelly Miller	Program Director	The Phoenix
Rebecca Ruhd	Program Advocate	ASPEN
Janella Johnson	LCSW	L'esprit

Greg Dekker	Emergency Department Director	Livingston HealthCare
Stacy Kohler	Director of Nursing	Livingston HealthCare
Joe Sexton	Population Specialist	Livingston HealthCare
Hannah Wologo	Community Health Coordinator	Livingston HealthCare
Katelyn Lavender	Victim Witness Coordinator	Park County, MT
Jeanette Tecca	PSS MCRT	Park County, MT
Dan Lashinski	LPD Officer	City of Livingston, MT
Josh Chabalowski	Fire Chief	City of Livingston – Livingston Fire & Rescue
Grant Gager	Manager	City of Livingston
Brad Bichler	Sheriff	Park County, MT
Greg Coleman	Disaster and Emergency Services Director	Park County, MT
Lander Cooney	Executive VP	One Health
Mike Labaty	Captain – Detention Center	Park County Detention Center
Clay Herbst	Justice of the Peace	Park County, MT
Regina Morales	MSW	Private Practice
Amy Titgemeier	MSW	Private Practice
Todd Wester	Director of Curriculum	Livingston School District

Governance Structure:

- The Crisis Response Coalition is made up of community leaders who have a direct impact in the crisis response system in Park County and who are in the position to make decisions within their organizations.
- The Crisis Response Coalition is facilitated and managed by a Coalition Response Coordinator. This position is contracted through Park County (and managed by the City of Livingston – Livingston Fire & Rescue through an MOU), the recipient of the Crisis Diversion grant through DPHHS and is the coordinator for the work of the Coalition.
- The Crisis Response Coalition Coordinator is responsible for facilitating the work of the Coalition, coordinating the work to meet the goals of the project scope, and ensuring the work moves forward.
- The Crisis Response Coalition will meet no less than quarterly, either in person or virtually. Workgroups will also meet as needed.
- The Crisis Response Coalition makes decisions via consensus.

Project Objectives:

The Crisis Response Coalition has five main objectives:

- 1) Strengthen the crisis system infrastructure in Park County by ensuring leadership for the Crisis Coalition from a Crisis Coalition Coordinator.
- 2) Increase access to training on behavioral health crisis in Park County.
- 3) Increase the capacity of Park County providers to track behavioral health crisis services, through data collection and sharing and identifying upstream root causes.
- 4) Continue to work towards implementing a Mobile Crisis Response Team (MCRT). The MCRT will meet the Medicaid requirements for reimbursement. The goal is to have the MCRT operate 365 days a year at 24 hours a day.
- 5) Increase access to behavioral health services in the Park County Detention Center.

Project Scope:

Workgroup 1: Coordination of Crisis Response Efforts and Sustainability

- The responsibility of this workgroup is to ensure the Coalition is coordinating community outreach, communications, and sustained funding for crisis response efforts in Park County are ongoing.

Workgroup 2: Crisis Response Training and Evaluation

- The responsibility of this workgroup is to evaluate and assess current training options for Crisis Intervention and implement training schedule for all individuals and organizations identified for training.

Workgroup 3: Data Collection and Data Sharing

- The responsibility of this workgroup is to make recommendations for methods of collecting data as well as recommendations for data sharing and to collectively research issues and/or opportunities for collecting data and inform next steps.
- Update existing, or create, data sharing agreements on an annual basis.

Workgroup 4: Enhanced Crisis Response System

- The responsibility of this workgroup is to focus on developing a robust, community based behavioral health crisis response system that diverts individuals from the Montana State Hospital, jail or the emergency department and instead assesses, de-escalates, and stabilizes individuals in the community whenever possible and in the least restrictive and most supportive environment possible.

Workgroup 5: Behavioral Health Services in the Park County Detention Center

- The responsibility of this workgroup is to plan for the treatment and services needed to address the inmates' mental health needs.

Partner Organization Signatures:

Park County Commission

Clint Tinsley

Mike Story

Bryan Wells

Date

City of Livingston Manager

Grant Gager

Date

Livingston HealthCare

Date

CHP/One Health – Executive Vice President



Lander Cooney

11/7/24
Date

Partner Organization Signatures:

Park County Commission

Clint Tinsley

Mike Story

Bryan Wells

Date

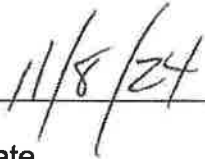
City of Livingston Manager

Grant Gager

Date

Livingston HealthCare





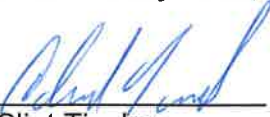
Date

One Health

Date

Partner Organization Signatures:

Park County Commission



Clint Tinsley



Mike Story



Bryan Wells

11/12/2024
Date

City of Livingston Manager

Grant Gager

Date

Livingston HealthCare

Date

One Health – Executive Vice President

Lander Cooney

Date

File Attachments for Item:

E. APPROVAL OF LIVINGSTON WEST LLC'S MOUNTAIN VIEW MAJOR SUBDIVISION FINAL PLAT



LivingstonMontana.org | PublicComment@LivingstonMontana.org | 406.823.6000

DATE: January 21, 2025
TO: Chair Schwarz and City Commissioners
FROM: Jennifer Severson, Planning Director
RE: Staff Report **for Approval of Mountain View Major Subdivision Final Plat**

Recommendation and Summary

Staff recommends the Commission approve the Mountain View Major Subdivision Phase 1 Final Plat by adopting the following motion:

"I move to approve the Final Plat for Phase 1 of the Mountain View Major Subdivision."

The reasons for the recommendation are as follows:

- The City Commission voted to approve the Mountain View Major Subdivision Preliminary Plat with nineteen (19) conditions.
- The applicant has fully complied with the conditions of approval and is seeking Final Plat approval for Phase 1 of the subdivision.

Introduction and History

The Livingston City Commission approved the Preliminary Plat of the Mountain View Major Subdivision at its August 6, 2024 meeting, with nineteen conditions of approval (see Attachment A Approval Letter dated August 7, 2024).

Analysis

The applicant submitted an application for Final Plat approval for Phase 1 of the Mountain View Major Subdivision with documentation that demonstrates compliance with all nineteen conditions set forth in the Preliminary Plat approval letter (See Attachment B, Final Plat Approval Application).



Fiscal Impact

There is no fiscal impact to the City resulting from the approval of the Final Plat of the Mountain View Major Subdivision beyond any discussed during the Commission’s consideration of the Preliminary Plat.

Strategic Alignment

Staff does not find that the Mountain View Phase 1 Final Plat is contradictory to the Growth Policy or current zoning requirements for the property.

Attachments

- A. Preliminary Plat Approval Letter dated August 7, 2024
- B. Application for Final Plat approval for the Mountain View Major Subdivision

City Manager
Grant Gager

220 E Park Street
(406) 823-6000 phone

citymanager@livingstonmontana.org
www.livingstonmontana.org



Chair
Karrie Kahle

Vice Chair
Melissa Nootz

Commissioners
Quentin Schwarz
Torrey Lyons
James Willich

August 7, 2024

Livingston West, LLC
c/o Andrew Field
PO Box 500
Emigrant, MT 59027

Dear Mr. Field,

Pursuant to requirements in both the City of Livingston Subdivision Regulations as well as MCA, this letter is to serve as the written determination of reasons for the Livingston City Commission's vote to conditionally approve your request for a Preliminary Plat of the Mountain View Major Subdivision.

At its meeting on August 6, 2024, the City Commission held a public hearing to discuss the subdivision proposal. The regulations and statutes the Commission used to reach its decision to conditionally approve the subdivision are cited in Montana Code Annotated 76-3-608- Criteria for local government review, and, in the Consideration Standards cited in City of Livingston Subdivision Regulations Chapter 28 Sections III-B-6(b), (c) and (d).

This conditional approval by the City Commission is based on the Peremptory Writ of Mandamus issued by Hon. Judge Brenda Gilbert in **Livingston West, LLC v. City of Livingston**, Montana Sixth Judicial Court, Park County Cause No. DV-34-2023-145, on July 25, 2024, ordering the City of Livingston to "issue its written approval of Livingston West, LLC's 2023 Application for Preliminary Plat with the 19 conditions set forth in the staff report." See, Court's Decision and Order, page 18, lines 13-14.

The City is required to set forth findings and conclusions under Section 76-3-620(1)€, MCA. Attached hereto and incorporated herein by reference is the City Staff Report which sets forth the facts and conclusions which the City relied upon in establishing the following 19 conditions.

Below are listed the nineteen (19) conditions of approval for the Preliminary Plat of the Mountain View Subdivision with the specific, documentable, and clearly defined purpose of objective related to the primary criteria set forth in MCA Section 76-3-608(3) for each condition:

1. The subdivider must sign a waiver of protest of SID for all lots in this subdivision. This waiver will apply to a future project to create pedestrian/bicycle connectivity from this subdivision to the City's existing trail system.

The purpose of this condition is to increase opportunities for safe multi-modal transportation throughout Livingston.

- 2. The subdivider must sign a waiver of protest for a SID for future water and sewer infrastructure improvements to expand capacity as necessitated by future development in the subdivision.

The purpose of this condition is to ensure that future infrastructure needs of development within the subdivision are met and are paid for by the development that necessitates these improvements.

- 3. All infrastructure must comply with the City of Livingston Public Works Design Standards and Specifications.
The purpose of this condition is to ensure improvements to the City’s infrastructure comply with the City’s Design Standards and is consistent with development elsewhere in the City.

- 4. Street lights will be required within this development. Type and spacing will be per existing City specifications.

The purpose of this condition is to ensure street lighting complies with the City’s Design Standards and is consistent with development elsewhere in the City.

- 5. All outdoor lighting in this development must be night-sky friendly and must be approved by the City prior to installation.

The purpose of this condition is to ensure street lighting in the subdivision is compliant with the City’s Night Sky Protection Act outlined in Chapter 18 of the Municipal Code.

- 6. The developer Declaration of Covenants submitted with the Final Plat must include the following requirements:

- a. All trash must be stored in bear-proof containers or else be stored inside until the day it’s scheduled for pick up.

The purpose of this condition is to prevent potentially dangerous human-bear interactions.

- b. All fencing within the subdivision must be designed to be “wildlife friendly” as per recommendations by MT FWP.

The purpose of this conditions is to ensure wildlife can continue to safely move around and through areas new development in the subdivision.

- c. Dogs must be leashed at all times in the areas identified as Open Space on the plat.

The purpose of this condition is to ensure compliance with Section 4-41.B of the Municipal Code.

- d. Minimum lot densities for residential and commercial development must not be more restrictive than City zoning regulations.

The purpose of this condition is to ensure land uses in the new development are consistent with development elsewhere in the City and that restrictions are not more onerous than what City regulations allow.

- e. The developer is responsible for sidewalk construction costs.

The purpose of this condition is to ensure the new development that necessitates the need for sidewalks pays for those improvements, not the City or the general public.

City Manager
Grant Gager

220 E Park Street
(406) 823-6000 phone

citymanager@livingstonmontana.org
www.livingstonmontana.org



Incorporated 1889

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Melissa Nootz

Commissioners
Quentin Schwarz
Torrey Lyons
James Willich

7. The developer will allot an area within the subdivision, outside MDT right-of-way, for future Gateway Signage installation such as a "Welcome to Livingston" sign.

The purpose of this condition is to utilize an area in one of the subdivision lots not identified for development (Lot 11) to distinguish a key gateway into the City as identified in the Growth Policy Exhibit 3.2 Special Districts Map.

8. Storm water design will meet all applicable DEQ standards. The Property Owners Association (POA) must maintain ownership and maintenance responsibilities for stormwater facilities once constructed.

The purpose of this condition is to ensure future development complies with state standards for stormwater facilities and the new development that necessitates the need for those facilities pays for those improvements, not the City or the general public.

9. The applicant is required to deed restrict the subdivision open space/ parklands for public use and the POA must assume ownership and maintenance responsibilities.

The purpose of this condition is to ensure that areas identified in the application materials as dedicated open space remain available for public use in perpetuity and that the new development that necessitates the need for that open space funds its maintenance.

10. Erosion Control must be installed in accordance with the MT Stormwater Pollution Prevention Plan (SWPPP).

The purpose of this condition is to ensure new development, at the time of construction, complies with state standards for erosion control that prevents stormwater pollution and off-site sediment migration.

11. Development must comply with Park County Weed Control District requirements.

The purpose of this condition is to protect natural resources and ecosystems by preventing and suppressing the spread of noxious weeds within the County.

12. The subdivider will be responsible for all required street signing to include traffic control signs as well as street name signs. All signs will be built and installed according to City specifications. Painting of curbs at fire hydrants will also be required.

The purpose of this condition is to ensure the naming and signage of streets, traffic control, and painted curbs at fire hydrants comply with the City's Design Standards and are consistent with development elsewhere in the City.

- 13. The applicant is required to improve PFL Way from the fire hydrant at the end of the existing pavement past Antelope Drive, and must bear the cost of constructing these improvements.

The purpose of this condition is to ensure extension of the street network that is necessitated by the new development complies with the City’s Design Standards and is paid for by the developer, not the City or the general public.

- 14. The applicant must install dead end barricades at the cul de sacs for each phase of development to prevent the public from accessing the all-weather road.

The purpose of this condition is to protect public safety by preventing public access to temporary, unimproved road sections in the subdivision until such time as those roads are improved to comply with City Design Standards.

- 15. An all-weather access road between Antelope Drive and PFL Way must be constructed as part of Phase 1 improvements to provide maintenance and emergency access until future phases and streets are constructed to complete the internal road network.

The purpose of this condition is to ensure public safety by allowing emergency vehicles access within and throughout the subdivision until such time as roads are improved to comply with City Design Standards during future phases of development in the subdivision.

- 16. Building permits are required for structures built during future development, ensuring all buildings conform to the International Building Code.

The purpose of this condition is to ensure new development complies with the City’s building permit requirements (i.e. conformance with the IBC).

- 17. A Montana licensed engineer, or his supervised representative, will be required to be on site during utility construction.

The purpose of this condition is to ensure compliance with the City’s Design Standards (Sec. B.4 Engineer’s Status / Responsibility During Construction).

- 18. If a utility reimbursement plan is requested by the developer, it must be submitted to, and approved by, the City prior to beginning construction.

The purpose of this condition is to ensure the developer and the City agree on terms for reimbursement, before the installation of utilities proceeds.

- 19. Any improvement agreement(s) for deferred infrastructure construction need to be reviewed and approved by the City prior to the beginning of construction.

The purpose of this condition is to ensure the developer and the City agree on terms for deferring infrastructure construction, before construction proceeds for the new development.

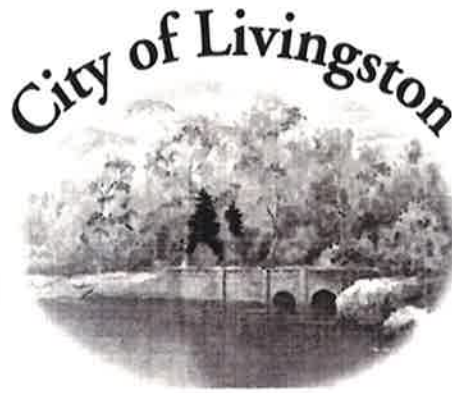
As allowed under the City’s Subdivision Regulations Chapter 28 Section III-B-6(f)(i), this conditional approval shall remain in effect for two (2) calendar years from the date of this notice.

Pursuant to Section 76-3-625, MCA, Livingston West, LLC, has a right to appeal the City Commission’s decision.

City Manager
Grant Gager

220 E Park Street
(406) 823-6000 phone

citymanager@livingstonmontana.org
www.livingstonmontana.org



Incorporated 1889

Chair
Karrie Kahle

Vice Chair
Melissa Nootz

Commissioners
Quentin Schwarz
Torrey Lyons
James Willich

Please feel free to reach out to me with any questions, concerns or clarifying questions you may have. I can be reached via email at ggager@livingstonmontana.org or at my office number (406) 823-6000.

Sincerely,

A handwritten signature in blue ink that reads "Grant Gager". The signature is fluid and cursive, with the first name "Grant" and last name "Gager" clearly legible.

Grant Gager
City Manager, City of Livingston

City Manager
Grant Gager

220 E Park Street
(406) 823-6000 phone

citymanager@livingstonmontana.org
www.livingstonmontana.org



Incorporated 1889

Chairperson
Melissa Nootz

Vice Chair
Karrie Kahle

Commissioners
Mel Friedman
Quentin Schwarz
Torrey Lyons

Date: September 19, 2023
To: Chair Nootz and City Commissioners
From: Jennifer Severson, Planning Director

Staff Report for Mountain View Major Subdivision

Proposal Summary

Livingston West, LLC, owner of the property described as Parcel 1A of Certificate of Survey No. 2748RB (see Development Plan in Figure 1 below), located on the west end of Livingston near the Highway 10 West on-ramp at Interstate 90, is proposing to divide the subject property into 24 lots. The property surrounds the Printing for Less and FedEx facilities.

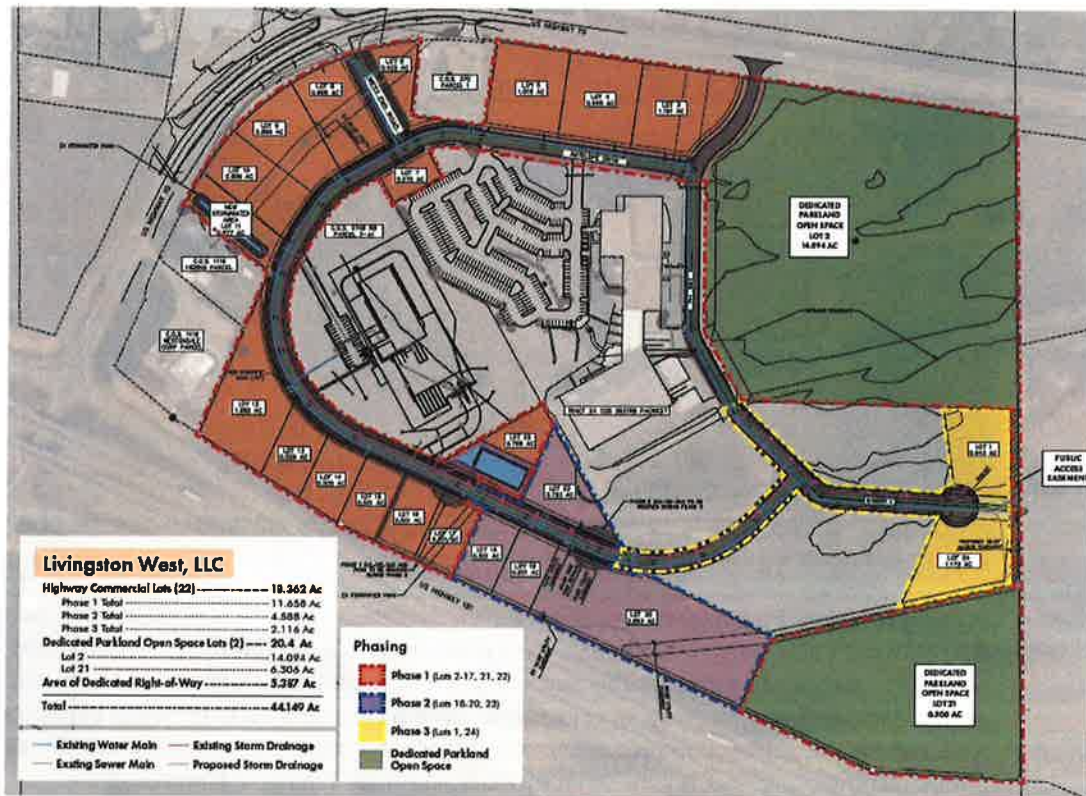


Figure 1. Development Plan

Background

The subject property was annexed by the City of Livingston in 2004 and is zoned Highway Commercial. As defined in the Livingston Municipal Code Art II, Sec 30.30, the Highway Commercial zoning district is intended to provide areas for residential structures, commercial and service enterprises which serve the needs of the tourist, traveler, recreationalist or the general traveling public. Areas designated as Highway Commercial should be located in the vicinity of freeway interchanges, intersections on limited access highways, or adjacent to primary and secondary highways. The subject property is also located in an area designated as Community Commercial on the Future Land Use Map included in the 2021 Growth Policy (see Figure 2 below). Community Commercial land use designation accommodates medium to large scale wholesale, retail, lodging, offices, and service establishments typically located along major corridors that can function independent of adjoining development and/or require individual access to public rights-of-way.

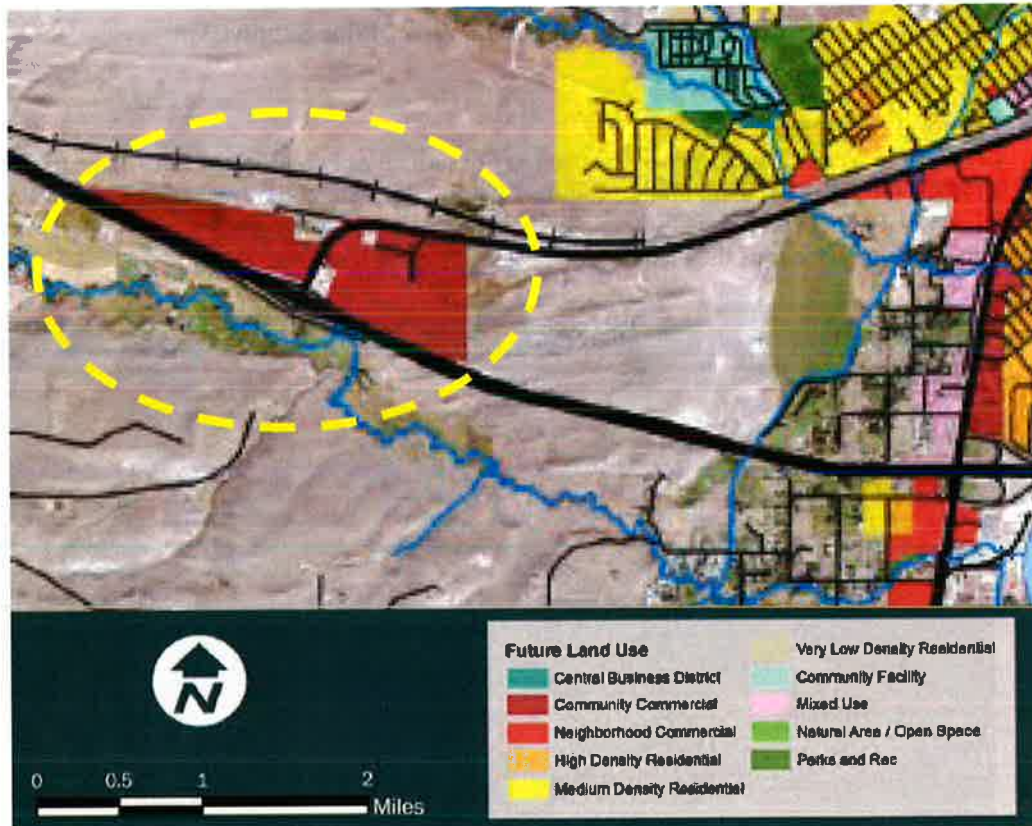


Figure 2. Future Land Use Map

Referral Agency Responses

Livingston Public Works- comments were provided about the following: additional costs to the City associated with the proposed subdivision; street improvements and temporary safety measures between phase development; erosion control; water and sewer connection requirements for each subdivided lot; ownership and maintenance responsibilities for new public facilities; and staff review of stormwater and street plans for phases 2 and 3. Recommendations were made for: a new sewer main near Kenyon Noble as recommended

in the Wastewater Preliminary Engineering Report; POA covenant revisions; a water and sewer easement across Lot 12 for future services to an adjacent parcel.

Livingston Fire and Rescue- no concerns; approve of the new line extensions for many of the hydrants shown on the plans.

Northwestern Energy- comments confirmed their ability to provide electric and natural gas services to the proposed subdivision and requested the applicant initiate contact to plan utility design and locates before finalizing lot development.

Montana State Historic Preservation Office (SHPO)- comments confirmed the absence of previously recorded cultural resource sites within the designated area and, provided there is no disturbance to structures over 50 years of age, there is a low likelihood cultural resources will be impacted by the proposed subdivision and a cultural resource inventory is unwarranted at this time.

MT Fish, Wildlife and Parks- comments confirmed that the area proposed for subdivision is used by some big game and non-game species. This agency recommended several revisions to the developer covenants to mitigate potential adverse impacts to wildlife from future development in the subdivision.

US Postal Service- comments recommending a Cluster Box Unit Mailbox (CBU) for the proposed development that is ADA compliant and bolted to the cement, preferably located on a sidewalk.

Windrider Transit- comments confirmed the proposed subdivision is not currently serviced by this agency and there are no plans to do so in the future without additional funding from the developer.

No Concerns- Livingston Building and Police Departments

No Responses to Developer Inquiry Received-; MT Department of Transportation; Park Electric Cooperative; and Lumen.

Public Comments- Friends of Park County; Jean Sandberg; Thomas McNamee- none of these commenters support the proposed subdivision. Freshwater Partners supports plans to keep the site wetlands intact and functioning, and stated concerns about routing utilities through the wetlands, the scope of the wetland study in the application, and future legal liability once the City maintains ownership of the wetlands.

FINDINGS OF FACT

The Montana Code Annotated (MCA) Section 76-3-608 requires the decision by a governing body to approve, conditionally approve or deny a proposed subdivision to be based on the specific, documentable, and clearly defined impact on the following primary criteria.

(Staff Responses in *italics*)

A. Effect 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?

No. Staff has not identified existing agricultural or timberland resources on this site.

- 2) Would the subdivision remove from production agricultural lands that are critical to the area’s agricultural operations?

No. Staff has not identified any current or previous agricultural production on the subject property.

- 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)?

Staff has not identified or been notified of any intensive agricultural activities in the immediate area.

B. Effect 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.)?

No. Staff has not identified any agricultural water user facilities on the subject property and no conflict is anticipated.

C. Effect 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?

The following additional or expanded public services and utilities would be necessary to serve the proposed subdivision: water, sanitary sewer, garbage collection, streets and sidewalks, street lights, stormwater facilities, police, fire, and emergency medical services (EMS).

- 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)?

The cost of fire and police services will increase proportionally to population growth in the City; however, the amount attributed to this development is integrated into the City's current Impact Fee Schedule, which was updated in 2021. New and expanded public infrastructure associated with the proposed subdivision will be constructed and paid for by private parties. Ownership and maintenance of public infrastructure dedicated to the City will be the responsibility of the City. As stated in the Public Works referral dated

July 19, 2023 (attached), the developer covenants must be updated to indicate developer responsibility for sidewalk construction costs.

Until the proposed subdivision lots are developed, it is unknown whether the proposed subdivision will have residential development. Similarly, it is unknown whether future housing would include residents with school age children requiring busing for school.

b) Who would bear these costs?

Taxes on new construction will be paid into the City's General Fund and Impact Fees will be charged at the time building permit(s) are issued for new development on the subdivided lots. The applicant is required to improve PFL Way from the fire hydrant at the end of the existing pavement past Antelope Drive, and must bear the cost of constructing these improvements. Once construction is complete, the City will assume responsibility for maintenance of water and sewer infrastructure, streets, streetlights, and sidewalks.

As noted in the Public Works referral, the City will absorb additional costs associated with the Starlo Booster Station for pumping water and providing fire flows to new development in the proposed subdivision.

The applicant has proposed to dedicate stormwater facilities and open space associated with the new subdivision; however, the Public Works Director has requested- and staff recommends- that the Property Owners Association (POA) maintain ownership and maintenance responsibilities for stormwater facilities. The Public Works Director and staff also recommend the applicant be required to deed restrict the subdivision open space/ parklands for public use but have the POA assume ownership and maintenance responsibilities.

Garbage Service will be paid by user fees incurred by the individual lot owners when contracting for service.

c) Can the service providers meet the additional costs given legal and other constraints?

Yes. The City's impact fees are designed to off-set the increase in capital expenditures for public services and will be paid as each subdivided lot is developed. Increased tax revenue generated by new development on the lots will also be directed into the City's General Fund.

2) Would the subdivision allow existing services, through expanded use, to operate more efficiently or make the installation or improvement of services feasible?

The adjacent FedEx facility recently extended water and sewer mains to the edge of Hwy 10 that could accommodate future service to additional annexed property across the Highway as well as the proposed subdivision lots as they are developed.

As stated in the Public Works referral letter, the sewer main near Kenyon Noble is a high-risk area with clay tile and capacity issues for future flows. A 15-inch main replacement is recommended in the Wastewater Collection Preliminary Engineering Report (PER).

3) What are the present tax revenues received from the unsubdivided land by the County, City and Schools?

The 2022 tax bills for the subject property totaled \$17,614.

- 4) What would be the approximate revenues received by each above taxing authority when the subdivision is improved and built upon?

It is impossible to estimate future tax revenue on developed lots without knowing the types and scale of that development. However, the applicant has estimated that annual tax revenues to the City of Livingston could be as much as \$200,000 at full build out of the subdivision. This estimate was calculated using the State of Montana tax rate of 1.35% and the City of Livingston mill rate of 0.58606 as applied to the acreage and estimated taxable value of potential development for each lot. Furthermore, based on that estimate of the City's potential tax revenue, the additional potential tax revenues for the County and School District could be upwards of \$300,000.

- 5) Would new taxes generated from the subdivision cover additional public costs?

Because the subject property is zoned Highway Commercial, with the potential for both higher density residential development as well as commercial uses, staff anticipates it is likely that the property tax revenue generated by new development will cover additional public costs. Impact fees will apply to new development in the subdivision and the developed lots must also pay into the City's street and light maintenance districts.

- 6) Would any special improvement districts be created which would obligate the City fiscally or administratively?

No. Staff does not anticipate the creation of a special improvement district for the area within the subdivision. However, staff is recommending a waiver of protest requirement for an SID for the subdivided lots. This waiver will apply to a future project to create pedestrian/bicycle connectivity from this subdivision to the City's existing trail system to the east.

D. Effect on the 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 within the subdivision or on adjacent lands?

- a) Would any stream banks be altered, streams rechanneled or any surface water contaminated from run-off carrying sedimentation or other pollutants?

No streams exist within the area proposed for subdivision. Erosion Control installed in accordance with the MT Stormwater Pollution Prevention Plan (SWPPP) will help prevent sediment migration during runoff.

- b) Would groundwater supplies likely be contaminated or depleted as a result of the subdivision?

Future development on the proposed subdivision lots will be supplied by City water mains and is not anticipated to affect groundwater quantity. A Geotechnical Report was prepared by Terracon in May 2021 on the adjacent FedEx property (see pages 83-153 in the application materials PDF) that confirmed groundwater depth is between 6 and 15 feet below pre-development site grades. Although the report does not include the area proposed for subdivision, it is likely similar conditions may exist as on the adjacent FedEx site. The report recommends that individual contractors should be made aware of the possibility of encountering groundwater during construction.

- c) Would construction of streets or building sites result in excessive cuts and fills on steep slopes or cause erosion on unstable soils?

No. The Stormwater Management Plan was designed to comply with the City's Public Works and MT DEQ standards. As stated above, erosion control must be installed as required per the MT Stormwater Pollution Prevention Plan (SWPPP).

- d) Would significant vegetation be removed causing soil erosion or bank instability?

No. As noted above, Erosion Control is required per the SWPPP and proper construction techniques, per the City's Public Works Design Standards, are expected to mitigate potential erosion and soil migration caused by runoff.

- e) Would significant historical or archaeological features be damaged or destroyed by the subdivision?

Based on the attached letter from the Montana State Historic Preservation Office dated June 8, 2023, although there have been a few previously conducted cultural resource inventories in the area, there have been no previously recorded cultural resource sites in the area. Therefore, staff does not anticipate any significant historical or archaeological features will be impacted by the proposed 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?

None of the listed hazards have been identified within the area proposed for subdivision and staff does not anticipate the proposed subdivision will be subject to these hazards. Building permits are required for structures built during future development, ensuring all buildings conform to the International Building Code.

E. Effect on Wildlife and Wildlife 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?

The proposed subdivision contains wetland areas, as shown on the preliminary plat, that will be protected during and after construction of the subdivision. A Wetland Delineation Study was conducted in September 2019 by Sundog Ecological, Inc. (Appendix E in the application materials) for the eastern half of the proposed subdivision that delineates the wetland and surface water areas that exist on the eastern half of the subject property. Effects on the quality and quantity of wetland and surface water will be mitigated by designing around these areas to the greatest extent possible and as required by local, State, and Federal regulations and adherence to the SWPPP.

The proposed subdivision has not been previously formally identified as big game wintering range or migration routes. The applicant has solicited comments from Montana Fish Wildlife and Parks, but none have been received at this time; however, the Wetland Delineation Study confirmed that no critical habitats for federally listed Threatened and Endangered Species exist in the area delineated as wetlands on the subject property.

The application states the Mountain View Subdivision will comply with Park County Weed Control District requirements. Following preliminary plat approval, a weed management plan application and 3-year monitoring contract will be submitted to the district and a

noxious weed management plan will be developed with the Park County Weed Control Board to prevent invasive weeds from adversely affecting native vegetation.

- 2) How would pets or human activity affect wildlife?
Although the potential for human/ wildlife interaction may exist if future development includes residential uses, staff anticipates potential conflicts would likely be minimal and limited to the open space areas. The applicant has included a suggestion for pets to be leashed while in these areas.

F. Effect 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?
No new access points to Highway 10 are proposed and nearby active rail lines are located more than 300 feet away and across the highway from the proposed subdivision.
- 2) What existing uses may be subject to complaints from residents of the subdivision?
There are no existing uses on the subject property as it is currently vacant.
- 3) What public health or safety hazards, such as dangerous traffic or fire conditions, would be created by the subdivision?
An all-weather access road between Antelope Drive and PFL Way must be constructed as part of Phase 1 improvements to provide maintenance and emergency access until future phases and streets are constructed to complete the internal road network. The Public Works director has requested the applicant provide dead end barricades at the cul de sacs for each phase of development to prevent the public from accessing the all-weather road.

A Traffic Study was prepared by Sanderson Stewart in May 2023 (Application Materials Appendix D) to determine impacts of the proposed subdivision on the surrounding transportation network. Because the exact nature of future development on subdivided lots is unknown, the study looked at various types of uses that may be expected to determine trip generation estimates. The study notes that at full buildout, the subdivision is projected to generate a total of 9,991 gross average weekday trips with 866 trips generated during the AM peak hour and 754 trips generated during the PM peak hour. Based on the analysis in the traffic study, it is anticipated the high volume of trips added to the network by the proposed Mountain View Subdivision are projected to trigger the warrants for turn lanes into the site access intersections from Highway 10; however, the final decision to install any turn lanes shall be made by MDT after evaluation of impacts to other aspects of the intersections or adjacent intersections.

Planning Board Public Hearings

The Planning Board held a public hearing on August 16, 2023. No Board members expressed concerns about potential subdivision impacts on Agriculture or Agricultural Water User Facilities.

A motion was made to conditionally approve the subdivision but the motion did not pass and the public hearing was continued at a special August 30, 2023, meeting of the Planning Board.

During the August 30 meeting two Board members who were not present at the August 19 meeting were in attendance.

Board members expressed concerns during both meetings about how the proposed subdivision would affect the following:

Effect on Local Services- the proposed development would likely increase traffic along Highway 10, traffic coming off Interstate 90 at Exit 330 to the west, and traffic at the intersection of Park Street and Highway 10 to the east. Impact Fees to fund a future water main/ loop to tie into the subdivision would likely be inadequate to fully fund this infrastructure and the City would ultimately be responsible for meeting the funding shortfall. Concerns were also discussed about the additional reliance on emergency services. A condition was recommended for a waiver of protest for a SID for future water and sewer capacity improvements necessitated by future development within the subdivision.

Effect on the Natural Environment- runoff from the proposed development would adversely impact existing wetlands located at the northeast corner of the subdivision and 'Egeland Creek' [NOTE: there is no surface water feature named Egeland Creek in the City's GIS database; staff believes the area discussed as Egeland Creek may be the area designated in the State's mapping database as PEMC (Seasonally Flooded Wetlands), which extend east from the wetlands in the northeast corner of the site.]

Effect on Wildlife and Wildlife Habitat- the potential for fencing in subdivision to harm wildlife was discussed as well as concerns that improperly stored solid waste could attract bears. Conditions were recommended to mitigate potential conflicts between future subdivision development and wildlife, including leashed dogs in open space, animal-proof trash storage, and "wildlife friendly" fencing.

Effect on Public Health and Safety- traffic concerns above were reiterated, especially during potential emergency evacuation of City residents, such as during a train derailment, or when I-90 between Exit 330 and 333 is closed during high winds. Proximity to wildland-urban interface and I-90 may exacerbate wildfire potential. Traffic congestion and potential accidents caused by high speed limit on Highway 10. Suggestion made to request MDT conduct a speed study along Hwy 10 to mitigate concerns.

Additional discussion points not related to specific Findings of Fact included how sprawl and infill are defined; the proposed subdivision is on land previously annexed by the City which suggests development was anticipated; how the application addressed the Growth Policy; and that there is a need for the types of potential development allowed in the Highway Commercial zoning district as suggested in the application.

A motion was made and seconded to approve the Mountain View Subdivision with the conditions as proposed by staff and the additional following conditions: waiver of protest of a SID for future water and sewer capacity improvements; bear-proof trash storage; wildlife friendly fencing; dedication of land within the subdivision for City gateway signage; and leashing of dogs in public open space. The motion passed by a vote of 5-4.

Recommendation

As stated in MCA Section 76-3-608.1, 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. The governing body shall issue written findings of fact that weigh the criteria A-F discussed above.

Based upon the Findings of Fact as evaluated above, the Planning Board recommends the City Commission **conditionally approve** the Mountain View Subdivision with the following conditions:

1. The subdivider must sign a waiver of protest of SID for all lots in this subdivision. This waiver will apply to a future project to create pedestrian/bicycle connectivity from this subdivision to the City's existing trail system.
2. The subdivider must sign a waiver of protest for a SID for future water and sewer infrastructure improvements to expand capacity as necessitated by future development in the subdivision.
3. All infrastructure must comply with the City of Livingston Public Works Design Standards and Specifications.
4. Street lights will be required within this development. Type and spacing will be per existing City specifications.
5. All outdoor lighting in this development must be night-sky friendly and must be approved by the City prior to installation.
6. The developer Declaration of Covenants submitted with the Final Plat must include the following requirements:
 - a. All trash must be stored in bear-proof containers or else be stored inside until the day it's scheduled for pick up.
 - b. All fencing within the subdivision must be designed to be "wildlife friendly" as per recommendations by MT FWP.
 - c. Dogs must be leashed at all times in the areas identified as Open Space on the plat.
 - d. Minimum lot densities for residential and commercial development must not be more restrictive than City zoning regulations.
 - e. The developer is responsible for sidewalk construction costs.
7. The developer will allot an area within the subdivision, outside MDT right-of-way, for future Gateway Signage installation such as a "Welcome to Livingston" sign.
8. Storm water design will meet all applicable DEQ standards. The Property Owners Association (POA) must maintain ownership and maintenance responsibilities for stormwater facilities once constructed.
9. The applicant is required to deed restrict the subdivision open space/ parklands for public use and the POA must assume ownership and maintenance responsibilities.

10. Erosion Control must be installed in accordance with the MT Stormwater Pollution Prevention Plan (SWPPP).
11. Development must comply with Park County Weed Control District requirements.
12. The subdivider will be responsible for all required street signing to include traffic control signs as well as street name signs. All signs will be built and installed according to City specifications. Painting of curbs at fire hydrants will also be required.
13. The applicant is required to improve PFL Way from the fire hydrant at the end of the existing pavement past Antelope Drive, and must bear the cost of constructing these improvements.
14. The applicant must install provide dead end barricades at the cul de sacs for each phase of development to prevent the public from accessing the all-weather road.
15. An all-weather access road between Antelope Drive and PFL Way must be constructed as part of Phase 1 improvements to provide maintenance and emergency access until future phases and streets are constructed to complete the internal road network.
16. Building permits are required for structures built during future development, ensuring all buildings conform to the International Building Code.
17. A Montana licensed engineer, or his supervised representative, will be required to be on site during utility construction.
18. If a utility reimbursement plan is requested by the developer, it must be submitted to, and approved by, the City prior to beginning construction.
19. Any improvement agreement(s) for deferred infrastructure construction need to be reviewed and approved by the City prior to the beginning of construction.

**MOUNTAIN VIEW
MAJOR SUBDIVISION
FINAL PLAT – PHASE 1 APPLICATION
TABLE OF CONTENTS**

APPLICATION DOCUMENTS

- Cover Letter
- Completed Final Plat Application

FINAL PLAT NARRATIVE

- Introduction
- Existing Conditions
- Preliminary Plat
- Conditions of Approval
- Phase 1 Final Plat
- Phase 1 Final Plat Legal Documents

FINAL PLAT

- Sheet 1 of 2 Cover & Certificates
- Sheet 2 of 2 Lot Layout

FINAL PLAT DOCUMENTS

- Preliminary Plat Conditions of Approval & Responses
- Waiver of Right to Protest Pedestrian-Bicycle Improvements SID
- Waiver of Right to Protest Water-Sewer Improvements SID
- Mountain View Phase 1 Covenants & POA Bylaws
- City of Livingston Sign Easement
- Open Space Deed Restriction
- Open Space Public Access Easement
- Stormwater Pond Easement
- Temporary Stormwater Pond Easement
- Temporary Cul-De-Sac Easement

APPENDICES

- A. Preliminary Plat Approval Letter
- B. Preliminary Plat (as approved)
- C. Preliminary Plat Conditions of Approval Q&A Email
- D. Access Road Public Works Direction Email
- E. Access Road Exhibits & Inspection Punch List
- F. Access Road Public Works Acceptance Email
- G. Phase 1 Infrastructure Certification of Completion
- H. Phase 1 DEQ Infrastructure Acceptance Letter

December 20, 2024

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

Reference: Mountain View Subdivision
Phase 1 Final Plat Submittal
Project No. 18005.05

Jennifer:

On behalf of Andrew Field and Livingston West LLC, attached is a Phase 1 Final Plat application for the Mountain View Subdivision. The Phase 1 Final Plat consists of 18 lots, including 2 dedicated as public open space, totaling approximately 37 acres.

This submittal contains printed copy and digital copies of the preliminary plat application materials for your review including:

1. Application Documents
2. Final Plat Narrative
3. Final Plat
4. Final Plat Documents
5. Appendices

Please let me know if you have any questions or need additional information.

Sincerely,



Chris Naumann
Associate Principal | Senior Planner
106 East Babcock Street Suite L1, Bozeman MT 59715
cnaumann@sanbell.com
406-922-4311 (o) 406-570-5758 (m)



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

City of Livingston Subdivision Final Plat Instructions

Subdivision review is required to divide any parcel of land within the City of Livingston that does not meet the criteria for a subdivision exemption as listed in 76-3-2 MCA. Subdivisions require a three-step application process prior to final approval:

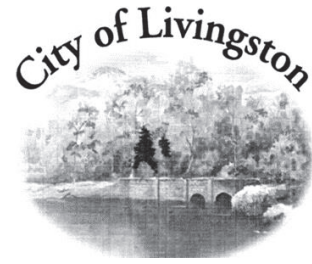
- Pre-Application
- Preliminary Plat Application
- Final Plat Application

Final Plat applications shall be submitted to the Planning Department and require a public hearing and are approved or denied by the City Commission. **All preliminary plat conditions of approval and required improvements must be completed or guaranteed prior to application for final plat.**

Submittal Requirements (listed in Section III.C.3 of the Subdivision Regulations for major subdivisions or Section IV.C.3 for minor subdivisions):

- The Completed Application Form.
- A letter explaining how each of the preliminary plat conditions of approval have been met.
- All required City or County attorney approvals..
- Additional relevant and reasonable information as identified by the Planning Department.
- The Final Plat Application Review Fee.

All documents other than the plat shall be submitted on either 8 1/2" x 11" or 11" x 17" paper. Additionally, digital copies of the submittal in PDF file format are required.



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

City of Livingston Subdivision Final Plat Application

1. **Property Owner Name:** Livingston West, LLC

2. **Location of Property**

General Location: NW1/4 of Section 22, T2S, R9E

Address: n/a

Subdivision: COS 2748RB Lot: n/a Block: n/a

Zoning District: HC

3. **Contact Information**

Property Owner

Home Address: Andrew Field

Box 500, Emigrant MT 59027

Phone Number: (406) 223-7077

Email Address: asfield@gmail.com

Primary Contact/ Applicant

Name: Chris Naumann

Address: Sanbell

106 E. Babcock St. Ste. L-1, Bozeman MT 59715

Phone Number: (406) 922-4311

Email Address: cnaumann@sanbell.com

Secondary Contact

Name: Richard Smith

Address: RJ Development Group

815 US Hwy 93 South, Hamilton MT 59840

Phone Number: (406) 223-1148

Email Address: resmith2011@rj-development.net

4. Project Information

Type of Subdivision: Major Subsequent Minor Minor

Subdivision Name: Mountain View

Brief Description of Project: Three phase major subdivision consisting of 24 total lots. Phase 1 Final Plat includes 18 lots and associated dedicated ROW.

Proposed Use(s): Highway Commercial

Number of Lots: 24 total Number of Phases: 3 total

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

Chris Naumann Digitally signed by Chris Naumann
Date: 2025.01.16 12:38:18 -07'00'

Applicant's Signature

12/18/24

Date

MOUNTAIN VIEW MAJOR SUBDIVISION PHASE 1 FINAL PLAT APPLICATION NARRATIVE

INTRODUCTION

This Phase 1 Final Plat application for the Mountain View Subdivision has been submitted on behalf of Livingston West, LLC. This highway commercial subdivision is within the City of Livingston. The Phase 1 Final Plat consists of 18 lots, including 2 dedicated as public open space, totaling approximately 37 acres. These new lots are served by the City of Livingston water and sanitary sewer systems.

The subdivision is accessed from Highway 10 via PFL Way and Antelope Drive. It is generally located on the northwest quarter of Section 22, Township 02 South, Range 09 East in the City of Livingston, Park County, Montana.

EXISTING CONDITIONS

Public Infrastructure

The public infrastructure for the Phase 1 Final Plat was constructed in 2023 as part of the Ruedebusch Offsite Public Infrastructure project (also known as the FedEx project). The infrastructure includes water and sewer mains, fire hydrants, stormwater mains, and a stormwater pond.

The Certification of Completion for the construction of the public infrastructure for Phase 1 Final Plat is included in Appendix G.

The Phase 1 Infrastructure Acceptance Letter from the Montana DEQ is included in Appendix H.

Private Utilities

There is an existing overhead power line and 30' easement traversing Lots 6-11 along Highway 10. An existing underground power line with a 10' wide easement crosses Lots 16 and 17 adjacent to the Interstate 90 Right of Way. In addition, there are several underground utility lines with 10' easements running through multiple lots of the subdivision. All existing private utility easements are shown on the Phase 1 Final Plat.

Zoning & Land Use

The Phase 1 Final Plat lots are currently zoned as Highway Commercial within the City of Livingston city limits. Highway Commercial is defined by the City of Livingston as:

“a district intended to provide areas for residential structures, commercial and service enterprises which serve the needs of the tourist, traveler,

recreationalist or the general traveling public. Areas designated as Highway Commercial should be located in the vicinity of freeway interchanges, intersections on limited access highways, or adjacent to primary and secondary highways.”

PRELIMINARY PLAT

The Mountain View Preliminary Plat was approved by the City of Livingston on August 6, 2024.

The City of Livingston Letter of Preliminary Plat approval is included in Appendix A. The approved Mountain View Preliminary Plat is included in Appendix B.

CONDITIONS OF APPROVAL

The Preliminary Plat included 19 conditions of approval. Formal responses to the Conditions of Approval are included in the “Final Plat Documents” section of this application.

City of Livingston staff provided some guidance regarding the Conditions of Approval and that email correspondence is included in Appendix C.

PHASE 1 FINAL PLAT

A 24” by 36” printed copy and digital copy of the Phase 1 Final Plat sheets are included with this application.

FINAL PLAT DOCUMENTS

The following Phase 1 Final Plat documents are included with this application.

- Waiver of Right to Protest Pedestrian-Bicycle Improvements SID
- Waiver of Right to Protest Water-Sewer Improvements SID
- Mountain View Phase 1 Covenants & POA Bylaws
- City of Livingston Sign Easement
- Open Space Deed Restriction
- Open Space Public Access Easement
- Stormwater Pond Easement
- Temporary Stormwater Pond Easement
- Temporary Cul-De-Sac Easement

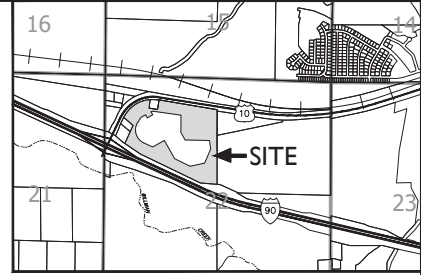
FINAL PLAT OF
MOUNTAIN VIEW SUBDIVISION, PHASE 1
BEING A PORTION OF TRACT 1-A OF COS 2748RB,
SITUATED IN THE NW1/4 OF SECTION 22, T. 2 S., R. 9 E., P.M.M.,
CITY OF LIVINGSTON, PARK COUNTY, MONTANA

PREPARED FOR : LIVINGSTON WEST, LLC

DECEMBER 2024

PREPARED BY : **SANDERSON STEWART**

BOZEMAN, MONTANA



VICINITY MAP
NOT TO SCALE

CERTIFICATE OF DEDICATION AND WAIVER

I, the undersigned property owner, do hereby certify that I have caused to be surveyed, subdivided and platted into lots, open space parcels, streets, and other divisions and dedications as shown by the plat herunto included, the following described tract of land, to wit:

LEGAL DESCRIPTION

Tract 1-A of Certificate of Survey No. 2748RB, as recorded in the office of the Clerk and Recorder of Park County, Montana, under Document No. 436626, situated in the NW1/4 of Section 22, T. 2 S., R. 9 E., P.M.M., in the City of Livingston, Park County, Montana.

Containing 44,147 acres, more or less. Subject to existing easements.

The above described tract of land is to be known and designated as MOUNTAIN VIEW SUBDIVISION, PHASE 1, City of Livingston, Park County, Montana and the lands included in all streets shown on said plat are hereby granted and donated to the City of Livingston for the public use and enjoyment.

The undersigned hereby grants unto each and every person, firm or corporation, whether public or private, providing or offering to provide telephone, electric power, gas, internet, cable television or other similar utility or service, 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.

I, the undersigned property owner, of this subdivision, do hereby waive the right to protest creation of Special Improvement Districts, for all lots within this subdivision. In doing so, I do not waive any right to comment on, protest and/or appeal any assessment formula which may be proposed if I believe it to be inequitable. This waiver shall be binding upon the heirs, assigns and purchasers of all lots within this Subdivision.

Dated this _____ day of _____, 2025.

LIVINGSTON WEST, LLC

By: Andrew Field, Managing Partner

STATE OF MONTANA }
County of _____ } ss

This instrument was acknowledged before me on this _____ day of _____, 2025, by Andrew Field as Managing Partner of LIVINGSTON WEST, LLC.

Notary Public in and for the State of Montana

CERTIFICATE OF COMPLETION OF IMPROVEMENTS

I, Andrew Field, Managing Partner of Livingston West, LLC, and I, Erin Claunch, a professional engineer licensed to practice in the State of Montana, hereby certify that the following improvements, required as a condition of approval of MOUNTAIN VIEW SUBDIVISION, PHASE 1, have been installed in conformance with the approved plans and specifications, installed improvements: Retain Wall Shear Walls and Services, Street, Street Lights, Siltwash, and Storm Drainage Improvements for Antelope Drive and West End Road.

Livingston West, LLC
By: Andrew Field, Managing Partner

Date: _____

Erin Claunch, PE
Montana License No. 15913 PE

Date: _____

CERTIFICATE OF SURVEYOR

I, Craig Kempf, Professional Land Surveyor licensed in the State of Montana, does hereby certify that between June 2022 and December 2024, MOUNTAIN VIEW SUBDIVISION, PHASE 1, was surveyed under my direct supervision, and I have plotted the same as shown on the accompanying plat, and as described, in accordance with the provisions of the Montana Subdivision and Platting Act, Sections 76-3-101 through 76-3-605, M.C.A., and the City of Livingston Subdivision Regulations.

DATED this _____ day of _____, 2025.

SANDERSON STEWART

By: _____
Craig Kempf, PLS
Montana License No. 17514LS

CERTIFICATE OF COUNTY TREASURER

I, Kevin J. Larkin, Treasurer of Park County, Montana, do hereby certify that the accompanying plat has been duly examined and that all real property taxes and special assessments assessed and levied on the land to be subdivided have been paid.

DATED this _____ day of _____, 2025.

By: _____
Treasurer of Park County, Montana

CERTIFICATE OF FINAL PLAT APPROVAL

The Chair of the City Commission of the City of Livingston, Montana, does hereby certify that the accompanying plat of Mountain View Subdivision, Phase 1, has been duly examined and having found the same to conform to the requirements of the Subdivision and Platting Act, Section 76-3-101 et seq. M.C.A., and the City of Livingston Subdivision Regulations, approves it, and hereby accepts the dedication to public use of any and all lands shown on this plat as being dedicated to such use.

DATED this _____ day of _____, 2025.

By: _____
Chair of the City Commission
City of Livingston, Montana

CERTIFICATE OF CLERK AND RECORDER

I, Maritza H. Reddington, Clerk and Recorder of Park County, Montana, do hereby certify that the foregoing instrument was filed in my office of _____ o'clock, _____ M. this _____ day of _____, 2025, and recorded under Document No. _____, records of the Clerk and Recorder, Park County, Montana.

By: _____
Clerk and Recorder, Park County, Montana

SUBDIVISION COVENANTS

Document No. _____

WAIVER OF RIGHT TO PROTEST CREATION OF SPECIAL DISTRICT OR SID - PEDESTRIAN AND BICYCLE INFRASTRUCTURE

Document No. _____

WAIVER OF RIGHT TO PROTEST CREATION OF SPECIAL DISTRICT OR SID - WATER AND SEWER INFRASTRUCTURE

Document No. _____

PUBLIC ACCESS EASEMENT

Document No. _____

SIGN EASEMENT

Document No. _____

STORMWATER POND EASEMENT

Document No. _____

TEMPORARY CUL-DE-SAC EASEMENT

Document No. _____

TEMPORARY STORMWATER POND EASEMENT

Document No. _____

DECLARATION OF DEED RESTRICTION

Document No. _____

FINAL PLAT OF MOUNTAIN VIEW SUBDIVISION, PHASE 1

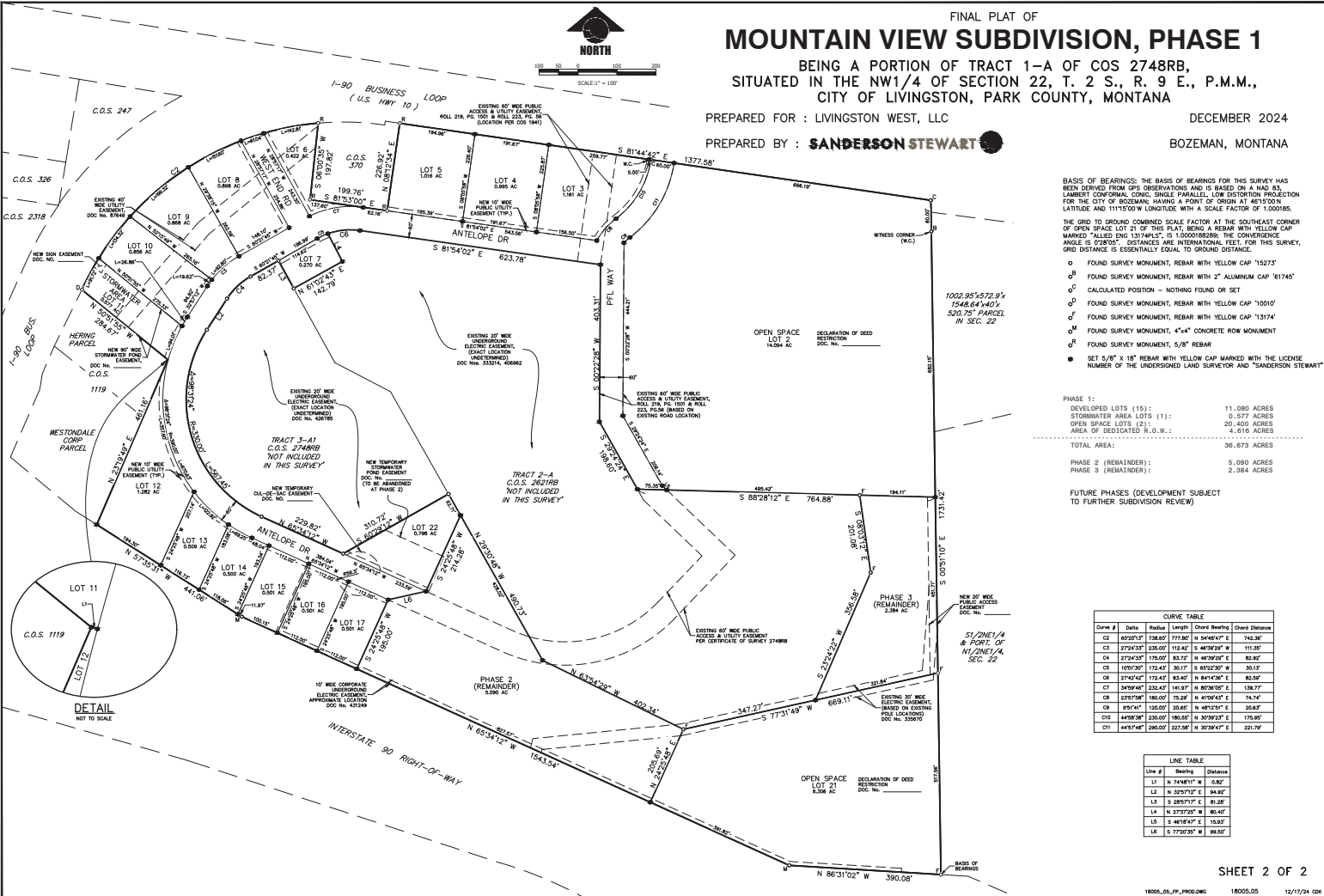
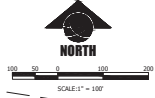
BEING A PORTION OF TRACT 1-A OF COS 2748RB, SITUATED IN THE NW1/4 OF SECTION 22, T. 2 S., R. 9 E., P.M.M., CITY OF LIVINGSTON, PARK COUNTY, MONTANA

PREPARED FOR : LIVINGSTON WEST, LLC

DECEMBER 2024

PREPARED BY : SANDERSON STEWART

BOZEMAN, MONTANA



BASIS OF BEARINGS: THE BASIS OF BEARINGS FOR THIS SURVEY HAS BEEN DERIVED FROM GPS OBSERVATIONS AND IS BASED ON A NAD 83 LAMBERT CONFORMAL CONIC, SINGLE PARALLEL, LOW DISTORTION PROJECTION FOR THE CITY OF BOZEMAN HAVING A POINT OF ORIGIN AT 40°20'00" LATITUDE AND 111°50'00" LONGITUDE WITH A SCALE FACTOR OF 1.000185. THE GRID TO GROUND CONVERSION SCALE FACTOR AT THE SOUTHEAST CORNER OF OPEN SPACE LOT 21 OF THIS PLAT, BEING A REBAR WITH YELLOW CAP MARKED "ALLED ENG 1374PLS", IS 1.0000185899; THE CONVERSION ANGLE IS 020905". DISTANCES ARE INTERNATIONAL FEET. FOR THIS SURVEY, GRID DISTANCE IS ESSENTIALLY EQUAL TO GROUND DISTANCE.

- o FOUND SURVEY MONUMENT, REBAR WITH YELLOW CAP "15273"
- o^B FOUND SURVEY MONUMENT, REBAR WITH 2" ALUMINUM CAP "61745"
- o^C CALCULATED POSITION - NOTHING FOUND OR SET
- o^D FOUND SURVEY MONUMENT, REBAR WITH YELLOW CAP "10010"
- o^E FOUND SURVEY MONUMENT, REBAR WITH YELLOW CAP "13174"
- o^F FOUND SURVEY MONUMENT, 4"x4" CONCRETE ROW MONUMENT
- o^G FOUND SURVEY MONUMENT, 5/8" REBAR
- o^H SET 5/8" X 18" REBAR WITH YELLOW CAP MARKED WITH THE LICENSE NUMBER OF THE UNDERSIGNED LAND SURVEYOR AND "ANDERSON STEWART"

PHASE 1:

DEVELOPED LOTS (15):	11,080 ACRES
STORMWATER AREA LOTS (1):	0.577 ACRES
OPEN SPACE LOTS (2):	20,400 ACRES
AREA OF DEDICATED R.O.W.:	4,616 ACRES
TOTAL AREA:	36,673 ACRES

PHASE 2 (REMAINDER): 5,090 ACRES
 PHASE 3 (REMAINDER): 2,384 ACRES

FUTURE PHASES (DEVELOPMENT SUBJECT TO FURTHER SUBDIVISION REVIEW)

Curve #	Delta	Radius	Length	Chord Bearing	Chord Distance
C2	89°57'31"	726.87	777.80	N 54°48'47" E	742.36
C3	27°24'33"	235.00	112.42	S 48°39'29" W	111.30
C4	27°24'33"	175.00	83.72	N 48°39'29" E	80.58
C5	100°10'07"	152.42	20.17	S 18°05'29" W	20.17
C6	27°47'42"	172.42	83.40	N 84°47'36" E	80.58
C7	34°59'40"	232.42	141.97	N 80°38'09" E	139.77
C8	22°57'48"	180.00	75.38	N 41°04'47" E	74.14
C9	8°51'41"	120.00	20.85	N 48°19'51" E	20.84
C10	44°58'48"	230.00	180.55	N 30°32'23" E	175.85
C11	44°57'48"	280.00	227.58	N 30°39'47" E	221.79

Line #	Bearing	Distance
L1	N 74°48'11" W	5.87
L2	N 120°07'11" E	34.87
L3	S 28°57'17" E	81.28
L4	N 27°37'28" W	80.47
L5	S 48°19'47" E	15.87
L6	S 77°39'29" W	68.57

Mountain View Subdivision

Phase 1 Final Plat

Preliminary Plat Conditions of Approval Narrative

Condition No. 1

The subdivider must sign a waiver of protest of SID for all lots in this subdivision. This waiver will apply to a future project to create pedestrian/bicycle connectivity from this subdivision to the City's existing trail system. The purpose of this condition is to increase opportunities for safe multi-modal transportation throughout Livingston.

Applicant Response

A waiver of right to protest future pedestrian and bicycle improvements was provided with the Phase 1 Final Plat application.

Condition No. 2

The subdivider must sign a waiver of protest for a SID for future water and sewer infrastructure improvements to expand capacity as necessitated by future development in the subdivision. The purpose of this condition is to ensure that future infrastructure needs of development within the subdivision are met and are paid for by the development that necessitates these improvements.

Applicant Response

A waiver of right to protest future water and sewer infrastructure improvements was provided with the Phase 1 Final Plat application.

Condition No. 3

All infrastructure must comply with the City of Livingston Public Works Design Standards and Specifications. The purpose of this condition is to ensure improvements to the City's infrastructure comply with the City's Design Standards and is consistent with development elsewhere in the City.

Applicant Response

All the public infrastructure for Phase 1 Final Plat was designed and constructed to all City of Livingston Public Works standards and specifications. This work was completed as part of the Ruedebusch Offsite Public Infrastructure project (also known as the FedEx project) and the Certificate of Completion and Acceptance was included in this Phase 1 Final Plat application in Appendix G and F

Any additional public infrastructure associated with future phases of this subdivision will be designed and constructed to comply with the City’s design standards and Public Works specifications.

Condition No. 4

Street lights will be required within this development. Type and spacing will be per existing City specifications. The purpose of this condition is to ensure street lighting complies with the City's Design Standards and is consistent with development elsewhere in the City.

Applicant Response

All the public infrastructure, including the streetlights, for Phase 1 Final Plat was designed and constructed to all City of Livingston Public Works standards and specifications. This work was completed as part of the Ruedebusch Offsite Public Infrastructure project and the Certificate of Completion and Acceptance was included in the Phase 1 Final Plat application in Appendix G and F.

Any additional streetlights associated with future phases of this subdivision will be designed and constructed to comply with the City’s design standards and Public Works specifications.

Condition No. 5

All outdoor lighting in this development must be night-sky friendly and must be approved by the City prior to installation. The purpose of this condition is to ensure street lighting in the subdivision is compliant with the City's Night Sky Protection Act outlined in Chapter 18 of the Municipal Code.

Applicant Response

The public streetlamps for Phase 1 Final Plat installed as part of the Ruedebusch Offsite Public Infrastructure project are compliant with the Night Sky Protection Act.

The Mountain View Phase 1 Covenants submitted with this Final Plat application require all future outdoor lighting is compliant with the Night Sky Protection Act in Article II Section D, as does the City of Livingston subdivision regulations and site plan design standards.

Condition No. 6

The developer Declaration of Covenants submitted with the Final Plat must include the following requirements:

- a. All trash must be stored in bear-proof containers or else be stored inside until the

day it's scheduled for pick up. The purpose of this condition is to prevent potentially dangerous human-bear interactions.

b. All fencing within the subdivision must be designed to be "wildlife friendly" as per recommendations by MT FWP. The purpose of this conditions is to ensure wildlife can continue to safely move around and through areas new development in the subdivision.

c. Dogs must be leashed at all times in the areas identified as Open Space on the plat. The purpose of this condition is to ensure compliance with Section 4-4 I .B of the Municipal Code.

d. Minimum lot densities for residential and commercial development must not be more restrictive than City zoning regulations. The purpose of this condition is to ensure land uses in the new development are consistent with development elsewhere in the City and that restrictions are not more onerous than what City regulations allow.

e. The developer is responsible for sidewalk construction costs. The purpose of this condition is to ensure the new development that necessitates the need for sidewalks pays for those improvements, not the City or the general public.

Applicant Response

Conditions of Approval 6 a. through e. are stipulated in provisions of the Mountain View Subdivision Phase 1 Covenants (see Article II Section D and Section R) which were included in the Phase 1 Final Plat application. Several components of this condition are also required by the City of Livingston Municipal Code and Zoning Regulations and subject to municipal review and approval as part of the site plan process.

Condition No. 7

The developer will allot an area within the subdivision, outside MDT right-of-way, for future Gateway Signage installation such as a "Welcome to Livingston" sign. The purpose of this condition is to utilize an area in one of the subdivision lots not identified for development (Lot 11) to distinguish a key gateway into the City as identified in the Growth Policy Exhibit 3.2 Special Districts Map.

Applicant Response

The Phase 1 Final Plat designates Lot 11 as the location for a "Welcome to Livingston" sign. Also included in the Phase 1 Final Plat application is City of Livingston Sign Easement stipulating the location of, maintenance of, and access to the "Welcome to Livingston" sign. The City of Livingston is responsible for the design, fabrication, installation and maintenance of the "Welcome to Livingston" sign.

Lot 11 is an acceptable location. We would prefer an easement be established between the pond and property line, ideally 25 ft. x 25 ft. to allow for future maintenance/

repairs. The City or another entity will handle design/ fabrication/ install/ maintenance/ repairs; Mountain View is not responsible for anything other than providing a space for the sign.

--Jennifer Severson, City Planning Director, 10/4/24 email excerpt

Condition No. 8

Storm water design will meet all applicable DEQ standards. The Property Owners Association (POA) must maintain ownership and maintenance responsibilities for stormwater facilities once constructed. The purpose of this condition is to ensure future development complies with state standards for stormwater facilities and the new development that necessitates the need for those facilities pays for those improvements, not the City or the general public.

Applicant Response

The storm water design for the Phase 1 Final Plat meets all applicable DEQ standards. This infrastructure was constructed as part of the Ruedebusch Offsite Public Infrastructure project and the DEQ Acceptance Letter has been included in the Phase 1 Final Plat application in Appendix G and H.

The Mountain View Phase 1 Property Owner’s Association assumes ownership and maintenance responsibilities for the storm ponds located in Lots 11 and 22 as stipulated in Article II Section M of the covenants provided with the Phase 1 Final Plat application.

Condition No. 9

The applicant is required to deed restrict the subdivision open space/ parklands for public use and the POA must assume ownership and maintenance responsibilities. The purpose of this condition is to ensure that areas identified in the application materials as dedicated open space remain available for public use in perpetuity and that the new development that necessitates the need for that open space funds its maintenance.

Applicant Response

The Open Space areas denoted as Lots 2 and 21 on the approved Mountain View Subdivision Preliminary Plat have been deed restricted for public use as natural unimproved parkland. The deed restriction language was reviewed and approved by the City of Livingston Attorney. The deed restriction is specifically noted on the Final Plat as requested by City staff. The deed restriction document and a corresponding open space public access easement are included in the Phase 1 Final Plat application.

The Mountain View Phase 1 Property Owner’s Association assumes ownership and maintenance responsibilities for the Open Space as stipulated in Article II Section E of covenants provided with the Phase 1 Final Plat application. This Condition of Approval is reinforced in Article IV Section B Number 5 per the definition of “Common Areas” established in Article 1.

Condition No. 10

Erosion Control must be installed in accordance with the MT Stormwater Pollution Prevention Plan (SWPPP). The purpose of this condition is to ensure new development, at the time of construction, complies with state standards for erosion control that prevents stormwater pollution and off-site sediment migration.

Applicant Response

All required erosion control best management practices were followed during the construction of the Phase 1 public infrastructure as part of the Ruedebusch Offsite Public Infrastructure project.

Article II Section I of the Mountain View Subdivision Phase 1 Covenants identify the requirement to employ erosion control best management practices as required by the Montana Stormwater Pollution Prevention Plan program.

The construction of the all-weather access roadway stipulated in Condition of Approval Number 15 included the installation of erosion control best management practices. These installations are illustrated in Access Road Exhibits & Inspection Punch List found in Appendix E.

Condition No. 11

Development must comply with Park County Weed Control District requirements. The purpose of this condition is to protect natural resources and ecosystems by preventing and suppressing the spread of noxious weeds within the County.

Applicant Response

The Mountain View Subdivision Phase 1 Covenants Article II Section H stipulates that each lot owner shall be required to control all Park County declared noxious weeds on their lot according to county and state standards.

The same section includes a provision that if a lot owner fails to effectively control noxious weeds then the POA will intervene, control the weeds, and assess the lot owner the associated costs.

Finally, the covenants establish that the POA will control noxious weeds in all common areas.

Condition No. 12

The subdivider will be responsible for all required street signing to include traffic control signs as well as street name signs. All signs will be built and installed according to City specifications. Painting of curbs at fire hydrants will also be required. The purpose of this condition is to ensure the naming and signage of streets, traffic control, and painted curbs at fire hydrants comply with the City’s Design Standards and are consistent with development elsewhere in the City.

Applicant Response

The hydrant curb paint, street name and traffic control signs required for Phase 1 of the Mountain View Subdivision were installed according to City specifications as part of the Ruedebusch Offsite Public Infrastructure project.

The extension of Antelope Drive and PFL Way during future final plat phases will follow all City regulations and specifications related to street signage and painting.

Condition No. 13

The applicant is required to improve PFL Way from the fire hydrant at the end of the existing pavement past Antelope Drive and must bear the cost of constructing these improvements. The purpose of this condition is to ensure extension of the street network that is necessitated by the new development complies with the City's Design Standards and is paid for by the developer, not the City or the general public.

Applicant Response

The future extension and connection of PFL Way and Antelope Drive will be completed and paid for by the associated private lot owners in advance of subsequent final plat phases.

Condition No. 14

The applicant must install dead end barricades at the cul de sacs for each phase of development to prevent the public from accessing the all-weather road. The purpose of this condition is to protect public safety by preventing public access to temporary, unimproved road sections in the subdivision until such time as those roads are improved to comply with City Design Standards.

Applicant Response

Dead end barricades have been installed according to the City of Livingston Public Works Standards Detail No. 09810-2. Documentation of this improvement is included in this Final Plat application. The City Public Works Director provided formal acceptance of this improvement as documented in Appendix F.

Condition No. 15

An all-weather access road between Antelope Drive and PFL Way must be constructed as part of Phase 1 improvements to provide maintenance and emergency access until future phases and streets are constructed to complete the internal road network. The purpose of this condition is to ensure public safety by allowing emergency vehicles access within and throughout the subdivision until such time as roads are improved to comply with City Design Standards during future phases of development in the subdivision

Applicant Response

The City Public Works Director provided guidance for the construction of this improvement as documented in Appendix D.

An all-weather access road connecting the end of pavement of both Antelope Drive and PFL Way was constructed. The specifications of the temporary road and inspection punch list are included in Appendix E.

Documentation of the Public Works Director’s acceptance of this improvement is included in Appendix F.

Condition No. 16

Building permits are required for structures built during future development, ensuring all buildings conform to the International Building Code. The purpose of this condition is to ensure new development complies with the City's building permit requirements (i.e. conformance with the IBC).

Applicant Response

As required by the City of Livingston Municipal Code, all structures associated with future development will apply for a building permit.

Condition No. 17

A Montana licensed engineer, or his supervised representative, will be required to be on site during utility construction. The purpose of this condition is to ensure compliance with the City's Design Standards per Sec. 8.4 Engineer's Status / Responsibility During Construction.

Applicant Response

An engineer licensed in the State of Montana reviewed and stamped the civil engineering design plans for the construction of new public wet utilities for the Phase 1 infrastructure constructed as part of the Ruedebusch Offsite Public Infrastructure project.

The same Montana licensed engineer, or their supervised construction inspector, was on site during the construction, testing, and acceptance of the Phase 1 public infrastructure.

The Certificate of Completion and Letter of Acceptance documents are included as part of this Final Plat application in Appendix G and H.

Condition No. 18

If a utility reimbursement plan is requested by the developer, it must be submitted to and approved by, the City prior to beginning construction. The purpose of this condition is to ensure the developer and the City agree on terms for reimbursement, before the installation of utilities proceeds.

Applicant Response

A utility reimbursement plan was not requested the public utility and infrastructure associated with Phase 1 of the Mountain View Subdivision.

If future public infrastructure extensions are necessary for future phases of the subdivision that involve a reimbursement plan, the request will be made in advance of construction.

Condition No. 19

Any improvement agreement(s) for deferred infrastructure construction need to be reviewed and approved by the City prior to the beginning of construction. The purpose of this condition is to ensure the developer and the City agree on terms for deferring infrastructure construction, before construction proceeds for the new development.

Applicant Response

There was no deferred public infrastructure associated with Phase 1 of the Mountain View Subdivision.

If future subdivision phases need to defer any infrastructure construction an improvements agreement will be provided to the City prior to commencing construction.

Original to:
City of Livingston
Planning Director
220 E Park St
Livingston, MT 59047

WAIVER OF RIGHT TO PROTEST
CREATION OF SPECIAL DISTRICT OR SPECIAL IMPROVEMENT DISTRICTS FOR
PEDESTRIAN AND BICYCLE INFRASTRUCTURE
MOUNTAIN VIEW SUBDIVISION

The undersigned owner of the real property situated in the County of Park, State of Montana, and more particularly described as follows:

A tract of land described as that portion of the NW1/4 of Section 22, Township 2 South, Range 9 East, of the Principal Montana Meridian, in Park County, Montana, described as Tract 1-A, of Certificate of Survey No. 2748RB, on file in the office of the Clerk and Recorder of said County, under Document #426634

In considerations of receiving subdivision approval for the subject property from the City of Livingston, along with accompanying rights and privileges and for other and valuable consideration, the receipt of which is hereby acknowledged, and in recognition of the impacts to public infrastructure which will be caused by the development of the above-described property, the owner has waived and does hereby waive for itself, its successors and assigns forever the right to protest the creation of one or more special districts or special improvement districts for the design and engineering, construction and maintenance of pedestrian and bicycle connectivity from this subdivision to the City's existing trail system to increase opportunities for safe multi-modal transportation throughout Livingston.

Landowner agrees the City has the sole right to control the design and construction of such improvements to ensure such improvements comply with all adopted City infrastructure plans and requirements. Further, the Landowner waives its right or to make any written protest against the size or

area or creation of the district be assessed in response to a duly passed resolution of intention to create one or more special improvement districts which would include the above-described property.

In the event a special district or special improvement district is not utilized for the completion of these improvements, the developer agrees to participate in an alternate financing method for the completion of said improvements on a fair share, proportionate basis as determined by the City on the basis of the square footage of property, taxable valuation of the property, traffic contribution from the development or a combination thereof.

This waiver is made for the benefit of the property described herein shall be a covenant running with the land.

The terms, covenants and provisions of this waiver shall extend to, and be binding upon the successors-in-interest and assigns of the Landowner.

DATED this 27th day of November, 2024.

Manager of Livingston West, LLC

Andrew S Field

Livingston West, LLC

By: Andrew Field

Title: Manager

STATE OF MONTANA)

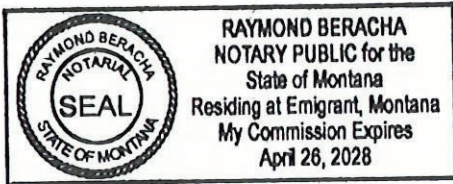
:SS

COUNTY OF PARK)

On this 27 day of November, 2024, before me, the undersigned, a Notary Public for the State of Montana, personally appeared Andrew Field, known to me to be the Manager of Livingston West, LLC that executed the within instrument, and acknowledged to me that they executed the same for and on behalf of Andrew Field, known to me to be the Manager of Livingston West, LLC.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

(SEAL)



Raymond Beracha Raymond Beracha
 (Printed Name Here)
 Notary Public for the State of MT
 Residing at Park
 My Commission Expires: 4/26/2028
 (Use 4 digits for expiration year)

Original to:
City of Livingston
Planning Director
220 E Park St
Livingston, MT 59047

WAIVER OF RIGHT TO PROTEST
CREATION OF SPECIAL DISTRICT OR SPECIAL IMPROVEMENT DISTRICTS FOR
WATER AND SEWER INFRASTRUCTURE
MOUNTAIN VIEW SUBDIVISION

The undersigned owner of the real property situated in the County of Park, State of Montana, and more particularly described as follows:

A tract of land described as that portion of the NW1/4 of Section 22, Township 2 South, Range 9 East, of the Principal Montana Meridian, in Park County, Montana, described as Tract 1-A, of Certificate of Survey No. 2748RB, on file in the office of the Clerk and Recorder of said County, under Document #426634.

In considerations of receiving subdivision approval for the subject property from the City of Livingston, along with accompanying rights and privileges and for other and valuable consideration, the receipt of which is hereby acknowledged, and in recognition of the impacts to public infrastructure which will be caused by the development of the above-described property, the owner has waived and does hereby waive for itself, its successors and assigns forever the right to protest the creation of one or more special districts or special improvement districts for the design and engineering, construction and maintenance of future water and sewer infrastructure improvements to expand capacity as necessitated by future development in the subdivision to ensure that future infrastructure needs of development within the subdivision are met and are paid for by the development that necessitates these improvements.

Landowner agrees the City has the sole right to control the design and construction of such improvements to ensure such improvements comply with all adopted City infrastructure plans and requirements. Further, the Landowner waives its right or to make any written protest against the size or

area or creation of the district be assessed in response to a duly passed resolution of intention to create one or more special improvement districts which would include the above-described property.

In the event a special district or special improvement district is not utilized for the completion of these improvements, the developer agrees to participate in an alternate financing method for the completion of said improvements on a fair share, proportionate basis as determined by the City on the basis of the square footage of property, taxable valuation of the property, traffic contribution from the development or a combination thereof.

This waiver is made for the benefit of the property described herein shall be a covenant running with the land.

The terms, covenants and provisions of this waiver shall extend to, and be binding upon the successors-in-interest and assigns of the Landowner.

DATED this 27th day of November, 2024.

Manager of Livingston West, LLC

Andrew Field

Livingston West, LLC

By: Andrew Field

Title: Manager

STATE OF MONTANA)

:SS

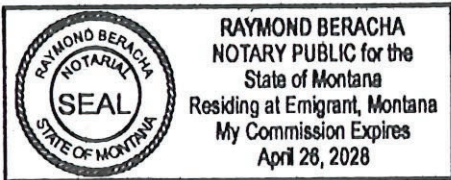
COUNTY OF PARK)

On this 27 day of November, 2024, before me, the undersigned, a Notary Public for the State of Montana, personally appeared Andrew Field, known to me to be the Manager of Livingston West, LLC that executed the within instrument, and acknowledged to me that they executed the same for and on behalf of Andrew Field, known to me to be the Manager of Livingston West, LLC.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

(SEAL)

Raymond Beracha Raymond Beracha
(Printed Name Here)
Notary Public for the State of MT
Residing at Park
My Commission Expires: 4/26/2028
(Use 4 digits for expiration year)



After recording please return to:
Andrew Field
Livingston West, LLC
Box 500
Emigrant MT 59027

**DECLARATION OF PROTECTIVE COVENANTS AND RESTRICTIONS FOR THE
MOUNTAIN VIEW SUBDIVISION PHASE 1
AND
BYLAWS OF THE MOUNTAIN VIEW PHASE 1 OWNERS ASSOCIATION, INC.**

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DECLARATION OF PROTECTIVE COVENANTS AND RESTRICTIONS FOR THE MOUNTAIN VIEW SUBDIVISION PHASE 1 AND BYLAWS OF THE MOUNTAIN VIEW PHASE 1 OWNERS ASSOCIATION

Livingston West, LLC ("Declarants") are the present owners in fee simple of all the property included within the boundaries of Mountain View Subdivision Phase,1, as designated on the official plat on file and of record with the Clerk and Recorder of Park County at Book_____of Plats, page_____. The following Declaration of Protective Covenants and Restrictions for Mountain View Subdivision Phase 1 is hereby adopted. The following Bylaws of the Mountain View Phase 1 Owners Association, Inc., a Montana nonprofit mutual benefit corporation, were also adopted by the Board of Directors of the Mountain View Phase 1 Owners Association, Inc.

ARTICLE I - DEFINITIONS

Association or Mountain View Phase 1 Owners Association. The Mountain View Phase 1 Owners Association, Inc, a Montana nonprofit mutual benefit corporation, which is all of the Lot Owners acting as a group and in accordance with these duly adopted Bylaws and this Declaration.

Board of Directors or Board. The body responsible for administration of the Association serving as the board of directors under Montana law.

Bylaws. The Bylaws adopted by the Association as set forth in Article IV herein.

Common Expenses. All costs associated with maintenance, repair, and replacement of the Common Areas and Roadways and any other common costs incurred by the Association for the benefit of the Property.

Association or Mountain View Phase 1 Owners Association. The Mountain View Phase 1 Owners Association, Inc, a Montana nonprofit mutual benefit corporation, which is all of the Lot Owners acting as a group and in accordance with these duly adopted Bylaws and this Declaration.

Board of Directors or Board. The body responsible for administration of the Association serving as the board of directors under Montana law.

Bylaws. The Bylaws adopted by the Association as set forth in Article IV herein.

Common Expenses. All costs associated with maintenance, repair, and replacement of the Common Areas and Roadways and any other common costs incurred by the Association for the benefit of the Property.

Common Areas. All real property within the Subdivision and Property, excluding any Lots,

owned by the Association including, but not limited to open spaces parks, trails, paths, storm water retention ponds, easement boulevards and sewer and water system as shown on the Subdivision Plat or any subsequent plats.

Design Review Board. The body responsible for approval of Lot Owners’ plans for improving, building, or remodeling on any Lot as more specifically described and set forth in Article III of this Declaration.

Declarants. Livingston West, LLC.

Design Review Guidelines. Guidelines applicable to all development activities on the Property as adopted by the Declarants and/or the Design Review Board and as more specifically described and set forth in Article III of this Declaration.

Fiscal Year. From the beginning of January through the end of December.

Lot or Lots. A parcel of real property in the Subdivision as depicted on the Subdivision Plat and any parcel of real property annexed to this Declaration and these Bylaws by the Declarants pursuant to Article V of this Declaration.

Lot Owner. One or more persons who hold the record title to any Lot but excluding in all cases any party holding an interest merely as security for the performance of an obligation. If a Lot is sold under a contract for sale, the purchaser (rather than the fee owner) will be considered the Lot Owner.

Member. A person entitled to membership in the Association.

Open Space. Portions of the Property designated on the recorded Subdivision Plat or Plats as "Open Space" or "O.S." and boulevards in the easements, which areas shall be owned by the Association.

Plat. The official plat of the Subdivision on file and of record with the Clerk and Recorder of Park County at Book_____of Plats, page _____ and as subsequently amended.

Property or Properties. All the real property included within the boundaries of the Subdivision, as designated on the official plat on file and of record with the Clerk and Recorder of Park County at Book _____of Plats, page _____, and any additional property annexed to this Declaration and these Bylaws by the Declarants pursuant to Article V of this Declaration.

Roadways. PFL Way, Antelope Dr, West End Rd and any other street or roadway within the Subdivision used for access to Lots.

Subdivision. The Amended Plat of the Mountain View Minor Subdivision as designated on the official plat on file and of record with the Clerk and Recorder of Park County at Book_____of Plats, page _____ and as subsequently amended.

ARTICLE II - PROTECTIVE COVENANTS AND RESTRICTIONS

A. PURPOSE

These Covenants and Restrictions are adopted to preserve and maintain the values of the Property for the benefit of Lot Owners. It is the purpose of these Covenants and Restrictions to preserve and protect the environment, the natural beauty, view, and surroundings of the Property, and to preserve and protect the interests and investment of the individual Lot Owners.

B. BENEFIT AND BURDEN - RUN WITH THE LAND

These Protective Covenants and Restrictions shall attach to and run with the land and shall constitute an equitable servitude upon the Property and every part of it, including all titles, interest and estates as may be held, conveyed, owned, claimed, devised, encumbered, used, occupied and improved. These Protective Covenants and Restrictions are declared for the benefit of the entire Property and every part of it and for the benefit of each Lot Owner. They shall constitute benefits and burdens to Declarants and to all persons or entities hereafter acquiring any interest in the Property.

C. RESTRICTIONS ON USE

Section 1. Permitted Uses. Both residential and commercial uses are permitted on the Property as limited herein.

Section 2. Commercial Uses. Permissible commercial uses on the Property include "Highway Commercial" which have the following restrictions as to each Lot per the City of Livingston Zoning Code.

Section 3. Mobile Homes, Trailers, Prefabricated and Modular Homes Prohibited. Mobile homes, trailers and prefabricated homes shall not be permitted on the Property, nor can any residential building be moved onto the Property. All buildings in the Subdivision shall be site built.

D. GENERAL DESIGN STANDARDS. Residential and Commercial

Section 1. Design Review Board and Design Review Guidelines. No structure shall be placed, erected, or installed upon any Lot, no improvements (including clearing, excavation, grading and other site work, exterior alteration of existing improvements, and no additions, changes (including exterior remodeling) or changes of any portions of the Lot shall take place except in compliance with this Article and with the approval of the Design Review Board as more specifically set forth in Article III herein. The design of all improvements and changes to existing natural topography shall be subject to review and approval by the Design Review Board before work is commenced. All structures, improvements, and changes shall comply with the Design Review Guidelines, if any, and these Covenants and Restrictions. These Covenants and Restrictions provide for the general restrictions while the Design Review Guidelines may

provide appropriate details in order to ensure compliance with these Covenants and Restrictions. The Design Review Guidelines must be carefully consulted and followed to ensure the requirements of these Covenants and Restrictions are met. All Lot Owners are urged to design buildings that reflect the scenic values in keeping with the spirit of Livingston, Montana and the Subdivision. Any existing buildings can be rebuilt reflecting the pre-existing materials and structural characteristics that it had previous to needed repairs or total reconstruction. City of Livingston building permits are required for structures built during future development, ensuring all buildings conform to the International Building Code.

Section 2. Size and Height Requirements. See City of Livingston Zoning District Standards for requirements and guidelines.

Section 3. Setbacks. See City of Livingston Zoning District Standards for requirements and guidelines.

Section 4. Construction Materials. Material composition, quality, color and shape are important in the construction of improvements and are subject to the approval of the Design Review Board. All improvements shall be constructed of the high-quality materials. The exterior siding of any structures shall consist of wood, wood look-alike products, brick, stone, stucco or other manufactured exterior good quality materials, including metal siding, commonly now or hereafter used in the State of Montana. However, sheet metal, panel metal siding, or cement block siding shall be kept to a minimum and must be approved by the Design Review Board. All exterior surfaces shall have minimum reflection values. Natural and earth colors and materials are encouraged. Samples of colors for the complete color scheme to be utilized shall be submitted to the Design Review Board before construction and before a change is made in the original color.

Section 5. Roofing and Rooftops. A-frames are prohibited. Metal roofs are allowed if they are specifically approved by the Design Review Board. It is preferred that roofs have a minimum 3/12 roof pitch. Television and radio antennas, as well as satellite dishes exceeding 30” diameter and other receiving or transmitting devices are subject to approval of the Design Review Board.

Section 6. Exterior Lighting. Exterior lighting shall be installed and operated only if approved in advance by the Design Review Board as part of the overall plan for the Lot. The source of such light shall not be visible from adjacent Lots. Mercury vapor lamps shall not be permitted except as existing previous to these standards. Down lighting is required. All lights shall be shielded to prevent glare. All exterior lighting must comply with the City of Livingston Night Sky Protection Act.

Section 7. Garbage and Waste No garbage, trash, unsightly debris, or waste shall be collected and/or permitted by an owner to accumulate on any portion of the Property or in any road adjacent thereto, but shall be promptly and efficiently disposed of. No portion of the

Property shall be used as a dump ground or burial pit. The only allowable outside trash or refuse shall be those which are kept and maintained within a non-see-through fenced enclosure. All garbage must be stored in bear-proof containers or else be stored inside until the day of pick up. There shall be no incineration of garbage or trash and no garbage or trash, organic or inorganic shall be disposed on in or near any wetland, watercourses, lakes or ponds. Nothing stated herein shall preclude a central trash collection area as determined by the Design Review Board or Association.

Section 8. Parking, Driveways, Garages and Vehicles. Site plans shall provide sufficient unobtrusive parking for the use of the Lot Owners, guests, and customers. No junk or unlicensed vehicles shall be parked on the street nor retained or parked on any Lot. A junk vehicle is one which cannot be driven away under its own power. There shall be adequate parking provided on the lot for the business/building.

Section 9. Fences. Any fences must have a minimum height of 4 feet and should be designed to allow wildlife access. No objects or clothing shall be hung on fences so as to be visible from any other Lot or from any Roadway or from the Common Areas.

Section 10. Outbuildings and Temporary Structures. Use and location of any construction or temporary structure shall be subject to approval by the Design Review Board. Temporary structures shall be removed within thirty (30) days after completion of construction.

Section 11. Signs. Real estate signs shall be allowed only on the property for sale. Refer to the City of Livingston Zoning Plan for more detailed information on signs guidelines.

Section 12. Sidewalks. Each Lot Owner is responsible for constructing the required public sidewalk adjacent to the street frontage and all associated construction costs.

E. COMMON AREAS

As set forth in Article IV below, the Association is charged with the maintenance and repair of the Common Areas and the regulation of the use of the Common Areas. No improvements shall be constructed on the Common Areas except as determined by the Association. No gates or obstructions shall be placed upon or shall impede access to the Common Areas on the Property except and unless approved by the Association. Maintenance, repairs, and replacements of Common Area grounds and improvements shall be the expense of the Association provided, however, if such damage is caused by a negligent or tortious act of any Lot Owner, members of his or her family, guest or employee, then such Lot Owner shall be responsible and liable for all such damage. No cutting of trees is allowed in the Common Areas except as determined as necessary by the Association. Native and some introduced grasses will be planted to control erosion and noxious weeds.

F. MINING AND MINERAL RIGHTS

No prospecting, mining, quarrying, tunneling, excavating, or drilling for any substance on or within the earth, including oil, gas, hydrocarbons, minerals, gravels, sand, rock, or earth shall be permitted on the Property.

G. ADJACENT AGRICULTURAL USES

Lot Owners and residents of the Subdivision are informed that adjacent uses may be agricultural. Lot Owners accept and are aware that standard agricultural and farming practices can result in dust, animal odors, flies, smoke and machinery noise. Standard agricultural practices feature the use of machinery early in the morning and sometimes late into the evening. All fences bordering agricultural lands shall be maintained by the Association in accordance with State Law.

H. CONTROL OF NOXIOUS WEEDS

The control of noxious weeds by the Association on those areas for which the Association is responsible and the control of noxious weeds by the individual owners on their respective lots shall be set forth and specified under the Montana Noxious Weed Control Act (MCA 7-22-2101 through 7-22-2153) and the rules and regulations of the Park County Weed Control District. The landowner shall be responsible for the control of the state and county declared noxious weeds on his or her lot. Both unimproved and improved lots shall be managed for noxious weeds. In the event a landowner does not control the noxious weeds, after 10 days notice from the Property Owners Association, the Association may cause the noxious weed to be controlled. The cost and expense associated with such weed management shall be assessed to the lot and such assessment may become a lien if not paid within 30 days of the mailing of such assessment.

I. TOPOGRAPHY AND NATURAL FEATURES

Section 1. Landscaping. Each Lot Owner shall submit a complete and comprehensive landscape plan to the Design Review Board at the time the design review plans are submitted. Landscaping shall be done as approved by the Design Review Board. Re-vegetation as approved in advance by the Design Review Board shall be required for all disturbed areas. Natural and native species are encouraged. The Lot Owner must complete the restoration within one year following the construction of the structure or within such period as may be reasonably necessary as dictated by weather conditions. As many trees as possible shall be kept on the Property. Trees and landscaping in Common Areas shall not be cut or damaged except as allowed by the Association’s Board.

Section 2. Grading. No disturbance or change in existing character of the natural grade shall be undertaken except by approval of the Design Review Board. All grading shall be contoured into existing ground lines to avoid unnatural sharp edges. No trees or vegetation shall be cut except as approved by the Design Review Board. Lot development shall accommodate proper drainage using natural channels and storm water easements and at the same time not create drainage problems for the adjoining lots. Drainage and other

topographic transitions shall blend with the natural topography of the Lot. Erosion Control must be installed in accordance with the MT Stormwater Pollution Prevention Plan (SWPPP) to ensure new development, at the time of construction, complies with state standards for erosion control that prevents stormwater pollution and offsite sediment migration.

J. CONSTRUCTION SCHEDULES

Any and all construction, alterations or improvements shall be subject to advance approval by the Design Review Board and shall be diligently worked on to completion and shall be completed within eighteen (18) months following commencement. No aspect of construction shall at any time impede, obstruct or interfere with pedestrian or vehicular traffic.

Each construction site shall have a chemical toilet. The Lot Owner shall be responsible for cleaning up wind blown debris both on and off the premises.

K. ANIMALS

No livestock, poultry, or other animals, except dogs, cats, birds or other small in-house pets are allowed on the Property. Kennels or other facilities for the keeping or retention of animals are not allowed. All dogs, cats and other pets shall be strictly controlled by their owners so as not to annoy or interfere with the use of the Property by other Lot Owners. All pets shall be on a leash or under voice control of the Lot Owner at all times when off the owner's property and shall not be permitted to roam free at any time. Dogs must be leashed at all times in the areas identified as Open Space on the subdivision plat. If an animal becomes a nuisance, hazard, or threat to persons or animals on the Property or to wild animals as determined by the Association in its sole discretion, the Association may order the owner of such animals to remove the animal from the Property. The commercial breeding, care, raising, or keeping of any animal is forbidden.

L. MAINTENANCE

Lot Owners shall maintain their Lots, improvements and landscaping in good repair and appearance at all times.

M. MAINTENANCE OF STORM WATER CONTROL STRUCTURES

The Phase 1 Owners Association Board is responsible for the maintenance of all storm water retention ponds located on Lots 11 and 22. This shall include regular mowing of the ponds during the summer months and keeping it clean of all debris and in good repair so that their function as storm water collection areas is not inhibited.

N. NUISANCE PROHIBITED.

No noxious or offensive activity shall be permitted upon any portion of the Property, nor shall any use or activity be permitted which may be or may become an annoyance or nuisance to adjacent Lot Owners or which may depreciate the natural environmental amenities of said Property.

O. UTILITIES - INSTALLATION AND MAINTENANCE.

Section 1. Power, Telephone, Gas, and Cable. Declarants or their designated representative shall cause the installation and maintenance of electric power, gas, cable, and telephone utility service to the junction of the main access road and each Lot. Owners shall bear all responsibility and costs from such junction to their building sites. All utilities of every nature shall be installed and maintained underground. Piping and wiring shall be concealed. Each Lot Owner shall be responsible for utility installation and maintenance in accordance with state and local regulations.

Section 2. Water and Sewer. Outdoor chemical toilets will be permitted only during periods of construction.

P. EASEMENTS.

Section 1. Ingress and Egress. An easement for general ingress and egress to each Lot for the general use of all Lot Owners and their guests shall exist over all Roadways on the Property.

Section 2. Road and Utilities Access to the Property. Primary access is from PFL Way and Antelope Drive. Declarants and/or the Association grant unto the Lot Owners on the Property a nonexclusive easement for ingress, egress, and utilities as shown and delineated on the official Subdivision Plat. The Association shall maintain the Roadways as more specifically set forth in Article IV of this Declaration.

Section 3. Utility Easement. Utility easements for access and maintenance in favor of Declarants (so long as Declarants own any Lots), the Association, individual Lot Owners, and the designee of each (which may include, without limitation, City of Livingston and Park County, Montana and any utility) for electricity, gas, sewer, communications, telephone, water, television, cable communications and other utility equipment are designated on the Subdivision Plat. All Lot Owners shall have the right to enter upon and excavate in said utility easements. Easements for ingress and egress and for utilities shall not be moved, deleted or restricted without the written approval of all the Lot Owners affected. Utility companies and Lot Owners must restore disturbed land to a condition, close as possible, to the natural condition of the land before work commenced.

Section 4. Non-Dedication to Public Use. Nothing contained in these Covenants and Restrictions shall be construed or be deemed to constitute a dedication, express or implied, of any part of the Property or to or for any public use or purpose whatsoever.

Section 5. Right of Access. A right of access shall be reserved to the Declarants and the Association and be immediate for making of emergency repairs in improvements or Lots on the Property. These repairs may be needed to prevent property damage, personal injury, or continued property damage.

Q. COMPLIANCE.

Every Lot Owner and occupier of any residence or business on the Property shall comply with this Declaration, the Bylaws, the Design Review Guidelines, and the rules and regulations of the Association. Failure to comply shall be grounds for an action to recover sums due, for damages or injunctive relief, or for any other remedy available at law or equity, by the Association, the Declarants, or in the proper case, by any aggrieved Lot Owner.

ARTICLE III - DESIGN REVIEW BOARD

A. GENERAL

No structure shall be placed, erected, or installed upon any Lot, no improvements (including clearing, excavation, grading and other site work, exterior alteration of existing improvements, and planting or removal of landscaping materials), and no additions or changes (including exterior remodeling) of any portions of the Lot shall take place except in compliance with this Declaration and with the prior approval of the Design Review Board.

B. COMPOSITION

The Design Review Board for the Property, shall be composed of persons and shall have exclusive jurisdiction over all original construction and remodeling on any portion of the Property. Until 55% of the Property has been conveyed by Declarants to Lot Owners other than builders, the Declarants retain the right to appoint two (2) member of the Design Review Board who shall serve at the Declarant’s discretion. The Members of the Association shall elect the remaining 1 member of the Design Review Board at the Association’s annual meeting; member(s) elected by the Members shall serve for a term of 1 year. Until the first annual meeting of the Association’s Members, Declarants shall appoint all three (3) members of the Design Review Board. Any member of the Design Review Board elected by the Members may be removed by majority vote of Members at any Association meeting and a new member of the Design Review Board shall be elected at said meeting by the Members. If one of the positions elected by the Members becomes vacant for any reason other than removal by the Members, the Association’s Board shall appoint a person to complete the remaining term.

C. VOTING

Each member of the Design Review Board shall have one (1) vote. No member of the Design Review Board shall vote on issues before the Design Review Board involving his own Lot or Lots owned by a person whom the member represents in any other capacity. The foregoing limitation shall not be construed to prohibit persons appointed by Declarants from voting on issues affecting the Lots owned by Declarants or the Property in general. If a member of the Design Review Board is disqualified, the matter shall be decided by majority vote of the remaining members. A written record shall be kept of all action taken by the Board which shall include the date, action taken, and short statement of the reason for such actions.

D. GUIDELINES

Section 1. General. All homes, structures, improvements, landscaping, and changes shall comply with the Design Review Guidelines, if any, and this Declaration’s Covenants and Restrictions. If adopted, the Design Review Guidelines shall contain general provisions applicable to all of the Lots and may contain specific provisions which vary from one portion of the Property to another depending upon the location, unique characteristics, and intended use. The Design Review Guidelines may include specific restrictions on the location of dwelling units on each Lot.

Section 2. Initial Design Review Guidelines. The Declarants may prepare initial Design Review Guidelines which shall apply to all construction activities on the Property.

Section 3. Design Review Guidelines Adopted by Design Review Board. The Design Review Board may adopt Design Review Guidelines to replace the initial Design Review Guidelines, if any, at its initial organizational meeting and thereafter shall have sole and full authority to amend them from time to time as shall be reasonable and necessary to exercise its authority and its duties set forth in this Declaration.

Section 4. Amendment of Design Review Guidelines. Any amendment to the Design Review Guidelines shall not be effective until thirty (30) days after mailing a copy of said amendment to the last known address of the current Lot Owners, and any amendment shall apply only to construction and modifications commenced after the effective date of said Amendment and shall not apply to require modifications to or removal of structures previously approved once the approved construction or modification has commenced. Because the building industry is continually developing new methods of construction and better materials, it is expected that the Design Review Guidelines will change and improve over time. Accordingly, the Design Review Guidelines shall not be recorded with the Clerk and Recorder of Park County.

Section 5. Availability. The Design Review Board shall make the Design Review Guidelines, if any, available to Lot Owners, prospective purchasers of Lots, and builders who seek to engage in development or construction on the Property, and all such persons shall conduct their activities in accordance with such Design Review Guidelines.

E. SUBMISSION OF PLANS.

Before any structure or improvements (including staking, clearing, excavation, grading and other site work, exterior alteration of existing improvements, remodeling, and planting or removal of landscaping materials) are placed, erected, installed, or made upon any Lot, a scaled site plan 1:20 scale, shall be submitted to the Design Review Board showing the following:

- (1) the footprint of the structure(s); and
- (2) the location of the driveway and parking.

The following information shall also be submitted:

- (1) A landscaping plan including plans for fences, drainage, and exterior lighting;
- (2) A description of the materials and colors to be used in construction of all structures;
- (3) A proposed construction completion date;
- (4) Scaled structure plans showing the following:
 - (a) floor plan;
 - (b) four elevations; and
 - (c) one cross section.

F. DECISION PROCESS.

In reviewing each submission, the Design Review Board may consider, in addition to the provisions of this Declaration and the Design Review Guidelines, the quality of workmanship and design, harmony of external design with existing structures, and location in relation to surrounding structures, topography, and finish grade elevation, among other things. All decisions of the Design Review Board are final. Upon design approval the Lot Owners are responsible for any and all other local and State permits and approvals. Approval granted by the Design Review Board for any plans shall be effective for a period of two (2) years. Approval shall lapse if the Lot Owner has not commenced work within two (2) years from the date of approval.

G. FAILURE TO ACT.

In the event the Design Review Board fails to approve or to disapprove any application within ninety (90) days after submission of all information and materials reasonably requested, the application shall be deemed approved. However, no approval, whether expressly granted or deemed granted pursuant to the foregoing, shall be inconsistent with the Design Review Guidelines, if any, or this Declaration unless a variance has been granted in writing by the Design Review Board.

H. VARIANCE.

The Design Review Board may authorize variances from compliance with any of its guidelines and procedures when circumstances such as topography, natural obstructions, hardship, or aesthetic or environmental considerations require, but only in accordance with duly adopted rules and regulations. Such variances may only be granted, however, when unique circumstances dictate and no variance shall: (1) be effective unless in writing; (2) be contrary to this Declaration; or (3) stop the Design Review Board from denying a variance in other circumstances. For purposes of this Section, the inability to obtain approval of any governmental agency, the issuance of any permit, or the terms of any financing shall not necessarily be considered a hardship warranting a variance.

I. NO WAIVER OF FUTURE APPROVALS.

Approvals of proposals, plans and specifications, or drawings for any work done or proposed, or in connection with any other matter requiring approval, shall not be deemed to constitute a waiver of the right to withhold approval as to any similar proposals, plans and specifications, drawings, or other matters subsequently or additionally submitted for approval.

J. LIMITATION ON LIABILITY.

Approval by the Design Review Board neither represents, nor shall the Design Review Board offer any opinion as to whether plans and specifications conform to building codes or state and local regulatory requirements. Approval does not include examination for errors or omissions. Neither the Design Review Board, the Association, Declarants or any member of the foregoing shall bear any responsibility for ensuring structural integrity or soundness of approved construction or modifications, nor for ensuring compliance with building codes and other governmental requirements. Neither the Design Review Board, the Association, Declarants or any member of the foregoing shall be held liable for any injury, damages, or loss arising out of the manner or quality of approved construction on or modifications to any Lot.

K. INDEMNIFICATION

The Association shall indemnify any member of the Design Review Board against expenses, judgments, fines, settlements and other amounts actually and reasonably incurred by such person by reason of such person having been made or having been threatened to be made a party to a proceeding because said person was or is a member of the Design Review Board if said individual conducted him or herself in good faith and reasonably believed that his or her conduct was in the Association’s best interests or, in the case of any criminal proceeding, had no reasonable cause to believe his or her conduct was unlawful. The Association may not indemnify a person if said person is adjudged liable to the Association or the Design Review Board in an action brought by the Association or the Design Review Board or if in any action said person has been found to have received improper personal benefit at the expense of the Association or the Design Review Board. If the Association’s Board determines the person qualifies for indemnification under this paragraph, the Association shall advance the expenses reasonably expected to be incurred.

ARTICLE IV - MOUNTAIN VIEW PHASE 1 OWNERS ASSOCIATION BYLAWS

A. MEMBERSHIP

Section 1. Qualifications. Every Lot Owner shall automatically be a Member of the Association and shall remain a Member until such time as he or she no longer owns a Lot at which point his or her membership in the Association shall automatically cease. Membership shall be appurtenant to and may not be separated from the ownership of a Lot. No person who is not a Lot Owner shall be a Member of the Association.

Section 2. Voting

Members shall be entitled to one vote for each Lot owned. When more than one person holds an interest in any Lot, all such persons shall be Members; however, the vote for such Lot shall be exercised as said Lot Owners among themselves determine, but in no event shall more than one (1) vote be cast with respect to any Lot. If more than one person seeks to exercise that Lot’s one (1) vote, the Lot’s vote shall be suspended.

Section 3. Annual Members Meeting.

The date, time, and place of the annual meeting of the Members shall be noticed by the Board, which meetings may coincide with Board’s annual meeting. At such annual meeting, the Members shall elect directors to the Board, elect persons to the Design Review Board, and conduct such other business as permitted by this Declaration and these Bylaws. A vote may be cast either in person or by proxy. All proxies shall be in writing and shall be filed with the secretary, and entered in the minutes of the meeting. No proxy shall be valid after eleven (11) months from the date it was made, unless otherwise provided in the proxy. Notice of the time, place, and description of the items to be considered shall be mailed by the Association to all Members not less than twenty (20) nor more than ninety (90) days in an advance of the annual members meeting. A quorum for the transaction of business at any meeting shall consist of a majority of the Members, but the Members present at any meeting where less than a quorum is present, may adjourn the meeting to a future time. Action may be taken without a meeting if the action is taken by all the Members and the action is evidenced by one or more written consents describing the action taken, signed by all the Members, and delivered to the Association for filing with the Association records. All meetings of the Members shall be presided over by the President, or in his or her absence the Secretary, and shall be conducted in accordance with the most recent version of Robert’s Rules of Order.

Section 4. Special Members Meeting

Special meetings of the Members may be called for any purpose at any time by the President of the Association, the Board of Directors, the Declarants, or by a petition signed by not less than fifty-one percent (51%) of the Members entitled to vote at that meeting. If a special meeting is called by any person or persons other than the Board of Directors, a written request to notice the meeting, specifying the time of the meeting and the general nature of the business to be transacted, shall be delivered personally or sent by registered mail or by telegraphic or other facsimile or email transmission to the Association. The officer receiving the request shall cause notice to be promptly given, personally or by mail to each Member’s last known address, that a meeting will be held at the time requested by the person or persons calling the meeting, not less than twenty (20) nor more than sixty (60) days after the receipt of the request. If the notice is not given within twenty (20) days after receipt of the request, the person or persons requesting the meeting may give the notice.

B. BOARD OF DIRECTORS

Section 1. Powers and Duties.

The business and affairs of the Association shall be managed by the Board. The Board is authorized to manage the business of the Association and is authorized to take such actions as shall be necessary and reasonable to carry out the functions and purposes of the Association. Pursuant to the provisions of this Declaration, the Board shall have the power and duty to:

1. Prepare an annual budget and levy assessments;
2. Adopt rules and regulations;
3. Call annual and special meetings of the Association and give due notice thereof;
4. Enforce provisions of this Declaration and any duly adopted rules and regulations;
5. Make provisions for the general management, improvement, repair and maintenance of the Common Areas and Roadways and all improvements thereon;
6. Deny a Lot Owner the right to access the Common Areas in the event the Lot Owner is delinquent in the payment of assessments or has failed to cure any default of his or her obligation under this Declaration for a period of 30 days after written notice thereof;
7. Enter into contracts or hire personnel for the management of the affairs of the Association and the maintenance, management, improvement, and repair of the Roadways and Common Areas;
8. Provide a means of hearing grievances of Lot Owners and to respond appropriately thereto;
9. Meet at regularly scheduled times and to hold such meetings open to all Lot Owners or their agents;
10. Defend in the name of the Association any and all lawsuits wherein the Association is a party defendant;
11. Take appropriate legal action to collect delinquent assessments;
12. Initiate legal action for purposes other than collection of delinquent assessments if two-thirds of the Members approve;
13. Enter into contracts necessary to carry out the duties herein set forth;
14. Establish a bank account for the Association and handle Association funds;
15. Arrange, keep, maintain and renew insurance for the Association as provided for herein; and
16. In general, to act for and carry on the administration and affairs of the Association as authorized and prescribed by this Declaration, and to do all those things which are necessary and reasonable in order to carry out the governance and operation of the Property.

Section 2. Number, Selection, Vacancy. The Association shall be governed by a Board of Directors consisting of three (3) persons. The Declarant, as incorporator of the Association, shall appoint the initial directors of the Association who shall serve until the first annual meeting of the Association. Thereafter, the directors shall be elected, by non-cumulative voting, annually by the Members at the annual meeting. Should a vacancy occur on the Board, the Board shall appoint a Member to serve for the unexpired term.

Section 3. Removal and Resignation. At any annual or special meeting of the Members, any director on the Board may be removed by the vote of the Members. Upon termination of membership, a director is automatically removed from the Board. A director may resign at any time by giving written notice to the Board, the President or the Secretary of the Association. Unless otherwise specified in the notice, the resignation shall take effect at the date specified in the notice or if such date is not specified, then upon receipt thereof by the Board or such officer. Acceptance of the resignation shall not be necessary to make it effective.

Section 4. Annual Board Meetings. The annual meeting of the Board shall be held each Fiscal Year in the first week of September or as soon thereafter as is practicable, at a time and place designated by the Board. The annual meeting of the Board is open to Lot Owners. All meetings of the Board of Directors shall be presided over by the President, or in his or her absence the Secretary, and shall be conducted in accordance with the most recent version of Robert’s Rules of Order.

Section 5. Other Board Meetings. Other meetings of the Board may be called by the written request of the President or any of the directors. The President shall fix the time and place of the meeting and send notice to each director at least 2 days in advance of the meeting, setting forth the date, time, and place of the meeting. Directors may participate by means of a conference telephone or similar communication equipment through which all persons participating in the meeting may communicate with the other participants; provided, however, that all participants shall be advised of the communications equipment and the names of the participants in the meeting shall be divulged to all participants. Participation in a meeting pursuant to this section constitutes presence in person at the meeting.

Section 6. Quorum and Voting. A quorum for the transaction of business of any meeting of the Board shall consist of a majority of the Board, but in no event less than one member of the Board. At every Board meeting, each director shall be entitled to one vote. Unless otherwise required by Montana law or this Declaration and these Bylaws, the affirmative vote of the majority of the directors present at a duly held meeting at which a quorum is present shall be the act of the Board and of the Association. Any action of the Board may be taken without a meeting if the action is taken by all members of the board. The action must be evidenced by one or more written consents describing the action taken, be signed by each director, and be included with the Association records reflecting the action taken.

Section 7. Action Without Meeting. Action may be taken without a Board meeting if the action is taken by all the directors. The action must be evidenced by one or more written consents describing the action taken, signed by all the directors, and delivered to the Association for filing with the Association records.

Section 8. Compensation. No director shall receive any compensation for acting as such. Nothing herein, however, shall be construed to preclude compensation being paid for any services rendered in any other capacity for the Association, whether as employees, independent contractors or otherwise.

C. OFFICERS

Section 1. Selection, Removal, Vacancy. There shall be a President, a Secretary, and a Treasurer elected by and from the Board. An officer may be removed at any time by a majority vote of the Board or by majority vote of the Members at an annual or special members meeting. Any vacancy shall be filled by the directors until a replacement can be elected at an annual or special meeting.

Section 2. Duties of the President. The President shall be the principal executive officer of the Association and subject to the control of the Board, shall in general supervise and

control all the business and affairs of the Association, including the filing of liens for unpaid assessments in accordance with this Declaration and the enforcement of activities of the Association. The President shall preside at all meetings, shall sign all written contracts, deeds, mortgages, bonds or other instruments of the Association which the Board has authorized to be executed, except in cases where the signing and execution thereof shall be expressly delegated by the Board or this Declaration to some other officer or agent of the Association or shall be required by law to be otherwise signed or executed. The President shall perform all such other duties as are incidental to the office of President; in case of the absence or disability of the President, the presidential duties may be performed by the Secretary.

Section 3. Duties of the Secretary. The Secretary shall issue notice of all meetings and shall: attend and keep the minutes of the same; maintain the names and addresses of all Members; have charge of all Association records and papers; and perform all such other duties as are incidental to the office of Secretary.

Section 4. Duties of Treasurer. The Treasurer shall be the custodian of the Association’s monies and securities, shall deposit the same in the Association’s name as directed by the Board, and shall keep legal books of account, and shall submit them, together with all vouchers, receipts, records and other papers, to the Board for their examination and approval, as often as they may require, and shall perform all such other duties as may be incidental to this office. The Treasurer shall be bonded if directed by the Board.

Section 5. Compensation. No officer shall receive any compensation for acting as such. Nothing herein, however, shall be construed to preclude compensation being paid for any services rendered in any other capacity for the Association, whether as employees, independent contractors or otherwise.

D. OFFICES AND REGISTERED AGENT

Section 1. Principal Office. The address of the initial principal office of the Association is Box 500, Emigrant, Montana 59027. The initial registered agent of the Association is ANDREW FIELD. The Board shall maintain accurate and current registered agent records with the Montana Secretary of State.

E. ANNUAL REPORT

The Association shall file with the Montana Secretary of State or other proper state administrator a duly executed annual report as required by the Montana Nonprofit Corporation Act.

F. PERSONAL AND REAL PROPERTY FOR COMMON USE.

The Association, through action of its Board, may acquire, hold, and dispose of tangible or intangible personal property and real property. The Declarants may convey to the Association improved or unimproved real estate located on the Property, personal property and leasehold and other property interests. Such property shall be accepted by the Association and thereafter shall be maintained by the Association at its expense for the benefit of its Members, subject to any restrictions set forth in the deed.

G. REPAIRS AND MAINTENANCE

The Association shall maintain and keep in good repair the Common Areas and Roadways. Repairs of the Common Areas and Roadways shall be performed on an "as needed" basis and the President of the Association is authorized to initiate all repairs which are estimated at less than two thousand five hundred dollars (\$2,500.00) in expense. All repairs estimated at two thousand five hundred dollars (\$2,500.00) or more in expense shall be initiated by the President of the Association only after the Board has adopted a resolution specifically authorizing the expense. Expenses for repair and maintenance shall be paid by the Treasurer of the Association from Association funds received as assessments consistent with this Declaration. In order to implement maintenance resolutions and repairs, the President shall employ any personnel reasonably necessary to properly effect said maintenance.

H. ASSESSMENTS

Section 1. Authority and Obligation. The Board shall have the authority to levy assessments on each lot for Association expenses as the Board may specifically authorize from time to time. No Member may exempt him or herself from liability for assessments by non-use of Common Areas and/or Roadways, abandonment of his or her Lot, or by any other means. The obligation to pay assessments is a separate and individual covenant on the part of each Lot Owner. No diminution or abatement of assessments or set-off shall be claimed or allowed for any alleged failure of the Association or the Board to take some action or perform some function required of it, or for inconvenience or discomfort arising from the making of repairs or improvements, or from any other action it takes.

Section 2. Annual Assessments. At least thirty (30) days before the beginning of each Fiscal Year, the Board shall prepare a budget covering the estimated Common Expenses during the coming year. The annual assessment shall be levied equally against all Lots regardless of the size of the Lots and shall be set at a level which is reasonably expected to produce total income for the Association equal to the total budgeted Common Expenses, including reserves and administrative overhead. The Board shall send a copy of the budget and notice of the amount of the annual assessment for the upcoming year and the due date to each Member at least thirty (30) days prior to the beginning of the Fiscal Year for which it is to be effective. Such budget and assessment shall become effective unless disapproved at an annual or special meeting of the Members, at which a quorum is present, by at least seventy-five percent (75%) of the Members. If the proposed budget is disapproved or the Board fails for any reason to determine the budget for any year, then until such time as a budget is determined, the budget in effect for the immediately preceding year shall continue for the current year. Failure of the Board to levy an annual assessment shall not be deemed a waiver, modification, or a release of any Member or Lot Owner from the obligation to pay the annual assessment. In such event, each Lot Owner shall continue to pay the annual assessment on the same basis as for the last year for which an assessment was made, if any, until a new annual assessment is made, at which time the Association may retroactively assess any shortfalls in collections.

Section 3. Special Assessments. In addition to other authorized assessments, the Association may levy Special Assessments from time to time to cover unbudgeted expenses

or expenses in excess of those budgeted. Except as otherwise specifically provided in this Declaration, any Special Assessments for Common Expenses shall require the affirmative vote or written consent of a majority of the Members present at a duly held meeting. Special assessments shall be payable in such manner and at such times as determined by the Board and may be payable in installments extending beyond the Fiscal Year in which the special assessment is approved.

Section 4. Enforcement and Recovery. All assessments shall be a charge upon the land and shall be a continuing lien upon the Lot upon which the assessments are made. Each assessment shall also be a personal obligation of the person who is the owner of the Lot at the time the assessment falls due. Upon delivery to the Lot Owner of the notice of assessment, the assessment shall be a lien upon the Lot Owner’s Lot until paid. The Association may record a notice of the lien with the Clerk and Recorder of Park County, Montana. In the event of nonpayment within thirty (30) days after recording the notice of the lien, the Association may foreclose the lien in a manner set forth under Montana law for the foreclosure of liens against real property. The Association may also bring an action at law or equity against the persons personally obligated to pay the delinquent assessments. A suit to recover a money judgment for assessments may be maintainable without foreclosing or waiving the lien securing the same.

In the event of action to collect a past due assessment, the Association shall be entitled to recover its costs, the maximum interest allowable by law, and its reasonable attorney’s fees in addition to the amount of the past due assessment. The Association may bid for the Lot at a foreclosure sale and acquire, hold, lease, mortgage, and convey the Lot. While a Lot is owned by the Association following foreclosure no right to vote shall be exercised on its behalf and no assessment shall be levied on it.

The sale, transfer, or encumbrance of any Lot shall not affect the assessment lien or the personal liability of the Lot Owner. No sale, transfer or encumbrance shall relieve such Lot from liability for any assessments thereafter becoming due or from the lien thereof.

I. BYLAWS.

These Bylaws were adopted by the Board of Directors of the Association. This Article shall serve as the Bylaws of the Association and may only be amended as set forth in Article VII.

J. RULES AND REGULATIONS

The Association may adopt such additional rules and regulations as shall be reasonable and necessary to carry out its authority and duties under the terms of this Declaration, provided such rules and regulations are consistent with and are in compliance with this Declaration. Originals of all duly adopted rules and regulations shall be kept by the Secretary and copies thereof shall be provided to each Lot Owner and prospective purchaser of a Lot upon request. In the event of a conflict between any new rule or regulation and this Declaration (as subsequently amended), the terms of this Declaration shall control. New rules and regulations may be adopted by:

- (1) The affirmative vote of sixty percent (60%) of the Members present at any duly called meeting of the Association; or

(2) The Board if the proposed rule or regulation is not overturned within thirty (30) days by a vote of sixty percent (60%) of the Members at a duly called meeting of the Association.

K. NOTICES

Each Lot Owner/Member shall register with the Association, a current mailing address and shall promptly notify the Association of any change in said address. All notices, demands, and other communication to any Lot Owner/Member shall be sufficient for all purposes if personally served or mailed to the Lot Owner/Member at the last mailing address on file with the Association.

L. INSURANCE.

The Association, acting through its Board or its duly authorized agent, may obtain appropriate insurance coverage for all Association personal and real property, including for the Common Areas. The Association may obtain directors' and officers' liability coverage if reasonably available. Premiums for all Association insurance coverage shall be a Common Expense and shall be included in the annual assessment. The Association, acting through its Board or its duly authorized agent, has the sole authority for filing and adjusting all insurance claims and applying the proceeds thereto.

M. CONTRACTS, LOANS, AND DEPOSITS.

The Directors may authorize any officer or officers, agent or agents, to enter into any contract or execute and deliver any instrument in the name of and on behalf of the Association, and such authority may be general or confined to specific instances. No loans shall be contracted on behalf of the Association and no evidence of indebtedness shall be issued in its name unless properly authorized by a majority vote of the Board. All funds of the Association not otherwise employed shall be deposited from time to time in such banks, trust companies or other depositories as the directors may select.

N. INDEMNIFICATION

The Association shall indemnify each of its directors, officers, employees or agents against expenses, judgments, fines, settlements and other amounts actually and reasonably incurred by such person by reason of such person having been made or having been threatened to be made a party to a proceeding because said person was or is a director, officer, employee or agent of the Association if said individual conducted him or herself in good faith and reasonably believed that his or her conduct was in the Association's best interests or, in the case of any criminal proceeding, had no reasonable cause to believe his or her conduct was unlawful. The Association may not indemnify a director, officer, employee, or agent if said person is adjudged liable to the Association in an action brought by the Association or if in any action said person has been found to have received improper personal benefit at the expense of the Association. If the Board determines the person qualifies for indemnification under this paragraph, the Association shall advance the expenses reasonably expected to be incurred.

ARTICLE V - DECLARANT’S ADDITIONAL RIGHTS

A. TRANSFER OF RIGHTS.

Any or all of the special rights and obligations of the Declarants set forth in this Declaration and these Bylaws may be transferred to other persons or entities, provided that the transfer shall not reduce an obligation nor enlarge a right beyond that contained in this Declaration and these Bylaws. No such transfer shall be effective unless it is in a written instrument signed by the Declarants and duly recorded in the office of the Park County Clerk and Recorder.

B. USE OF COMMON AREAS.

So long as Declarants shall own any Lot within the Subdivision, Declarants, builders authorized by Declarants, and other agents authorized by Declarants may maintain and carry on upon portions of the Common Areas such facilities and activities as, in the sole opinion of the Declarants, may be reasonably required, convenient, or incidental to the sale of such Lots or construction of such structures. Declarants, builders authorized by Declarants, and other agents authorized by Declarants shall have easements for access to and use of such facilities.

So long as Declarants shall own any Lot within the Subdivision, Declarants may construct, reconstruct, refinish or alter any improvement upon or make or create any excavation on or fill upon or change the natural or existing drainage of or plant any trees, shrubs or ground cover upon the Common Areas if Declarants shall determine that any such work is reasonably necessary for any utility installation serving the Subdivision, is reasonably necessary for the construction or of any facility for use by the Owners, is desirable in order to provide or improve access to or to enhance the use and enjoyment of the Common Areas or is desirable to protect, support or preserve any land which constitutes a part of the Subdivision.

C. ANNEXATION OF PROPERTY

Until December 31, 2026, Declarants may from time to time unilaterally subject to the provisions of this Declaration annex all or any portion of other property adjoining or within the Subdivision into the owners association. Annexation shall be accomplished by filing a Supplemental Declaration. A Supplemental Declaration annexing property shall not require the consent of the Members, but it shall require the consent of the owner of such property, if other than Declarants.

ARTICLE VI - ENFORCEMENT

A. STANDING, COSTS, AND ATTORNEY’S FEES.

The Protective Covenants and Restrictions set forth in Article II of this Declaration, the Design Review Guidelines, if any, and additional rules and regulations adopted by the Association pursuant to the Bylaws set forth in Article IV, may be enforced by the Association, individual Lot Owners, or the Declarants. In the event of violation or threatened violation of any of said Protective Covenants and Restrictions, Design Review

Guidelines, or additional covenants, rules, and regulations, legal proceedings may be brought in a court of law or equity for injunctive relief and/or damages. In the event of action to enforce said Protective Covenants and Restrictions, Design Review Guidelines, or additional covenants, rules, and regulations, the prevailing party shall be entitled to costs and a reasonable attorney's fee. The Design Review Board may also enforce compliance with the Design Review Guidelines by suit for specific performance, without the necessity of posting a bond and the prevailing party shall be entitled to an award of its attorney's fees and costs at trial and on appeal.

B. NO WAIVER.

The failure by the Declarants or their assigns, the Association, the Design Review Board, or any subsequent Lot Owner to enforce these Protective Covenants and Restrictions, the Design Review Guidelines, or additional duly adopted covenants, rules, and regulations shall in no event be deemed a waiver or in any way prejudice the right to enforce these Protective Covenants and Restrictions, the Design Review Guidelines, or additional duly adopted covenants, rules, and regulations at any time against any person breaching the same or to collect damages for any subsequent breach.

ARTICLE VII - AMENDMENT

The provisions of this Declaration and these Bylaws shall remain in effect until amended or terminated. The provisions of this Declaration and these Bylaws, or any portion thereof, may only be amended, terminated or supplemented at any time by the execution of a written document containing the terms of the amendment, supplement or termination of any of the provisions of this Declaration or these Bylaws, duly acknowledged by a Notary Public, and recorded with the office of the Park County Clerk and Recorder, executed by at least seventy-five percent (75%) of the Lot Owners of the above described Property based on one vote per Lot. If there is more than one owner for a Lot, the vote for said Lot shall be determined as the Lot Owners of said Lot among themselves determine, but in no event shall more than one vote be cast with respect to any Lot. If the owners of a Lot determine to amend, supplement, or terminate the terms of this Declaration, each owner of said Lot automatically consents to and is compelled to execute the amendment, supplement or termination document.

Any right or privilege granted to the Declarants and their assigns in this Declaration and these Bylaws may only be amended or deleted with the signed written consent of the Declarants or their successors and assigns.

ARTICLE VIII - MISCELLANEOUS PROVISIONS

A. SEVERABILITY.

Invalidation of any provision of this Declaration and these Bylaws, in whole or in part, or any application of a provision of this Declaration and these Bylaws by judgment or court

order shall in no way affect other provisions or applications.

B. PERPETUITY.

The provisions of this Declaration and these Bylaws shall continue in full force and effect and shall run with land as legal and equitable servitudes in perpetuity unless amended as set forth herein.

C. MORTGAGEES AND LIENHOLDERS.

A breach of any of the foregoing restrictions, covenants, or duly adopted rules, regulations, and guidelines shall not defeat or render invalid the lien of any mortgage or deed of trust made in good faith and for value upon any Lot or portion of the real property or any improvements thereon. However, these restrictions, covenants, and duly adopted rules, regulations, and guidelines shall be binding upon and inure to the benefit of any subsequent owner who acquired by foreclosure, trustee sale or otherwise, title to any of the Property.

D. APPLICATION

All of the Property shall be subject to the provisions of this Declaration and these Bylaws whether or not there is a reference to the same in a deed or conveyance.

IN WITNESS WHEREOF, this instrument has been executed this 16 day of

January, 2025.

DECLARANTS:

Andrew Field

Andrew Field, Managing Member
Livingston West, LLC

STATE OF MONTANA)

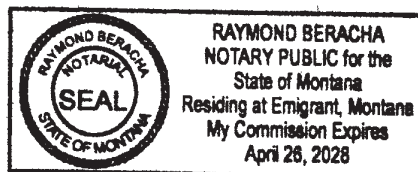
: ss.

County of Park)

On this 16 day of January, 2025, before me, a Notary Public in and for said State, personally appeared Andrew Field, Managing Member, for Livingston West, LLC, known to me to be the person whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

Raymond Beracha

Notary Public for the State of Montana
Residing at Park, Montana
My commission expires: 4/26/2028



Return to:
City Clerk
City of Livingston
220 E. Park St.
Livingston, MT 59047

SIGN EASEMENT

The GRANTOR, **Livingston West LLC**, a Montana Limited Liability Company, whose address is Box 500, Emigrant, MT 59027, for and in consideration of One and No/100 - Dollars, and other valuable consideration, in hand paid, conveys and grants to the GRANTEE, the **City of Livingston**, a municipal corporation and political subdivision of the State of Montana, of the address of 220 E. Park St., Livingston, Montana 59047, a perpetual sign easement in, over, along, through, and across the following described real property located in Park County, Montana:

A tract of land described as that portion of the NW1/4 of Section 22, Township 2 South, Range 9 East, of the Principal Montana Meridian, in Park County, Montana, described as Tract 1-A, of Certificate of Survey No. 2748RB, on file in the office of the Clerk and Recorder of said County, under Document #426634.

Said sign easement is depicted on **Exhibit A** attached hereto and more particularly described as:

Commencing on the westerly corner of Tract 1-A and the northerly corner of C.O.S. 1119, also being a point on the easterly right-of-way of Interstate 90 Business Loop; thence along a curve to the right and said right-of-way and along the westerly line of said Tract 1-A, said curve having a radius of 738.60 feet and a chord that bears N 27° 13' 19" E, 66.43 feet; thence along said curve 66.45 feet to the **Point of Beginning**; thence continuing along said curve to the right and said right-of-way and said line of said Tract, said curve having a radius of 738.60 feet and a chord that bears N 30° 46' 47" E, 25.27 feet; thence along said curve 25.27 feet; thence S 50° 51' 55" E, 25.00 feet; thence S 30° 46' 47" W, 25.27 feet; thence N 50° 51' 55" W, 25.00 feet to the **Point of Beginning**. Containing 627 square feet, more or less, as shown on **Exhibit A**.

This perpetual easement to GRANTEE is for the purpose of constructing, reconstructing, maintaining, operating, servicing, repairing, and replacing a City of Livingston gateway sign in, over, along, through, and across the said real property; Together with the right of the GRANTEE to enter at all times upon the GRANTOR'S property by using existing roads or trails or otherwise by a route causing the least damage and inconvenience to the GRANTORS in order to gain ingress and egress to said easement. Both the GRANTORS and GRANTEE agree that the GRANTEE can access the existing Stormwater Pond Easement to access the sign easement area.

The GRANTEE agrees to defend, indemnify and hold harmless the GRANTOR from all claims, demands, damages and causes of action, including reasonable attorney's fees, arising out of the GRANTEE'S use of said easement granted herein. The terms of this easement shall be governed by Montana law.

Grantors shall continue to have the right to use and enjoy the above-described property, except as to the rights herein granted, subject to the following restrictions:

1. GRANTORS and their successors agree not to construct, nor cause to be constructed within the easement, any type of building or structure such as, but not limited to, houses, garages, sheds,



kennels, fences, or any other fixed objects of any kind, shape or form without GRANTEE'S express consent. Notwithstanding the foregoing, GRANTORS are expressly allowed to install landscaping and landscaping facilities within the easement right-of-way, such as irrigation, berms, bushes, shrubs, hedges, grass, or any other facilities or plantings of a similar nature that will be operated and maintained by GRANTORS. *Trees and other deep-rooted shrubs such as lilac shall not be planted within the easement.*

2. GRANTORS agree that authorized representatives of the City of Livingston can freely travel within the easement with their equipment in the performance of their duties.
3. GRANTORS agree to obtain the permission of the Public Works Department or GRANTEE prior to placing or removing any fill dirt within the easement and, in addition, in the event such permission is granted, the GRANTORS agree to perform any work necessary to modify appurtenances to the GRANTEE'S sign, which work may be required prior to placing or removing any fill dirt within the easement; and all such work shall be done at the GRANTORS expense and without expense to the GRANTEE.
4. The Restrictions, Covenants, and Hold Harmless Agreements herein contained shall attach to and run with the land and shall bind the parties hereto and all persons claiming thereunder.

LIVINGSTON WEST LLC, a Montana Limited Liability Company

 Name: *Andrew Field*
 Title: *Andrew Field*
 Managing Partner

ACKNOWLEDGMENT OF GRANTOR

State of MT)
County of Park) ss.

On this 27 day of November, 2024 before me, the undersigned, a Notary Public in and for the said State, personally appeared the GRANTOR, Andrew Field, the Managing Partner of Livingston West LLC, a Montana Limited Liability Company, known to me to be the identical individual who executed the foregoing instrument, who acknowledged to me that the individual executed the same as the free and voluntary act of said GRANTOR, with full authority to do so and with full knowledge of its contents, for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this day and year above written.

(Seal)

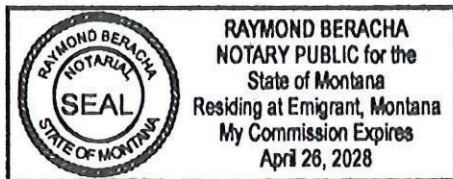
Raymond Beracha
Notary Signature Line

Raymond Beracha
Notary Printed Name

Notary Public for the State of Montana

Residing at: Park

My Commission Expires: 4 / 26 / 2028



CITY OF LIVINGSTON

By: City Manager

ATTEST:

By: City Clerk

State of Montana)
) ss.
County of Park)

The foregoing instrument was acknowledged before me this ____ day of _____, 20__, by _____ and _____, known to me to be the City Manager and City Clerk for the City of Livingston and the persons whose names are subscribed to this instrument, and acknowledged to me that they executed the same for and on behalf of the City of Livingston.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this day and year above written.

(Seal)

Notary Signature Line

Notary Printed Name
Notary Public for the State of _____
Residing at: _____
My Commission Expires: ____ / ____ / 20__

EXHIBIT A SIGN EASEMENT

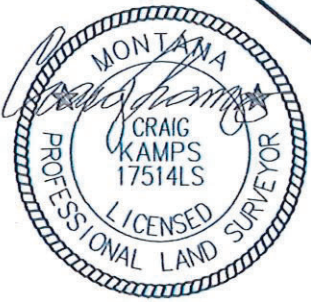
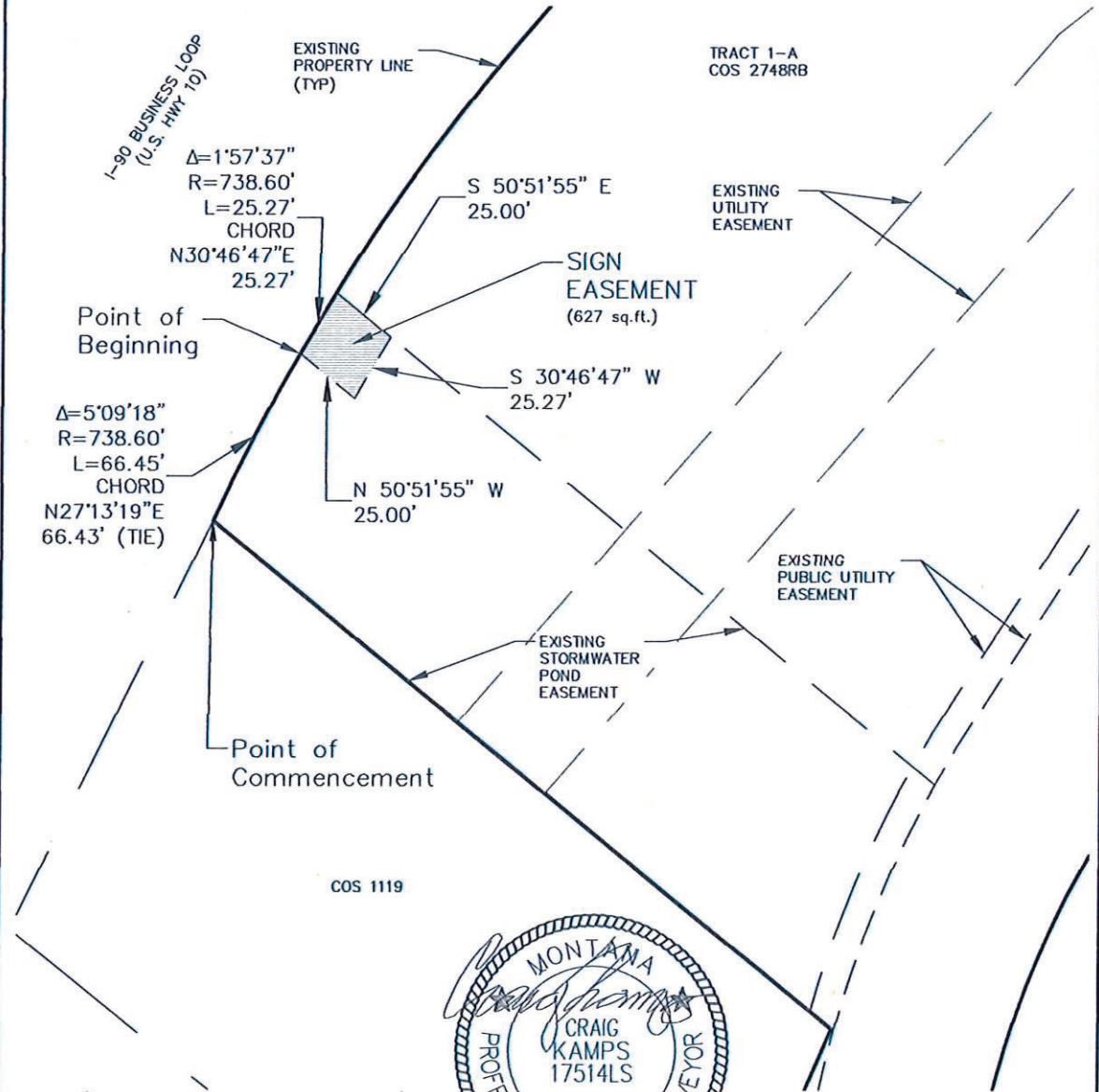
WITHIN
TRACT 1-A, C.O.S. 2748RB, LOCATED IN S22, T2S, R9E, P.M.M.

PREPARED FOR : LIVINGSTON WEST LLC

NOVEMBER, 2024

PREPARED BY : **sanbell**

BOZEMAN, MONTANA



Return to:
Livingston West LLC
P.O. Box 500
Emigrant, MT 59027

DECLARATION OF DEED RESTRICTION

COMES NOW, the undersigned, **Livingston West LLC**, a Montana Limited Liability Company, whose address is P.O. Box 500, Emigrant, MT 59027, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged and hereby makes and describes this Declaration of Deed Restriction ("Declaration") regarding the following described real property owned by the undersigned:

Lot 2 and Lot 21, Mountain View Subdivision, Phase 1, being a portion of Tract 1-A, of Certificate of Survey No. 2748RB, situated in the NW1/4 of Section 22, Township 2 South, Range 9 East, of the Principal Montana Meridian, in Park County, Montana, on file in the office of the Clerk and Recorder of said County. ("the Property")

As follows:

1. Deed Restriction and Designation of Open Space Parklands

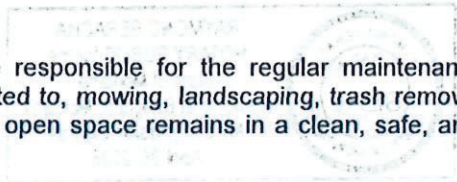
1.1 Deed Restriction Requirement: Livingston West LLC hereby agrees to deed restrict Lots 2 and 21 within the Mountain View Subdivision as open space parklands for public use. This restriction shall be binding upon all future owners, successors, and assigns of the property. The legal description is as follows:

1.2 Public Use Designation: The deed-restricted open space shall be designated for public use, specifically for passive recreational purposes such as walking, hiking, and nature observation. No structures, buildings, or other improvements shall be permitted within the open space, except for trails, benches, and other amenities that facilitate public access and enjoyment of the natural environment.

2. Ownership and Maintenance Responsibilities

2.1 Ownership: Upon the sale of over 50% of the subdivision lots Livingston West LLC will transfer Lots 2 and 21 to a Property Owners Association which shall maintain ownership of the deed-restricted open space in perpetuity.

2.2 Maintenance Responsibilities: The owner shall be responsible for the regular maintenance and upkeep of the open space. This includes, but is not limited to, mowing, landscaping, trash removal, and any necessary repairs. The owner shall ensure that the open space remains in a clean, safe, and well-maintained condition at all times.



3. Enforcement and Compliance

3.1 Enforcement Rights: In the event of a violation of the deed restriction, the City of Livingston shall have the right to enforce the terms of this agreement. This includes compelling the owner to fulfill its maintenance obligations. Failure to comply may result in fines, legal action, or other remedies as provided by applicable laws and regulations.

3.2 Recording and Binding Effect: This deed restriction shall run with the land and be binding upon all future owners, successors, and assigns of the property. The terms of this agreement shall be recorded in the official land records of Park County, Montana, and shall be enforceable in perpetuity.

4. Insurance

4.1 Insurance Requirement: The owner shall obtain and maintain liability insurance covering the open space parklands to protect against any claims or liabilities arising from public use.

LIVINGSTON WEST LLC, a Montana Limited Liability Company

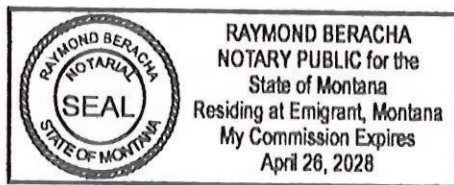
Andrew Field
Name: Managing Partner
Title: Andrew Field

ACKNOWLEDGMENT OF GRANTOR

State of MT)
County of Park) ss.

On this 27 day of November, 2024 before me, the undersigned, a Notary Public in and for the said State, personally appeared the GRANTOR, Andrew Field, the Managing Partner of Livingston West LLC, a Montana Limited Liability Company, known to me to be the identical individual who executed the foregoing instrument, who acknowledged to me that the individual executed the same as the free and voluntary act of said **Error! Reference source not found.**, with full authority to do so and with full knowledge of its contents, for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this day and year above written.



(Seal)

Raymond Beracha
Notary Signature Line
Raymond Beracha
Notary Printed Name

Notary Public for the State of MT
Residing at: Park
My Commission Expires: 4 / 26 / 2028

Return to:
City Clerk
City of Livingston
220 E. Park St.
Livingston, MT 59047

PUBLIC ACCESS EASEMENT

The GRANTOR, **Livingston West LLC**, a Montana Limited Liability Company, whose address is Box 500, Emigrant, MT 59027, for and in consideration of One and No/100 - Dollars, and other valuable consideration, in hand paid, conveys and grants to the GRANTEE, the **City of Livingston**, a municipal corporation and political subdivision of the State of Montana, of the address of 220 E. Park St., Livingston, Montana 59047, a perpetual public access easement in, over, along, through, and across the following described real property located in Park County, Montana:

A tract of land described as that portion of the NW1/4 of Section 22, Township 2 South, Range 9 East, of the Principal Montana Meridian, in Park County, Montana, described as Tract 1-A, of Certificate of Survey No. 2748RB, on file in the office of the Clerk and Recorder of said County, under Document #426634.

Said public access easement is depicted on **Exhibit A** attached hereto and more particularly described as:

Commencing on the southeasterly corner of Tract 1-A, also being a point on the northerly right-of-way line of Interstate 90; thence N 00° 51' 10" W, 517.56 feet along the easterly line of Tract 1-A to the **Point of Beginning**; thence S 77° 31' 49" W, 20.42 feet; thence N 00° 51' 10" W, 456.66 feet; thence S 88° 28' 12" E, 20.02 feet to the easterly line of said Tract; thence S 00° 51' 10" E, 451.71 feet along the easterly line of said Tract to the **Point of Beginning**. Containing 9,084 sq. ft., more or less, as shown on **Exhibit A**.

This perpetual easement to GRANTEE is for the purpose of constructing, reconstructing, maintaining, operating, servicing, repairing, and replacing a public access facility in, over, along, through, and across the said real property; Together with the right of the GRANTEE to enter at all times upon the GRANTOR'S property by using existing roads or trails or otherwise by a route causing the least damage and inconvenience to the GRANTORS in order to gain ingress and egress to said easement.

The GRANTEE agrees to defend, indemnify and hold harmless the GRANTOR from all claims, demands, damages and causes of action, including reasonable attorney's fees, arising out of the GRANTEE'S use of said easement granted herein. The terms of this easement shall be governed by Montana law.

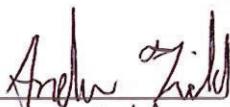
Grantors shall continue to have the right to use and enjoy the above-described property, except as to the rights herein granted, subject to the following restrictions:

1. GRANTORS and their successors agree not to construct, nor cause to be constructed within the easement right-of-way, any type of building or structure such as, but not limited to, houses, garages, sheds, kennels, fences, or any other fixed objects of any kind, shape or form without GRANTEE'S express consent. Notwithstanding the foregoing, GRANTORS are expressly allowed to install landscaping and landscaping facilities within the easement right-of-way, such as irrigation, berms,

bushes, shrubs, hedges, grass, or any other facilities or plantings of a similar nature that will be operated and maintained by GRANTORS. Trees and other deep-rooted shrubs such as lilac shall not be planted within the easement right-of-way.

- 2. GRANTORS agree that authorized representatives of the City of Livingston can freely travel within the easement right-of-way with their equipment in the performance of their duties.
- 3. The Restrictions, Covenants, and Hold Harmless Agreements herein contained shall attach to and run with the land and shall bind the parties hereto and all persons claiming thereunder.

LIVINGSTON WEST LLC, a Montana Limited Liability Company

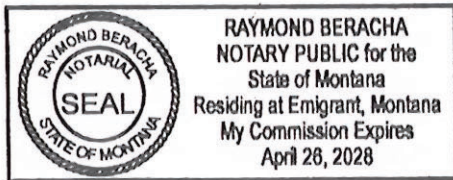

 Name: Andrew Field
 Title: Managing Partner

ACKNOWLEDGMENT OF GRANTOR

State of MT)
) ss.
 County of Park)

On this 27 day of November, 2024 before me, the undersigned, a Notary Public in and for the said State, personally appeared the GRANTOR, Andrew Field, the Managing Partner of Livingston West LLC, a Montana Limited Liability Company, known to me to be the identical individual who executed the foregoing instrument, who acknowledged to me that the individual executed the same as the free and voluntary act of said GRANTOR, with full authority to do so and with full knowledge of its contents, for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this day and year above written.



(Seal)


 Notary Signature Line

Raymond Beracha
 Notary Printed Name

Notary Public for the State of Montana

Residing at: Park

My Commission Expires: 4 / 26 / 2028

CITY OF LIVINGSTON

By: City Manager

ATTEST:

By: City Clerk

State of Montana)
) ss.
County of Park)

The foregoing instrument was acknowledged before me this ____ day of _____, 20__ by _____ and _____, known to me to be the City Manager and City Clerk for the City of Livingston and the persons whose names are subscribed to this instrument, and acknowledged to me that they executed the same for and on behalf of the City of Livingston.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this day and year above written.

Notary Signature Line

(Seal)

Notary Printed Name

Notary Public for the State of _____

Residing at: _____

My Commission Expires: ____ / ____ / 20__

EXHIBIT A PUBLIC ACCESS EASEMENT WITHIN

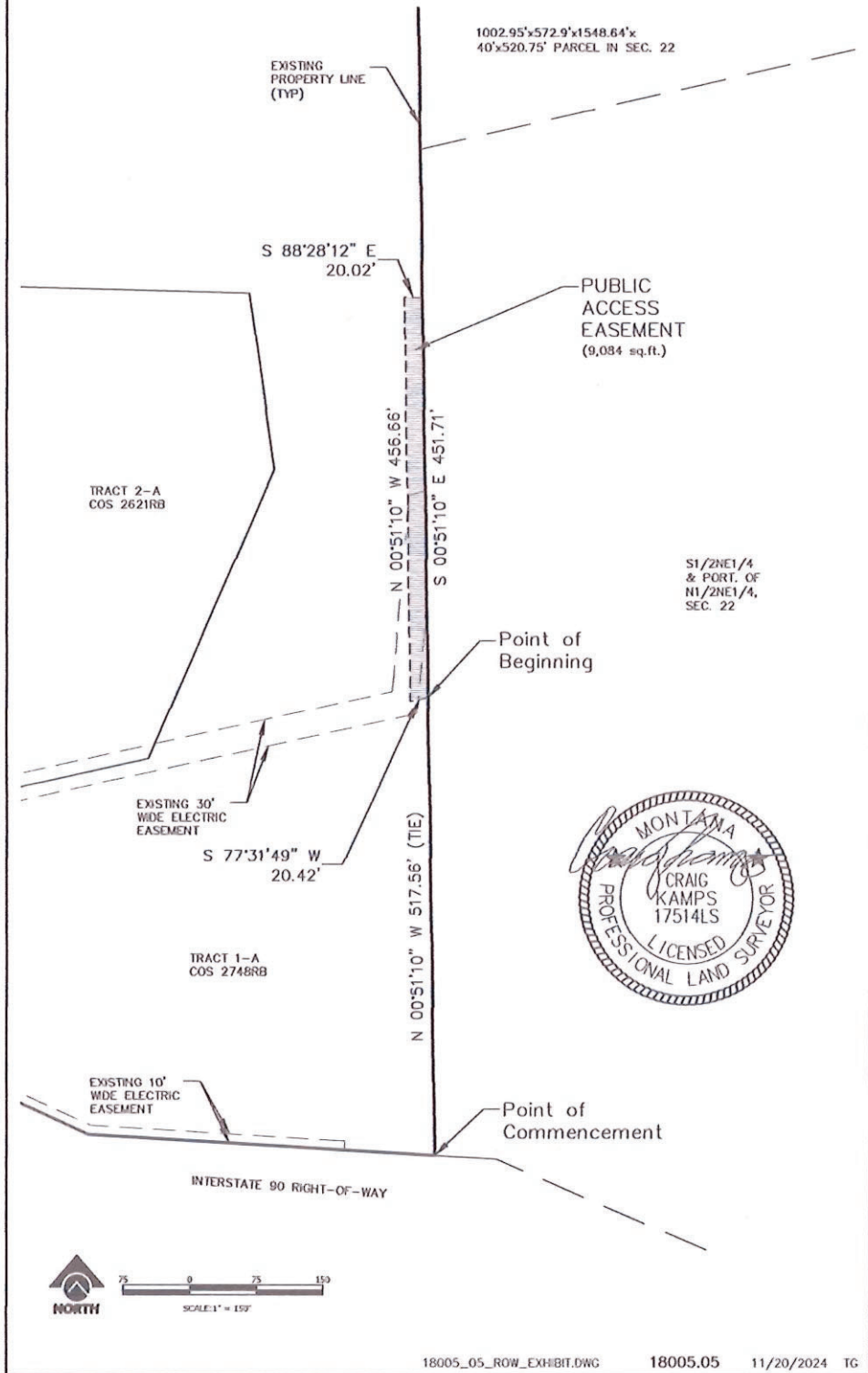
TRACT 1-A, C.O.S. 2748RB, LOCATED IN S22, T2S, R9E, P.M.M.

PREPARED FOR : LIVINGSTON WEST LLC

NOVEMBER, 2024

PREPARED BY : [Signature]

BOZEMAN, MONTANA



Return to:
City Clerk
City of Livingston
220 E. Park St.
Livingston, MT 59047

STORMWATER POND EASEMENT

The GRANTOR, **Livingston West LLC**, a Montana Limited Liability Company, whose address is Box 500, Emigrant, MT 59027, for and in consideration of One and No/100 - Dollars, and other valuable consideration, in hand paid, conveys and grants to the GRANTEE, the **City of Livingston**, a municipal corporation and political subdivision of the State of Montana, of the address of 220 E. Park St. Livingston, Montana 59047, a perpetual stormwater pond easement to lay, construct and maintain public storm drainage distribution facilities with the usual appurtenances in, over, under, along, through, and across the following described real property located in Park County, Montana:

That portion of the NW1/4 of Section 22, Township 2 South, Range 9 East, of the Principal Montana Meridian, in Park County, Montana, described as Tract 1-A, of Certificate of Survey No. 2748RB, on file in the office of the Clerk and Recorder of said County, under Document #426634.

Said stormwater pond easement is depicted on **Exhibit A** attached hereto and more particularly described as:

Beginning at the Westerly corner of Tract 1-A and said easement herein described, being a point on the East right-of-way of the I-90 Business Loop, said point of beginning; Thence, from said point of beginning, along a curve to the RIGHT, having a radius of 738.60 feet, a delta angle of 07° 06' 55", and whose long chord bears N 28° 12' 08" E a distance of 91.66 feet along the East right-of-way of the I-90 Business Loop; Thence, S 50° 51' 55" E, 275.33 feet to the North line of a 60' wide existing public access and utility easement; Thence, along a curve to the LEFT, having a radius of 390.00 feet, a delta angle of 13° 51' 52", and whose long chord bears S 22° 04' 32" W a distance of 94.14 feet along a 60' wide existing public access and utility easement; Thence, N 50° 51' 55" W, 0.90 feet to the Southwesterly corner of Tract 1-A; Thence, N 50° 51' 55" W, 284.67 feet to the Westerly corner of Tract 1-A and the East right-of-way of the I-90 Business Loop and to the point of beginning, and containing 0.577 acres, more or less, as shown on **Exhibit A**.

This perpetual easement to GRANTEE is for the purpose of constructing, reconstructing, maintaining, operating, servicing, repairing, and replacing a stormwater pond over, across, under, and through the said real property; Together with the right of the GRANTEE to enter at all times upon the GRANTOR'S property by using existing roads or trails or otherwise by a route causing the least damage and inconvenience to the GRANTORS in order to gain ingress and egress to said easement.

The GRANTEE agrees to defend, indemnify and hold harmless the GRANTOR from all claims, demands, damages and causes of action, including reasonable attorney's fees, arising out of the GRANTEE'S use of the easement granted herein. The terms of this Easement shall be governed by Montana law.

Grantors shall continue to have the right to use and enjoy the above-described property, except as to the rights herein granted, subject to the following restrictions:

1. GRANTORS and their successors agree not to construct, nor cause to be constructed within the easement right-of-way, any type of building or structure such as, but not limited to, houses, garages, sheds, kennels, fences, or any other fixed objects of any kind, shape or form without GRANTEE'S express consent. Notwithstanding the foregoing, GRANTORS are expressly allowed to install landscaping and landscaping facilities within the easement right-of-way, such as irrigation, berms, bushes, shrubs, hedges, grass, or any other facilities or plantings of a similar nature that will be operated and maintained by GRANTORS. Trees and other deep-rooted shrubs such as lilac shall not be planted within the easement right-of-way.
2. GRANTORS agree that authorized representatives of the City of Livingston can freely travel within the easement right-of-way with their equipment in the performance of their duties.
3. GRANTORS agree to obtain the permission of the Public Works Department or GRANTEE prior to placing or removing any fill dirt within the easement right-of-way and, in addition, in the event such permission is granted, the GRANTORS agree to perform any work necessary to modify the existing stormwater pond and appurtenances, which work may be required prior to placing or removing any fill dirt within the easement right-of-way; and all such work shall be done at the GRANTORS expense and without expense to the GRANTEE.
4. The Restrictions, Covenants, and Hold Harmless Agreements herein contained shall attach to and run with the land and shall bind the parties hereto and all persons claiming thereunder.

LIVINGSTON WEST LLC, a Montana Limited Liability Company

Andrew Field
 Name: Andrew Field
 Title: Managing Partner

ACKNOWLEDGMENT OF GRANTOR

State of MT)
) ss.
 County of Park)

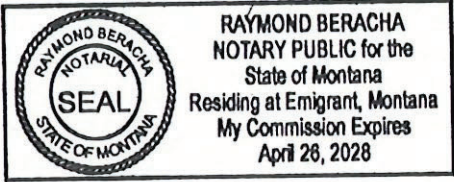
On this 27 day of November, 2024 before me, the undersigned, a Notary Public in and for the said State, personally appeared the GRANTOR, Andrew Field, the Managing Partner of Livingston West LLC, a Montana Limited Liability Company, known to me to be the identical individual who executed the foregoing instrument, who acknowledged to me that the individual executed the same as the free and voluntary act of said GRANTOR, with full authority to do so and with full knowledge of its contents, for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this day and year above written.

Raymond Beracha
Notary Signature Line
Raymond Beracha
Notary Printed Name

Notary Public for the State of MT
Residing at: Park
My Commission Expires: 4 / 26 / 2028

(Seal)

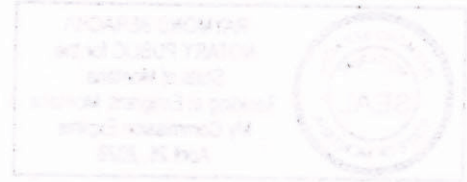


CITY OF LIVINGSTON

By: _____
City Manager

ATTEST:

By: _____
City Clerk



State of Montana)
) ss.
County of Park)

The foregoing instrument was acknowledged before me this ____ day of _____, 20__ by _____ and _____, known to me to be the City Manager and City Clerk for the City of Livingston and the persons whose names are subscribed to this instrument, and acknowledged to me that they executed the same for and on behalf of the City of Livingston.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this day and year above written.

Notary Signature Line

Notary Printed Name

Notary Public for the State of _____

Residing at: _____

My Commission Expires: ____ / ____ / 20__

(Seal)

EXHIBIT A

STORMWATER POND EASEMENT #1

WITHIN

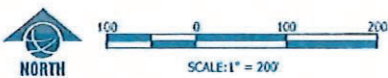
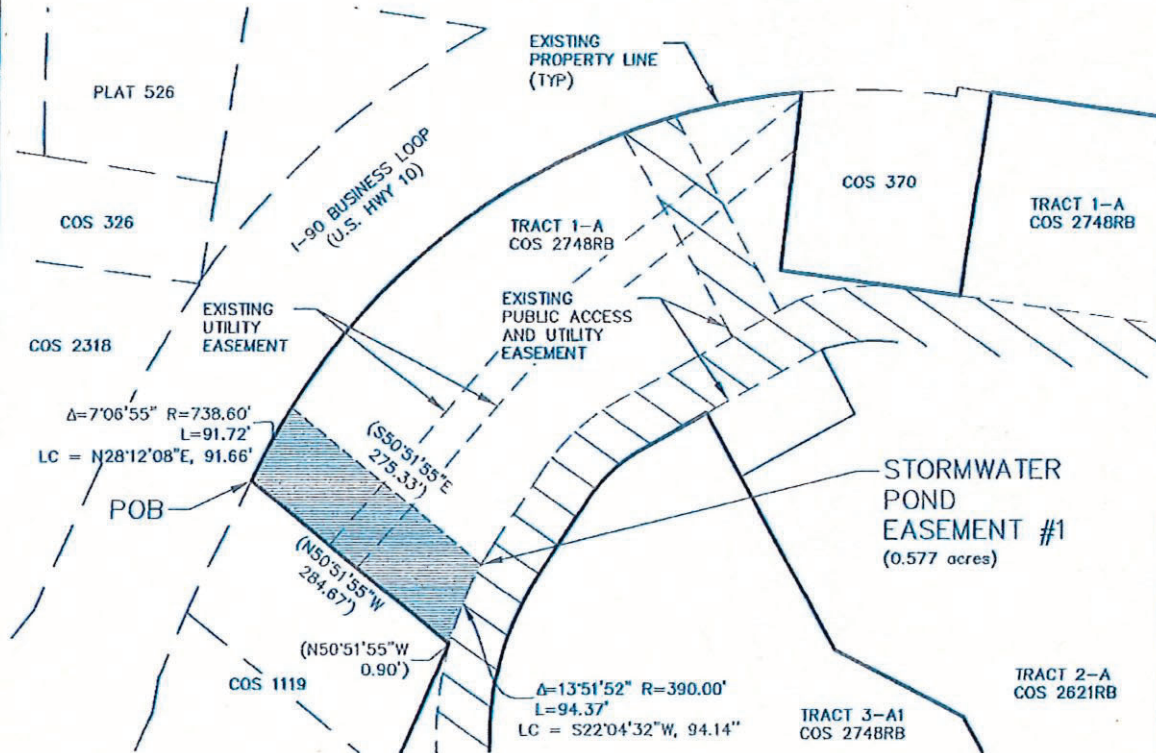
TRACT 1-A, C.O.S. 2748RB, LOCATED IN S22, T2S, R9E, P.M.M.

PREPARED FOR : LIVINGSTON WEST LLC

AUGUST, 2022

PREPARED BY : SANDERSON STEWART

BOZEMAN, MONTANA



R/W LEGEND	
	EXISTING ROAD/UTILITY R/W
	STORMWATER POND EASEMENT

Return to:
City Clerk
City of Livingston
220 E. Park St.
Livingston, MT 59047

TEMPORARY STORMWATER POND EASEMENT

The GRANTOR, **Livingston West LLC**, a Montana Limited Liability Company, whose address is Box 500, Emigrant, MT 59027, for and in consideration of One and No/100 - Dollars, and other valuable consideration, in hand paid, conveys and grants to the GRANTEE, the **City of Livingston**, a municipal corporation and political subdivision of the State of Montana, of the address of 220 E. Park St. Livingston, Montana 59047, a temporary stormwater pond easement to lay, construct and maintain public storm drainage distribution facilities with the usual appurtenances in, over, under, along, through, and across the following described real property located in Park County, Montana:

That portion of the NW1/4 of Section 22, Township 2 South, Range 9 East, of the Principal Montana Meridian, in Park County, Montana, described as Tract 1-A, of Certificate of Survey No. 2748RB, on file in the office of the Clerk and Recorder of said County, under Document #426634.

Said temporary stormwater pond easement is depicted on **Exhibit A** attached hereto and more particularly described as:

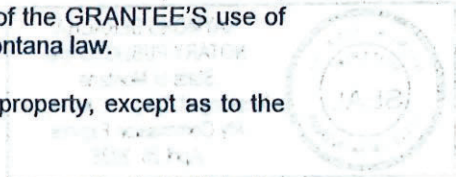
Beginning at a Southerly corner of Tract 1-A and the Westerly corner of the easement herein described, being a point on the North line of a 60' wide existing public access and utility easement and the Southeast corner of Tract 3-A1 of Certificate of Survey 2748RB, said point of beginning; Thence, from said point of beginning, N 60° 29' 12" E, 123.70 feet along Southerly line of Tract 1-A; Thence, S 65° 34' 12" E, 167.19 feet; Thence, S 24° 25' 48" W, 100.00 feet to a 60' wide existing public access and utility easement; Thence, N 65° 34' 12" W, 240.00 feet along a 60' wide existing public access and utility easement to the Southerly corner of Tract 1-A and to the point of beginning, and containing 0.467 acres, more or less, as shown on **Exhibit A**.

This temporary easement to GRANTEE is for the purpose of constructing, reconstructing, maintaining, operating, servicing, repairing, and replacing a temporary stormwater pond over, across, under, and through the said real property; Together with the right of the GRANTEE to enter at all times upon the GRANTOR'S property by using existing roads or trails or otherwise by a route causing the least damage and inconvenience to the GRANTORS in order to gain ingress and egress to said easement.

The GRANTEE agrees to defend, indemnify and hold harmless the GRANTOR from all claims, demands, damages and causes of action, including reasonable attorney's fees, arising out of the GRANTEE'S use of the easement granted herein. The terms of this Easement shall be governed by Montana law.

Grantors shall continue to have the right to use and enjoy the above-described property, except as to the rights herein granted, subject to the following restrictions:

1. GRANTORS and their successors agree not to construct, nor cause to be constructed within the easement right-of-way, any type of building or structure such as, but not limited to, houses, garages, sheds, kennels, fences, or any other fixed objects of any kind, shape or form without GRANTEE'S



express consent. Notwithstanding the foregoing, GRANTORS are expressly allowed to install landscaping and landscaping facilities within the easement right-of-way, such as irrigation, berms, bushes, shrubs, hedges, grass, or any other facilities or plantings of a similar nature that will be operated and maintained by GRANTORS. Trees and other deep-rooted shrubs such as lilac shall not be planted within the easement right-of-way.

- 2. GRANTORS agree that authorized representatives of the City of Livingston can freely travel within the easement right-of-way with their equipment in the performance of their duties.
- 3. GRANTORS agree to obtain the permission of the Public Works Department or GRANTEE prior to placing or removing any fill dirt within the easement right-of-way and, in addition, in the event such permission is granted, the GRANTORS agree to perform any work necessary to modify the existing stormwater pond and appurtenances, which work may be required prior to placing or removing any fill dirt within the easement right-of-way; and all such work shall be done at the GRANTORS expense and without expense to the GRANTEE.
- 4. The Restrictions, Covenants, and Hold Harmless Agreements herein contained shall attach to and run with the land and shall bind the parties hereto and all persons claiming thereunder.

LIVINGSTON WEST LLC, a Montana Limited Liability Company

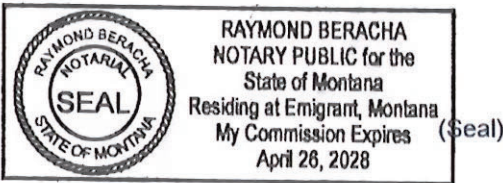
Andrew Field
 Name: Andrew Field
 Title: Managing Partner

ACKNOWLEDGMENT OF GRANTOR

State of MT)
) ss.
 County of Park)

On this 27 day of November, 2024, before me, the undersigned, a Notary Public in and for the said State, personally appeared the GRANTOR, Andrew Field, the Managing Partner of Livingston West LLC, a Montana Limited Liability Company, known to me to be the identical individual who executed the foregoing instrument, who acknowledged to me that the individual executed the same as the free and voluntary act of said GRANTOR, with full authority to do so and with full knowledge of its contents, for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this day and year above written.



Raymond Beracha
 Notary Signature Line
Raymond Beracha
 Notary Printed Name
 Notary Public for the State of MT
 Residing at: Park
 My Commission Expires: 4 / 26 / 2028

CITY OF LIVINGSTON

By: City Manager

ATTEST:

By: City Clerk

State of Montana)
) ss.
County of Park)

The foregoing instrument was acknowledged before me this ____ day of _____, 20__ by _____ and _____, known to me to be the City Manager and City Clerk for the City of Livingston and the persons whose names are subscribed to this instrument, and acknowledged to me that they executed the same for and on behalf of the City of Livingston.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this day and year above written.

(Seal)

Notary Signature Line

Notary Printed Name

Notary Public for the State of _____

Residing at: _____

My Commission Expires: ____ / ____ / 20__

EXHIBIT A

TEMPORARY STORMWATER POND EASEMENT #2

WITHIN

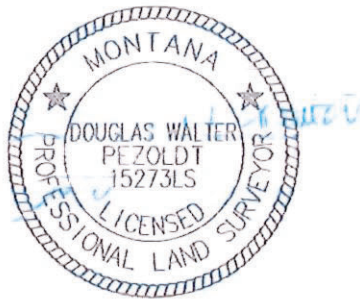
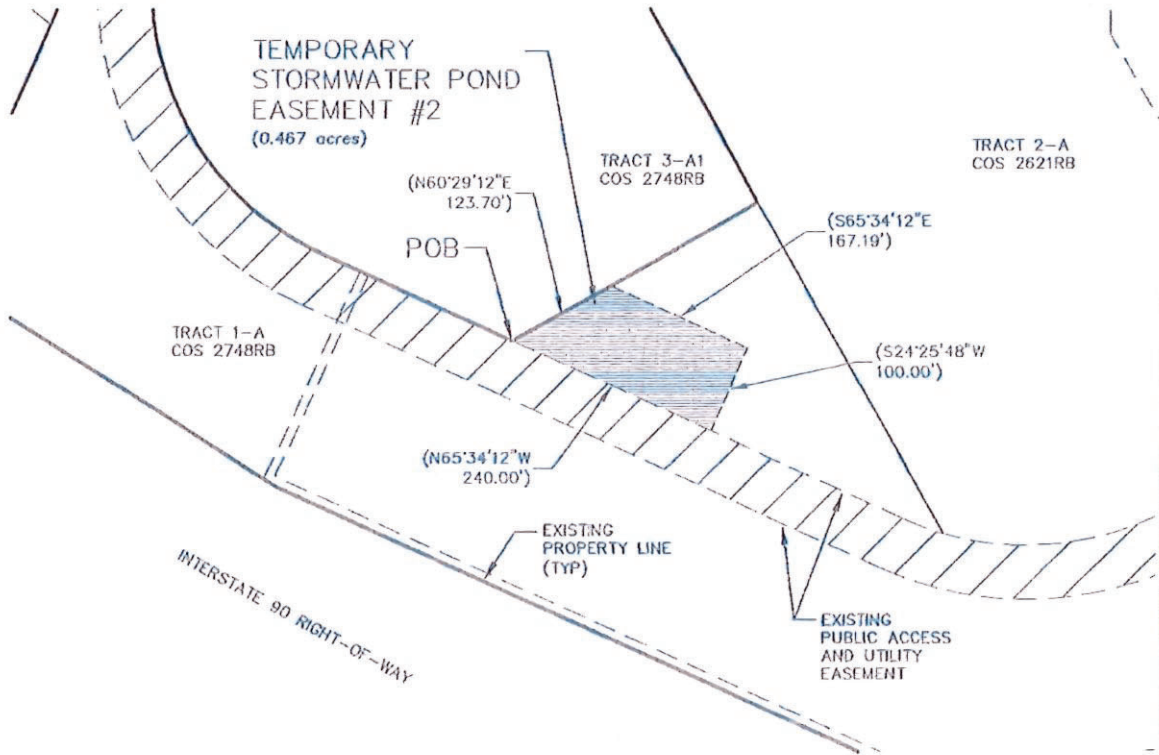
TRACT 1-A, C.O.S. 2748RB, LOCATED IN S22, T2S, R9E, P.M.M.

PREPARED FOR : LIVINGSTON WEST LLC

AUGUST, 2022

PREPARED BY : SANDERSON STEWART

BOZEMAN, MONTANA



R/W LEGEND	
	EXISTING ROAD/UTILITY R/W
	TEMPORARY STORMWATER POND EASEMENT

Return to:
City Clerk
City of Livingston
220 E. Park St.
Livingston, MT 59047

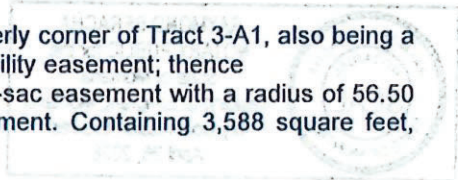
TEMPORARY CUL-DE-SAC EASEMENT

The GRANTOR, **Livingston West LLC**, a Montana Limited Liability Company, whose address is Box 500, Emigrant, MT 59027, for and in consideration of One and No/100 - Dollars, and other valuable consideration, in hand paid, conveys and grants to the GRANTEE, the **City of Livingston**, a municipal corporation and political subdivision of the State of Montana, of the address of 220 E. Park St., Livingston, Montana 59047, a temporary cul-de-sac easement in, over, under, along, through, and across the following described real property located in Park County, Montana:

A tract of land described as that portion of the NW1/4 of Section 22, Township 2 South, Range 9 East, of the Principal Montana Meridian, in Park County, Montana, described as Tract 1-A, of Certificate of Survey No. 2748RB, on file in the office of the Clerk and Recorder of said County, under Document #426634.

Said temporary cul-de-sac easement is depicted on **Exhibit A** attached hereto and more particularly described as:

Commencing on a southerly line of Tract 1-A and the southerly corner of Tract 3-A1, also being a point on the northerly line of an existing public access and utility easement; thence S 37° 53' 50" E, 64.60 feet to the radius point of the cul-de-sac easement with a radius of 56.50 feet, excepting the existing public access and utility easement. Containing 3,588 square feet, more or less, as shown on **Exhibit A**.



This temporary easement to GRANTEE is for the purpose of constructing, reconstructing, maintaining, operating, servicing, repairing, and replacing a temporary cul-de-sac in, over, under, along, through, and across the said real property; Together with the right of the GRANTEE to enter at all times upon the GRANTOR'S property by using existing roads or trails or otherwise by a route causing the least damage and inconvenience to the GRANTORS in order to gain ingress and egress to said easement.

The GRANTEE agrees to defend, indemnify and hold harmless the GRANTOR from all claims, demands, damages and causes of action, including reasonable attorney's fees, arising out of the GRANTEE'S use of said easement granted herein. The terms of this easement shall be governed by Montana law.

Conditions:

1. This easement is to be released with future development of the subject property, prepared under a separate document.
2. The Restrictions, Covenants, and Hold Harmless Agreements herein contained shall attach to and run with the land and shall bind the parties hereto and all persons claiming thereunder.

LIVINGSTON WEST LLC, a Montana Limited Liability Company

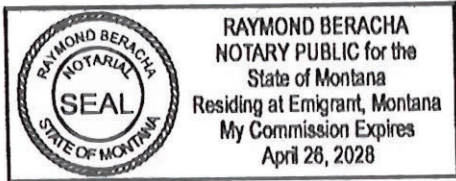
Andrew Field
Name: Andrew Field
Title: Managing Partner

ACKNOWLEDGMENT OF GRANTOR

State of MT)
County of Park) ss.

On this 27 day of November, 2024, before me, the undersigned, a Notary Public in and for the said State, personally appeared the GRANTOR, Andrew Field, the Managing Partner of Livingston West LLC, a Montana Limited Liability Company, known to me to be the identical individual who executed the foregoing instrument, who acknowledged to me that the individual executed the same as the free and voluntary act of said GRANTOR, with full authority to do so and with full knowledge of its contents, for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this day and year above written.



(Seal)

Raymond Beracha
Notary Signature Line

Raymond Beracha
Notary Printed Name

Notary Public for the State of MT

Residing at: Park

My Commission Expires: 4 / 26 / 2028

EXHIBIT A

TEMPORARY CUL-DE-SAC EASEMENT

WITHIN

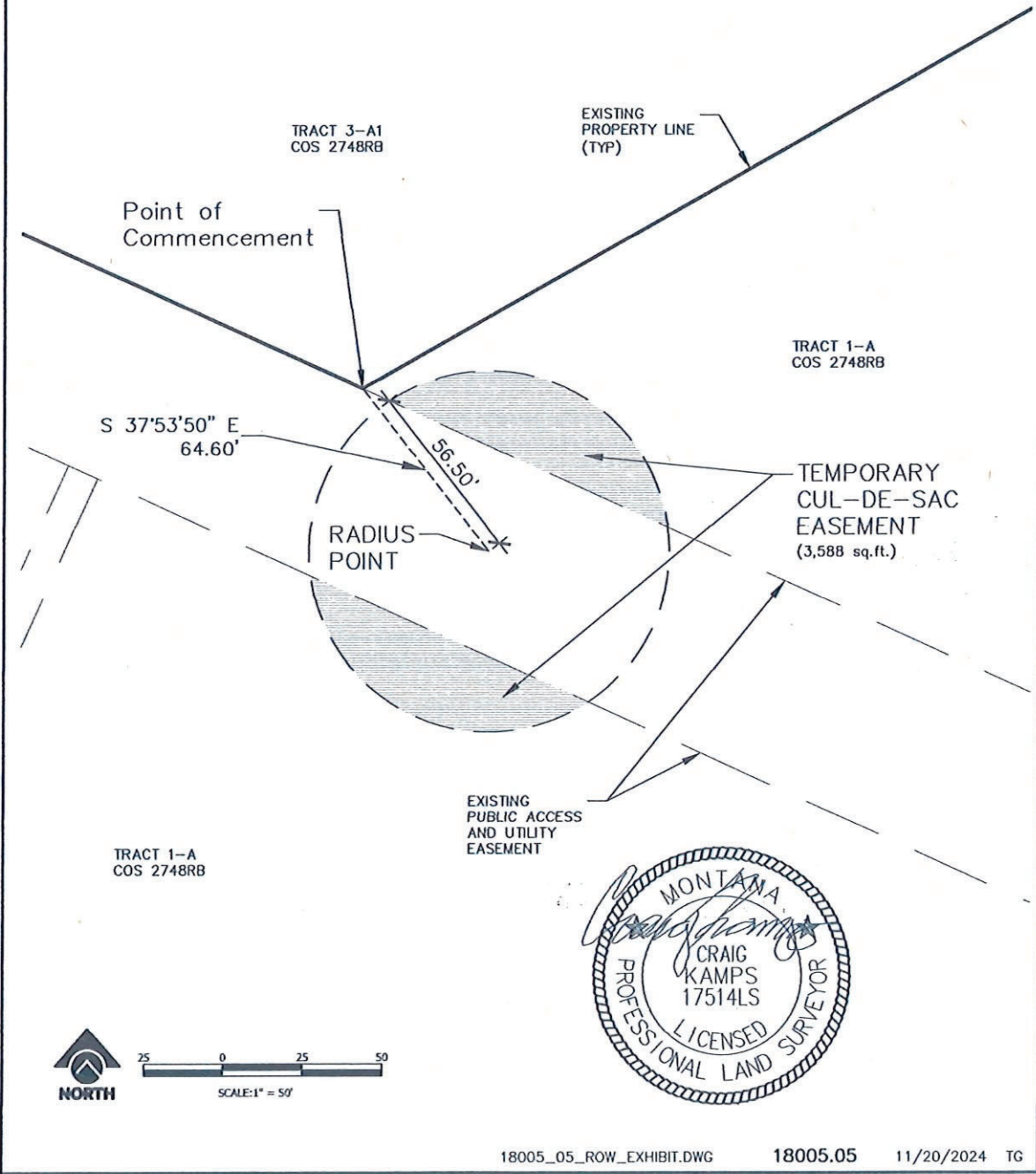
TRACT 1-A, C.O.S. 2748RB, LOCATED IN S22, T2S, R9E, P.M.M.

PREPARED FOR : LIVINGSTON WEST LLC

NOVEMBER, 2024

PREPARED BY : **sanbell**

BOZEMAN, MONTANA



CITY OF LIVINGSTON

By: City Manager

ATTEST:

By: City Clerk

State of Montana)
) ss.
County of Park)

The foregoing instrument was acknowledged before me this _____ day of _____, 20__ by _____ and _____, known to me to be the City Manager and City Clerk for the City of Livingston and the persons whose names are subscribed to this instrument, and acknowledged to me that they executed the same for and on behalf of the City of Livingston.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this day and year above written.

(Seal)

Notary Signature Line

Notary Printed Name

Notary Public for the State of _____

Residing at: _____

My Commission Expires: _____ / _____ / 20_____

City Manager
Grant Gager

220 E Park Street
(406) 823-6000 phone

citymanager@livingstonmontana.org
www.livingstonmontana.org



Chair
Karrie Kahle

Vice Chair
Melissa Nootz

Commissioners
Quentin Schwarz
Torrey Lyons
James Willich

August 9, 2024

Livingston West, LLC
c/o Andrew Field
PO Box 500
Emigrant, MT 59027

Dear Mr. Field,

Pursuant to requirements in both the City of Livingston Subdivision Regulations as well as MCA, this letter is to serve as the written determination of reasons for the Livingston City Commission's vote to conditionally approve your request for a Preliminary Plat of the Mountain View Major Subdivision. This letter amends my letter dated August 7, 2024, and supersedes the August 7, 2024, letter.

At its meeting on August 6, 2024, the City Commission held a public hearing to discuss the subdivision proposal. The regulations and statutes the Commission used to reach its decision to conditionally approve the subdivision are cited in Montana Code Annotated 76-3-608- Criteria for local government review, and, in the Consideration Standards cited in City of Livingston Subdivision Regulations Chapter 28 Sections III-B-6(b), (c) and (d).

This conditional approval by the City Commission is based on the Peremptory Writ of Mandamus issued by Hon. Judge Brenda Gilbert in **Livingston West, LLC v. City of Livingston**, Montana Sixth Judicial Court, Park County Cause No. DV-34-2023-145, on July 25, 2024, ordering the City of Livingston to “issue its written approval of Livingston West, LLC’s 2023 Application for Preliminary Plat with the 19 conditions set forth in the staff report.” See, Court’s Decision and Order, page 18, lines 13-14.

The City is required to set forth findings and conclusions under Section 76-3-620(1)€, MCA. Attached hereto and incorporated herein by reference is the City Staff Report which sets forth the facts and conclusions which the City relied upon in establishing the following 19 conditions.

Below are listed the nineteen (19) conditions of approval for the Preliminary Plat of the Mountain View Subdivision with the specific, documentable, and clearly defined purpose of objective related to the primary criteria set forth in MCA Section 76-3-608(3) for each condition:

1. The subdivider must sign a waiver of protest of SID for all lots in this subdivision. This waiver will apply to a future project to create pedestrian/bicycle connectivity from this subdivision to the City’s existing trail system.

2. The subdivider must sign a waiver of protest for a SID for future water and sewer infrastructure improvements to expand capacity as necessitated by future development in the subdivision.
3. All infrastructure must comply with the City of Livingston Public Works Design Standards and Specifications.
4. Street lights will be required within this development. Type and spacing will be per existing City specifications.
5. All outdoor lighting in this development must be night-sky friendly and must be approved by the City prior to installation.
6. The developer Declaration of Covenants submitted with the Final Plat must include the following requirements:
 - a. All trash must be stored in bear-proof containers or else be stored inside until the day it's scheduled for pick up.
The purpose of this condition is to prevent potentially dangerous human-bear interactions.
 - b. All fencing within the subdivision must be designed to be "wildlife friendly" as per recommendations by MT FWP.
The purpose of this conditions is to ensure wildlife can continue to safely move around and through areas new development in the subdivision.
 - c. Dogs must be leashed at all times in the areas identified as Open Space on the plat.
The purpose of this condition is to ensure compliance with Section 4-41.B of the Municipal Code.
 - d. Minimum lot densities for residential and commercial development must not be more restrictive than City zoning regulations.
The purpose of this condition is to ensure land uses in the new development are consistent with development elsewhere in the City and that restrictions are not more onerous than what City regulations allow.
 - e. The developer is responsible for sidewalk construction costs.
7. The developer will allot an area within the subdivision, outside MDT right-of-way, for future Gateway Signage installation such as a "Welcome to Livingston" sign.
8. Storm water design will meet all applicable DEQ standards. The Property Owners Association (POA) must maintain ownership and maintenance responsibilities for stormwater facilities once constructed.
9. The applicant is required to deed restrict the subdivision open space/ parklands for public use and the POA must assume ownership and maintenance responsibilities.

City Manager
Grant Gager

220 E Park Street
(406) 823-6000 phone

citymanager@livingstonmontana.org
www.livingstonmontana.org



Chair
Karrie Kahle

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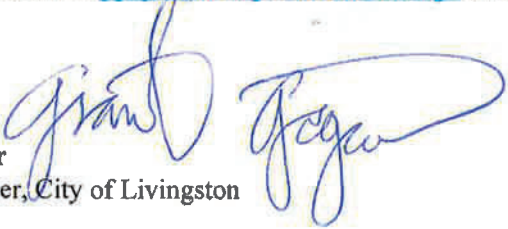
10. Erosion Control must be installed in accordance with the MT Stormwater Pollution Prevention Plan (SWPPP).
11. Development must comply with Park County Weed Control District requirements.
12. The subdivider will be responsible for all required street signing to include traffic control signs as well as street name signs. All signs will be built and installed according to City specifications. Painting of curbs at fire hydrants will also be required.
13. The applicant is required to improve PFL Way from the fire hydrant at the end of the existing pavement past Antelope Drive, and must bear the cost of constructing these improvements.
14. The applicant must install dead end barricades at the cul de sacs for each phase of development to prevent the public from accessing the all-weather road.
15. An all-weather access road between Antelope Drive and PFL Way must be constructed as part of Phase 1 improvements to provide maintenance and emergency access until future phases and streets are constructed to complete the internal road network.
16. Building permits are required for structures built during future development, ensuring all buildings conform to the International Building Code.
17. A Montana licensed engineer, or his supervised representative, will be required to be on site during utility construction.
18. If a utility reimbursement plan is requested by the developer, it must be submitted to, and approved by, the City prior to beginning construction.
19. Any improvement agreement(s) for deferred infrastructure construction need to be reviewed and approved by the City prior to the beginning of construction.

As allowed under the City's Subdivision Regulations Chapter 28 Section III-B-6(f)(i), this conditional approval shall remain in effect for two (2) calendar years from the date of this notice.

Pursuant to Section 76-3-625, MCA, Livingston West, LLC, has a right to appeal the City Commission's decision.

Please feel free to reach out to me with any questions, concerns or clarifying questions you may have. I can be reached via email at ggager@livingstonmontana.org or at my office number (406) 823-6000.

Sincerely,



Grant Gager
City Manager, City of Livingston

City Manager
Grant Gager

220 E Park Street
(406) 823-6000 phone

citymanager@livingstonmontana.org
www.livingstonmontana.org

City of Livingston



Incorporated 1889

Chairperson
Melissa Nootz

Vice Chair
Karrie Kahle

Commissioners
Mel Friedman
Quentin Schwarz
Torrey Lyons

Date: September 19, 2023
To: Chair Nootz and City Commissioners
From: Jennifer Severson, Planning Director

Staff Report for Mountain View Major Subdivision

Proposal Summary

Livingston West, LLC, owner of the property described as Parcel 1A of Certificate of Survey No. 2748RB (see Development Plan in Figure 1 below), located on the west end of Livingston near the Highway 10 West on-ramp at Interstate 90, is proposing to divide the subject property into 24 lots. The property surrounds the Printing for Less and FedEx facilities.

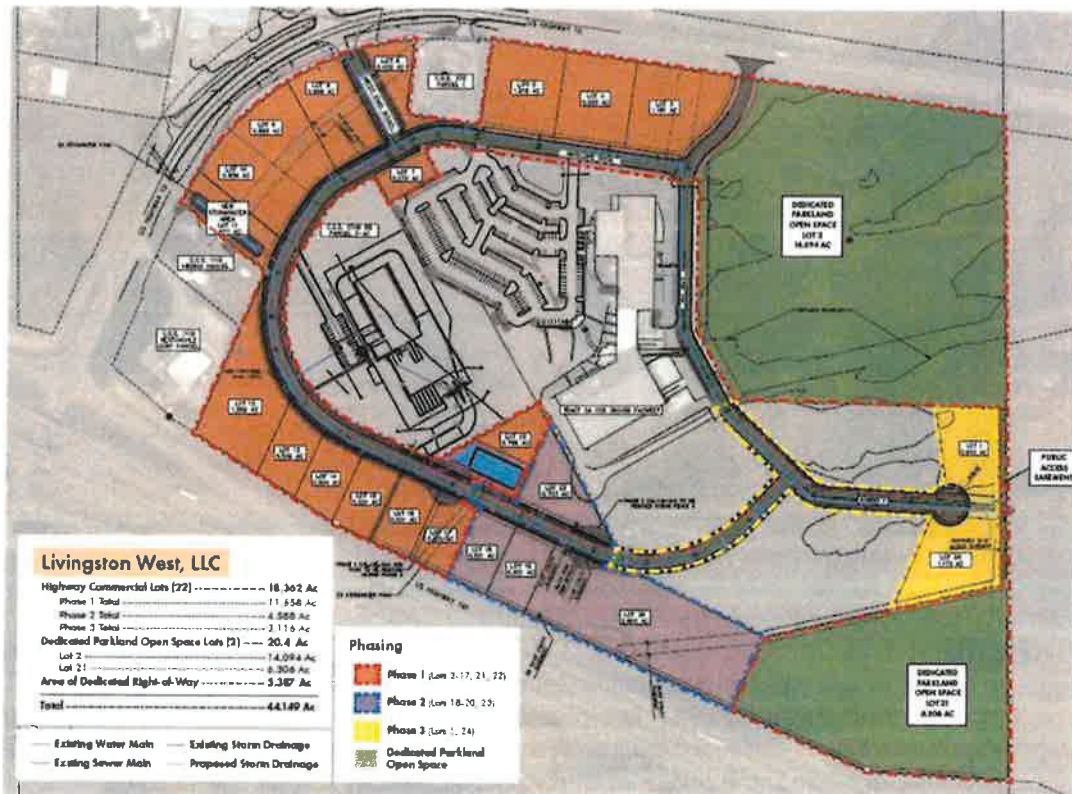


Figure 1. Development Plan

Background

The subject property was annexed by the City of Livingston in 2004 and is zoned Highway Commercial. As defined in the Livingston Municipal Code Art II, Sec 30.30, the Highway Commercial zoning district is intended to provide areas for residential structures, commercial and service enterprises which serve the needs of the tourist, traveler, recreationalist or the general traveling public. Areas designated as Highway Commercial should be located in the vicinity of freeway interchanges, intersections on limited access highways, or adjacent to primary and secondary highways. The subject property is also located in an area designated as Community Commercial on the Future Land Use Map included in the 2021 Growth Policy (see Figure 2 below). Community Commercial land use designation accommodates medium to large scale wholesale, retail, lodging, offices, and service establishments typically located along major corridors that can function independent of adjoining development and/or require individual access to public rights-of-way.

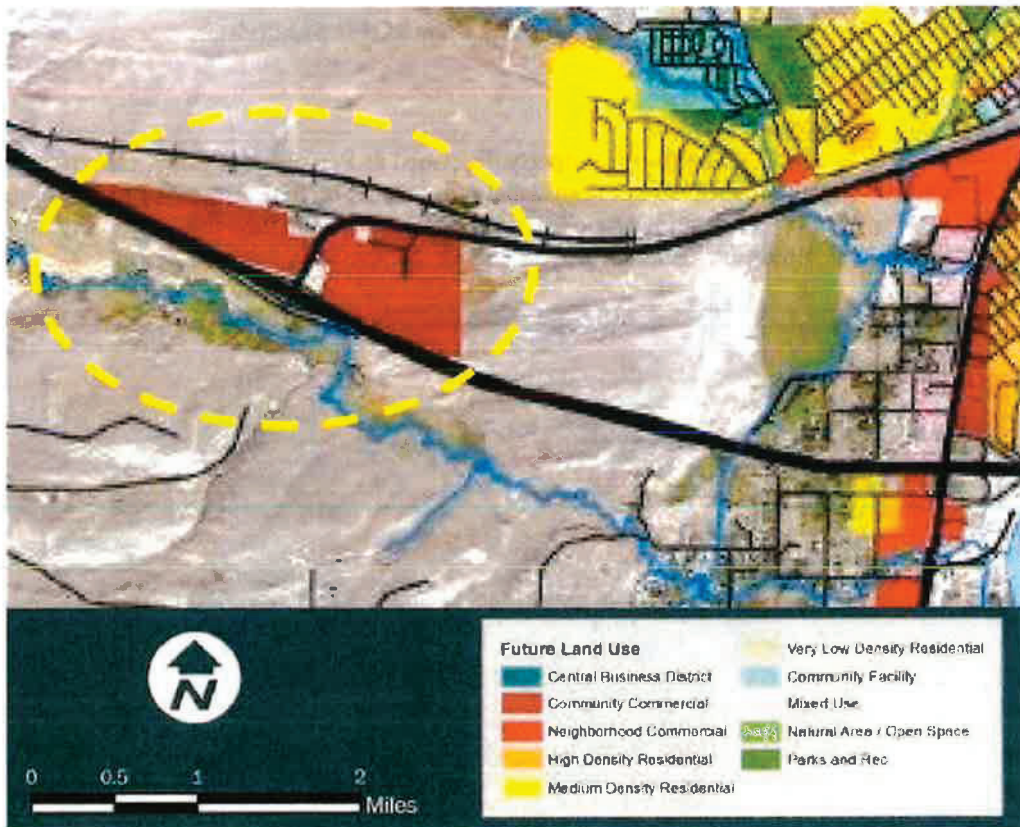


Figure 2. Future Land Use Map

Referral Agency Responses

Livingston Public Works- comments were provided about the following: additional costs to the City associated with the proposed subdivision; street improvements and temporary safety measures between phase development; erosion control; water and sewer connection requirements for each subdivided lot; ownership and maintenance responsibilities for new public facilities; and staff review of stormwater and street plans for phases 2 and 3. Recommendations were made for: a new sewer main near Kenyon Noble as recommended

in the Wastewater Preliminary Engineering Report; POA covenant revisions; a water and sewer easement across Lot 12 for future services to an adjacent parcel.

Livingston Fire and Rescue- no concerns; approve of the new line extensions for many of the hydrants shown on the plans.

Northwestern Energy- comments confirmed their ability to provide electric and natural gas services to the proposed subdivision and requested the applicant initiate contact to plan utility design and locates before finalizing lot development.

Montana State Historic Preservation Office (SHPO)- comments confirmed the absence of previously recorded cultural resource sites within the designated area and, provided there is no disturbance to structures over 50 years of age, there is a low likelihood cultural resources will be impacted by the proposed subdivision and a cultural resource inventory is unwarranted at this time.

MT Fish, Wildlife and Parks- comments confirmed that the area proposed for subdivision is used by some big game and non-game species. This agency recommended several revisions to the developer covenants to mitigate potential adverse impacts to wildlife from future development in the subdivision.

US Postal Service- comments recommending a Cluster Box Unit Mailbox (CBU) for the proposed development that is ADA compliant and bolted to the cement, preferably located on a sidewalk.

Windrider Transit- comments confirmed the proposed subdivision is not currently serviced by this agency and there are no plans to do so in the future without additional funding from the developer.

No Concerns- Livingston Building and Police Departments

No Responses to Developer Inquiry Received-; MT Department of Transportation; Park Electric Cooperative; and Lumen.

Public Comments- Friends of Park County; Jean Sandberg; Thomas McNamee- none of these commenters support the proposed subdivision. Freshwater Partners supports plans to keep the site wetlands intact and functioning, and stated concerns about routing utilities through the wetlands, the scope of the wetland study in the application, and future legal liability once the City maintains ownership of the wetlands.

FINDINGS OF FACT

The Montana Code Annotated (MCA) Section 76-3-608 requires the decision by a governing body to approve, conditionally approve or deny a proposed subdivision to be based on the specific, documentable, and clearly defined impact on the following primary criteria.

(Staff Responses in *italics*)

A. Effect 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?
No. Staff has not identified existing agricultural or timberland resources on this site.
- 2) Would the subdivision remove from production agricultural lands that are critical to the area's agricultural operations?
No. Staff has not identified any current or previous agricultural production on the subject property.
- 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)?
Staff has not identified or been notified of any intensive agricultural activities in the immediate area.

B. Effect 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.)?
No. Staff has not identified any agricultural water user facilities on the subject property and no conflict is anticipated.

C. Effect 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?
The following additional or expanded public services and utilities would be necessary to serve the proposed subdivision: water, sanitary sewer, garbage collection, streets and sidewalks, street lights, stormwater facilities, police, fire, and emergency medical services (EMS).
 - 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)?
The cost of fire and police services will increase proportionally to population growth in the City; however, the amount attributed to this development is integrated into the City's current Impact Fee Schedule, which was updated in 2021. New and expanded public infrastructure associated with the proposed subdivision will be constructed and paid for by private parties. Ownership and maintenance of public infrastructure dedicated to the City will be the responsibility of the City. As stated in the Public Works referral dated

July 19, 2023 (attached), the developer covenants must be updated to indicate developer responsibility for sidewalk construction costs.

Until the proposed subdivision lots are developed, it is unknown whether the proposed subdivision will have residential development. Similarly, it is unknown whether future housing would include residents with school age children requiring busing for school.

b) Who would bear these costs?

Taxes on new construction will be paid into the City's General Fund and Impact Fees will be charged at the time building permit(s) are issued for new development on the subdivided lots. The applicant is required to improve PFL Way from the fire hydrant at the end of the existing pavement past Antelope Drive, and must bear the cost of constructing these improvements. Once construction is complete, the City will assume responsibility for maintenance of water and sewer infrastructure, streets, streetlights, and sidewalks.

As noted in the Public Works referral, the City will absorb additional costs associated with the Starlo Booster Station for pumping water and providing fire flows to new development in the proposed subdivision.

The applicant has proposed to dedicate stormwater facilities and open space associated with the new subdivision; however, the Public Works Director has requested- and staff recommends- that the Property Owners Association (POA) maintain ownership and maintenance responsibilities for stormwater facilities. The Public Works Director and staff also recommend the applicant be required to deed restrict the subdivision open space/ parklands for public use but have the POA assume ownership and maintenance responsibilities.

Garbage Service will be paid by user fees incurred by the individual lot owners when contracting for service.

c) Can the service providers meet the additional costs given legal and other constraints?

Yes. The City's impact fees are designed to off-set the increase in capital expenditures for public services and will be paid as each subdivided lot is developed. Increased tax revenue generated by new development on the lots will also be directed into the City's General Fund.

2) Would the subdivision allow existing services, through expanded use, to operate more efficiently or make the installation or improvement of services feasible?

The adjacent FedEx facility recently extended water and sewer mains to the edge of Hwy 10 that could accommodate future service to additional annexed property across the Highway as well as the proposed subdivision lots as they are developed.

As stated in the Public Works referral letter, the sewer main near Kenyon Noble is a high-risk area with clay tile and capacity issues for future flows. A 15-inch main replacement is recommended in the Wastewater Collection Preliminary Engineering Report (PER).

3) What are the present tax revenues received from the unsubdivided land by the County, City and Schools?

The 2022 tax bills for the subject property totaled \$17,614.

- 4) What would be the approximate revenues received by each above taxing authority when the subdivision is improved and built upon?
It is impossible to estimate future tax revenue on developed lots without knowing the types and scale of that development. However, the applicant has estimated that annual tax revenues to the City of Livingston could be as much as \$200,000 at full build out of the subdivision. This estimate was calculated using the State of Montana tax rate of 1.35% and the City of Livingston mill rate of 0.58606 as applied to the acreage and estimated taxable value of potential development for each lot. Furthermore, based on that estimate of the City's potential tax revenue, the additional potential tax revenues for the County and School District could be upwards of \$300,000.
- 5) Would new taxes generated from the subdivision cover additional public costs?
Because the subject property is zoned Highway Commercial, with the potential for both higher density residential development as well as commercial uses, staff anticipates it is likely that the property tax revenue generated by new development will cover additional public costs. Impact fees will apply to new development in the subdivision and the developed lots must also pay into the City's street and light maintenance districts.
- 6) Would any special improvement districts be created which would obligate the City fiscally or administratively?
No. Staff does not anticipate the creation of a special improvement district for the area within the subdivision. However, staff is recommending a waiver of protest requirement for an SID for the subdivided lots. This waiver will apply to a future project to create pedestrian/bicycle connectivity from this subdivision to the City's existing trail system to the east.

D. Effect on the 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 within the subdivision or on adjacent lands?
- a) Would any stream banks be altered, streams rechanneled or any surface water contaminated from run-off carrying sedimentation or other pollutants?
No streams exist within the area proposed for subdivision. Erosion Control installed in accordance with the MT Stormwater Pollution Prevention Plan (SWPPP) will help prevent sediment migration during runoff.
- b) Would groundwater supplies likely be contaminated or depleted as a result of the subdivision?
Future development on the proposed subdivision lots will be supplied by City water mains and is not anticipated to affect groundwater quantity. A Geotechnical Report was prepared by Terracon in May 2021 on the adjacent FedEx property (see pages 83-153 in the application materials PDF) that confirmed groundwater depth is between 6 and 15 feet below pre-development site grades. Although the report does not include the area proposed for subdivision, it is likely similar conditions may exist as on the adjacent FedEx site. The report recommends that individual contractors should be made aware of the possibility of encountering groundwater during construction.

- c) Would construction of streets or building sites result in excessive cuts and fills on steep slopes or cause erosion on unstable soils?
No. The Stormwater Management Plan was designed to comply with the City's Public Works and MT DEQ standards. As stated above, erosion control must be installed as required per the MT Stormwater Pollution Prevention Plan (SWPPP).
- d) Would significant vegetation be removed causing soil erosion or bank instability?
No. As noted above, Erosion Control is required per the SWPPP and proper construction techniques, per the City's Public Works Design Standards, are expected to mitigate potential erosion and soil migration caused by runoff.
- e) Would significant historical or archaeological features be damaged or destroyed by the subdivision?
Based on the attached letter from the Montana State Historic Preservation Office dated June 8, 2023, although there have been a few previously conducted cultural resource inventories in the area, there have been no previously recorded cultural resource sites in the area. Therefore, staff does not anticipate any significant historical or archaeological features will be impacted by the proposed 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?
None of the listed hazards have been identified within the area proposed for subdivision and staff does not anticipate the proposed subdivision will be subject to these hazards. Building permits are required for structures built during future development, ensuring all buildings conform to the International Building Code.

E. Effect on Wildlife and Wildlife 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?
The proposed subdivision contains wetland areas, as shown on the preliminary plat, that will be protected during and after construction of the subdivision. A Wetland Delineation Study was conducted in September 2019 by Sundog Ecological, Inc. (Appendix E in the application materials) for the eastern half of the proposed subdivision that delineates the wetland and surface water areas that exist on the eastern half of the subject property. Effects on the quality and quantity of wetland and surface water will be mitigated by designing around these areas to the greatest extent possible and as required by local, State, and Federal regulations and adherence to the SWPPP.

The proposed subdivision has not been previously formally identified as big game wintering range or migration routes. The applicant has solicited comments from Montana Fish Wildlife and Parks, but none have been received at this time; however, the Wetland Delineation Study confirmed that no critical habitats for federally listed Threatened and Endangered Species exist in the area delineated as wetlands on the subject property.

The application states the Mountain View Subdivision will comply with Park County Weed Control District requirements. Following preliminary plat approval, a weed management plan application and 3-year monitoring contract will be submitted to the district and a

noxious weed management plan will be developed with the Park County Weed Control Board to prevent invasive weeds from adversely affecting native vegetation.

2) How would pets or human activity affect wildlife?

Although the potential for human/ wildlife interaction may exist if future development includes residential uses, staff anticipates potential conflicts would likely be minimal and limited to the open space areas. The applicant has included a suggestion for pets to be leashed while in these areas.

F. Effect 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?

No new access points to Highway 10 are proposed and nearby active rail lines are located more than 300 feet away and across the highway from the proposed subdivision.

2) What existing uses may be subject to complaints from residents of the subdivision?

There are no existing uses on the subject property as it is currently vacant.

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

An all-weather access road between Antelope Drive and PFL Way must be constructed as part of Phase 1 improvements to provide maintenance and emergency access until future phases and streets are constructed to complete the internal road network. The Public Works director has requested the applicant provide dead end barricades at the cul de sacs for each phase of development to prevent the public from accessing the all-weather road.

A Traffic Study was prepared by Sanderson Stewart in May 2023 (Application Materials Appendix D) to determine impacts of the proposed subdivision on the surrounding transportation network. Because the exact nature of future development on subdivided lots is unknown, the study looked at various types of uses that may be expected to determine trip generation estimates. The study notes that at full buildout, the subdivision is projected to generate a total of 9,991 gross average weekday trips with 866 trips generated during the AM peak hour and 754 trips generated during the PM peak hour. Based on the analysis in the traffic study, it is anticipated the high volume of trips added to the network by the proposed Mountain View Subdivision are projected to trigger the warrants for turn lanes into the site access intersections from Highway 10; however, the final decision to install any turn lanes shall be made by MDT after evaluation of impacts to other aspects of the intersections or adjacent intersections.

Planning Board Public Hearings

The Planning Board held a public hearing on August 16, 2023. No Board members expressed concerns about potential subdivision impacts on Agriculture or Agricultural Water User Facilities.

A motion was made to conditionally approve the subdivision but the motion did not pass and the public hearing was continued at a special August 30, 2023, meeting of the Planning Board.

During the August 30 meeting two Board members who were not present at the August 19 meeting were in attendance.

Board members expressed concerns during both meetings about how the proposed subdivision would affect the following:

Effect on Local Services- the proposed development would likely increase traffic along Highway 10, traffic coming off Interstate 90 at Exit 330 to the west, and traffic at the intersection of Park Street and Highway 10 to the east. Impact Fees to fund a future water main/ loop to tie into the subdivision would likely be inadequate to fully fund this infrastructure and the City would ultimately be responsible for meeting the funding shortfall. Concerns were also discussed about the additional reliance on emergency services. A condition was recommended for a waiver of protest for a SID for future water and sewer capacity improvements necessitated by future development within the subdivision.

Effect on the Natural Environment- runoff from the proposed development would adversely impact existing wetlands located at the northeast corner of the subdivision and 'Egeland Creek' [NOTE: there is no surface water feature named Egeland Creek in the City's GIS database; staff believes the area discussed as Egeland Creek may be the area designated in the State's mapping database as PEMC (Seasonally Flooded Wetlands), which extend east from the wetlands in the northeast corner of the site.]

Effect on Wildlife and Wildlife Habitat- the potential for fencing in subdivision to harm wildlife was discussed as well as concerns that improperly stored solid waste could attract bears. Conditions were recommended to mitigate potential conflicts between future subdivision development and wildlife, including leashed dogs in open space, animal-proof trash storage, and "wildlife friendly" fencing.

Effect on Public Health and Safety- traffic concerns above were reiterated, especially during potential emergency evacuation of City residents, such as during a train derailment, or when I-90 between Exit 330 and 333 is closed during high winds. Proximity to wildland-urban interface and I-90 may exacerbate wildfire potential. Traffic congestion and potential accidents caused by high speed limit on Highway 10. Suggestion made to request MDT conduct a speed study along Hwy 10 to mitigate concerns.

Additional discussion points not related to specific Findings of Fact included how sprawl and infill are defined; the proposed subdivision is on land previously annexed by the City which suggests development was anticipated; how the application addressed the Growth Policy; and that there is a need for the types of potential development allowed in the Highway Commercial zoning district as suggested in the application.

A motion was made and seconded to approve the Mountain View Subdivision with the conditions as proposed by staff and the additional following conditions: waiver of protest of a SID for future water and sewer capacity improvements; bear-proof trash storage; wildlife friendly fencing; dedication of land within the subdivision for City gateway signage; and leashing of dogs in public open space. The motion passed by a vote of 5-4.

Recommendation

As stated in MCA Section 76-3-608.1, 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. The governing body shall issue written findings of fact that weigh the criteria A-F discussed above.

Based upon the Findings of Fact as evaluated above, the Planning Board recommends the City Commission **conditionally approve** the Mountain View Subdivision with the following conditions:

1. The subdivider must sign a waiver of protest of SID for all lots in this subdivision. This waiver will apply to a future project to create pedestrian/bicycle connectivity from this subdivision to the City's existing trail system.
2. The subdivider must sign a waiver of protest for a SID for future water and sewer infrastructure improvements to expand capacity as necessitated by future development in the subdivision.
3. All infrastructure must comply with the City of Livingston Public Works Design Standards and Specifications.
4. Street lights will be required within this development. Type and spacing will be per existing City specifications.
5. All outdoor lighting in this development must be night-sky friendly and must be approved by the City prior to installation.
6. The developer Declaration of Covenants submitted with the Final Plat must include the following requirements:
 - a. All trash must be stored in bear-proof containers or else be stored inside until the day it's scheduled for pick up.
 - b. All fencing within the subdivision must be designed to be "wildlife friendly" as per recommendations by MT FWP.
 - c. Dogs must be leashed at all times in the areas identified as Open Space on the plat.
 - d. Minimum lot densities for residential and commercial development must not be more restrictive than City zoning regulations.
 - e. The developer is responsible for sidewalk construction costs.
7. The developer will allot an area within the subdivision, outside MDT right-of-way, for future Gateway Signage installation such as a "Welcome to Livingston" sign.
8. Storm water design will meet all applicable DEQ standards. The Property Owners Association (POA) must maintain ownership and maintenance responsibilities for stormwater facilities once constructed.
9. The applicant is required to deed restrict the subdivision open space/ parklands for public use and the POA must assume ownership and maintenance responsibilities.

10. Erosion Control must be installed in accordance with the MT Stormwater Pollution Prevention Plan (SWPPP).
11. Development must comply with Park County Weed Control District requirements.
12. The subdivider will be responsible for all required street signing to include traffic control signs as well as street name signs. All signs will be built and installed according to City specifications. Painting of curbs at fire hydrants will also be required.
13. The applicant is required to improve PFL Way from the fire hydrant at the end of the existing pavement past Antelope Drive, and must bear the cost of constructing these improvements.
14. The applicant must install provide dead end barricades at the cul de sacs for each phase of development to prevent the public from accessing the all-weather road.
15. An all-weather access road between Antelope Drive and PFL Way must be constructed as part of Phase 1 improvements to provide maintenance and emergency access until future phases and streets are constructed to complete the internal road network.
16. Building permits are required for structures built during future development, ensuring all buildings conform to the International Building Code.
17. A Montana licensed engineer, or his supervised representative, will be required to be on site during utility construction.
18. If a utility reimbursement plan is requested by the developer, it must be submitted to, and approved by, the City prior to beginning construction.
19. Any improvement agreement(s) for deferred infrastructure construction need to be reviewed and approved by the City prior to the beginning of construction.

PRELIMINARY PLAT OF
MOUNTAIN VIEW SUBDIVISION, PHASES 1, 2, & 3

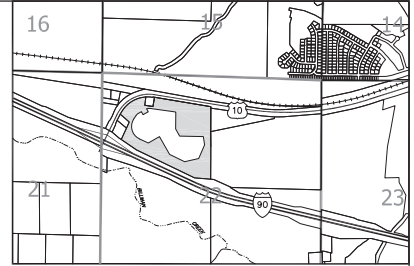
BEING TRACT 1-A OF COS 2748RB,
SITUATED IN THE NW1/4 OF SECTION 22, T. 2 S., R. 9 E., P.M.M.,
CITY OF LIVINGSTON, PARK COUNTY, MONTANA

PREPARED FOR : LIVINGSTON WEST, LLC

JUNE 2023

PREPARED BY : SANDERSON STEWART

BOZEMAN, MONTANA



VICINITY MAP
NOT TO SCALE

CERTIFICATE OF SURVEYOR

The undersigned, a professional land surveyor licensed in the State of Montana, does hereby certify that between _____ and _____ a survey was performed under their direct supervision for MOUNTAIN VIEW SUBDIVISION, PHASES 1, 2, and 3, and described the same as shown on the accompanying plat and plotted in accordance with the provisions of the Montana Subdivision and Platting Act, Section 76-3-101 through 76-3-102, MCA, and the City of Livingston Subdivision Regulations.

DATED this ____ day of _____, 2023.

SANDERSON STEWART

By: _____
Montana Registration No. _____

CERTIFICATE OF COUNTY TREASURER

I, Kevin J. Larkin, Treasurer of Park County, Montana, do hereby certify that the accompanying Plat has been duly examined and that all real property taxes and special assessments assessed and levied on the land to be subdivided are paid.

DATED this ____ day of _____, 2023.

By: _____
Treasurer, Park County, Montana

CERTIFICATE OF GOVERNING BODY

The Chair of the City Commission of the City of Livingston, Montana, does hereby certify that the accompanying Plat has been duly reviewed, and has been found to conform to the requirements of the Subdivision and Platting Act, Section 76-3-101 et. seq. MCA and the City of Livingston Subdivision Regulations, approves it, and hereby accepts the dedication to public use.

DATED this ____ day of _____, 2023.

Chair of the City Commission
City of Livingston, Montana

CERTIFICATE OF CLERK AND RECORDER

I, Maritza H. Reddington, Clerk and Recorder of Park County, Montana, do hereby certify that the foregoing instrument was filed in my office at _____ o'clock, (a.m. or p.m.) this ____ day of _____, 2023, and recorded under Document No. _____, Records of the Clerk and Recorder, Park County, Montana.

By: _____
Clerk and Recorder, Park County, Montana

CERTIFICATE OF DEDICATION

We, the undersigned property owners, do hereby certify that they have caused to be surveyed, subdivided and plotted into lots, blocks, roads and parks, as shown on the accompanying plat hereunto annexed, the following described tract of land, to wit:

LEGAL DESCRIPTION:

Tract 1-A of Certificate of Survey No. 2748RB, as recorded in the office of the Clerk and Recorder of Park County, Montana, under Document No. 428634, situated in the NW1/4 of Section 22, T. 2 S., R. 9 E., P.M.M., in the City of Livingston, Park County, Montana.

The above described tract of Land is to be known and designated as MOUNTAIN VIEW SUBDIVISION, PHASES 1, 2, and 3, City of Livingston, Park County, Montana; and the lands included in all roads, avenues, rights-of-way, parks, and common areas shown on said plat are hereby granted and donated to the use of the public forever.

CERTIFICATE OF GRANT OF UTILITY EASEMENTS

The undersigned hereby grants unto each and every person or firm, whether public or private, providing or offering to provide telephone, electric, power, gas, cable television, water or sewer service to the public, the right to joint use of an easement for the construction, maintenance, repair and removal of their lines and other facilities, to, over, and under and across each area designated on this plat as "Utility Easement" to have and hold forever.

CERTIFICATE OF WAIVER

We, the undersigned property owners, do hereby waive the right to protest the creation of Special Improvement Districts. In doing so, we do not waive any right to comment on, protest, and/or appeal any assessment formula which may be imposed, if we believe it to be inequitable. This waiver shall be binding upon the heirs, assigns and purchasers of all lots within this Subdivision.

Dated this ____ day of _____, 2023.

LIVINGSTON WEST, LLC

By: _____

Title: _____

STATE OF MONTANA)
County of _____)

This instrument was acknowledged before me on _____, 2023, by _____ as
of LIVINGSTON WEST, LLC.

Notary Public in and for the State of Montana

DRAFT

NOTES

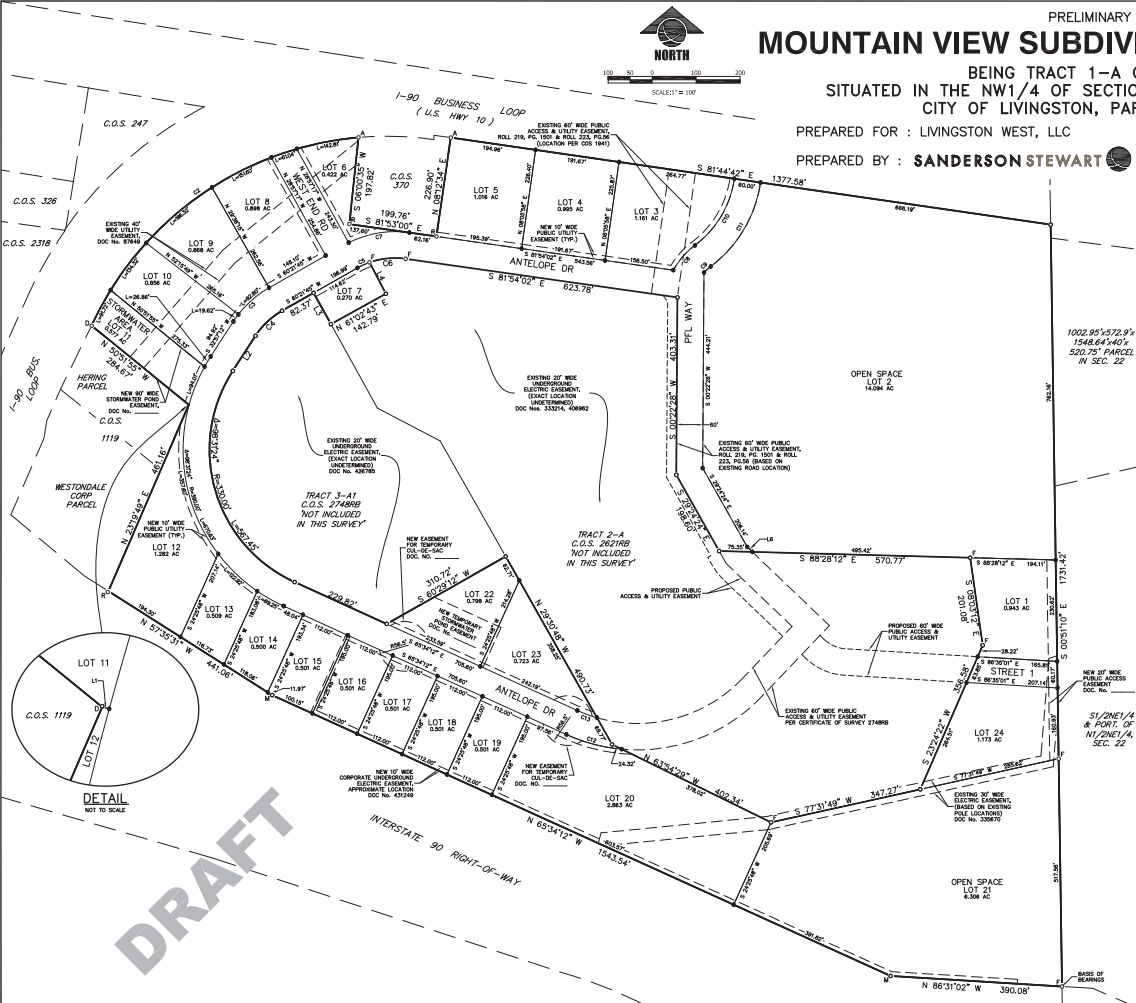
1. A ten foot (10') wide public utility easement exists on the property side of the public right-of-way, to provide for installation of gas, electric, phone, TV cable, and other utilities, as required. No trees are allowed within the utility easement.

PRELIMINARY PLAT OF
MOUNTAIN VIEW SUBDIVISION, PHASES 1, 2, & 3

BEING TRACT 1-A OF COS 2748RB,
 SITUATED IN THE NW1/4 OF SECTION 22, T. 2 S., R. 9 E., P.M.M.,
 CITY OF LIVINGSTON, PARK COUNTY, MONTANA

PREPARED FOR : LIVINGSTON WEST, LLC
 PREPARED BY : SANDERSON STEWART

JUNE 2023
 BOZEMAN, MONTANA



BASIS OF BEARINGS: THE BASIS OF BEARINGS FOR THIS SURVEY HAS BEEN DERIVED FROM GPS OBSERVATIONS AND IS BASED ON A NAD 83 LAMBERT CONFORMAL CONIC SINGLE PARALLEL LOW DISTORTION PROJECTION FOR THE CITY OF BOZEMAN, HAVING A POINT OF ORIGIN AT 49°50'00" LATITUDE AND 111°57'00" LONGITUDE WITH A SCALE FACTOR OF 1.000585.

THE GRID TO GROUND COMBINED SCALE FACTOR AT THE SOUTHEAST CORNER OF TRACT 3 OF COS. NO. 1991, BEING A REBAR WITH YELLOW CAP MARKED "ALLEN END 137495", IS 1.000002829. THE CONVERGENCE ANGLE IS 0.0002°. DISTANCES ARE INTERNATIONAL FEET. FOR THIS SURVEY, GRID DISTANCE IS ESSENTIALLY EQUAL TO GROUND DISTANCE.

- o FOUND SURVEY MONUMENT, REBAR WITH YELLOW CAP "15237"
- o FOUND SURVEY MONUMENT, REBAR WITH YELLOW CAP "14955"
- o FOUND SURVEY MONUMENT, REBAR WITH YELLOW CAP "10010"
- o FOUND SURVEY MONUMENT, REBAR WITH YELLOW CAP "13174"
- o FOUND SURVEY MONUMENT, 4"x4" CONCRETE ROW MONUMENT
- o FOUND SURVEY MONUMENT, 5/8" REBAR
- o SET 5/8" X 18" REBAR WITH YELLOW CAP MARKED WITH THE LICENSE NUMBER OF THE UNDERSIGNED LAND SURVEYOR AND "SANDERSON STEWART"

NOTE: ALL CURVES ARE TANGENT AND ALL PROPERTY LINES INTERSECTING CURVES ARE RADIAL UNLESS OTHERWISE NOTED.

DEVELOPED LOTS (211): 17.785 ACRES
 STORMWATER AREA LOTS (11): 0.577 ACRES
 OPEN SPACE LOTS (12): 201.400 ACRES
 AREA OF DEDICATED R.O.W.: 5.387 ACRES
 TOTAL AREA: 44.149 ACRES

FINAL PLAT PHASES

- PHASE 1 (LOTS 2 - 17, 21 - 22)
- PHASE 2 (LOTS 18 - 20, 23)
- PHASE 3 (LOTS 1, 24)

CURVE TABLE

Curve #	Delta	Radius	Length	Chord Bearing	Chord Distance
C1	69°25'17"	728.607	777.807	N 54°48'47" E	742.367
C2	27°42'37"	230.007	116.42	N 49°29'29" E	111.337
C3	27°42'37"	193.007	83.57	N 49°29'29" E	82.897
C4	100°28'	173.457	30.17	N 62°22'30" E	30.17
C5	27°42'37"	173.457	85.42	N 49°29'29" E	82.897
C6	27°42'37"	173.457	144.07	N 49°29'29" E	138.77
C7	27°42'37"	173.457	75.29	N 41°48'43" W	74.74
C8	97°47'	120.007	30.85	S 48°13'30" W	20.87
C9	44°48'47"	230.007	160.29	S 30°29'29" W	176.587
C10	44°48'47"	230.007	227.94	S 30°29'29" W	225.79
C11	17°14'47"	380.007	117.38	S 74°11'32" E	116.84
C12	81°54'	330.007	47.92	S 69°42'09" E	47.92

LINE TABLE

Line #	Bearing	Distance
L1	N 74°48'17" W	0.827
L2	N 20°37'17" E	84.407
L3	S 28°37'17" E	81.207
L4	N 27°37'27" W	86.407
L5	S 48°18'47" E	15.827

From: [Jennifer Severson](#)
To: [Chris Naumann](#)
Cc: [Andrew Field \(asfield@gmail.com\)](#); [Richard Smith \(resmith2011@rj-development.net\)](#); [Grant Gager](#); [Adam Ballew](#); [Josh Chabalowski](#); [Shannon Holmes](#); [Jim Woodhull](#)
Subject: RE: Mountain View Prelim Plat Conditions Questions
Date: Friday, October 4, 2024 2:21:53 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hi Chris,

Please see our responses highlighted in **yellow** below...

Let me know if you have any questions- and thanks for your patience!

Jennifer Severson – Planning Director

City of Livingston
(406) 222-4903

From: Jennifer Severson
Sent: Tuesday, October 1, 2024 1:17 PM
To: 'Chris Naumann' <cnaumann@sanbell.com>; Shannon Holmes <sholmes@livingstonmontana.org>; Jim Woodhull <jwoodhull@livingstonmontana.org>
Cc: Andrew Field (asfield@gmail.com) <asfield@gmail.com>; Richard Smith (resmith2011@rj-development.net) <resmith2011@rj-development.net>
Subject: RE: Mountain View Prelim Plat Conditions Questions

Good Afternoon Chris,

Shannon and I are out for a conference this week but we'll review and touch base with Jim and I'll get back to you Friday afternoon or early next Monday with our response.

Thank you,
Jennifer

Jennifer Severson – Planning Director

City of Livingston
(406) 222-4903

From: Chris Naumann <cnaumann@sanbell.com>
Sent: Friday, September 27, 2024 5:26 PM
To: Shannon Holmes <sholmes@livingstonmontana.org>; Jim Woodhull

<jwoodhull@livingstonmontana.org>; Jennifer Severson <jseverson@livingstonmontana.org>
Cc: Andrew Field (asfield@gmail.com) <asfield@gmail.com>; Richard Smith (resmith2011@rj-development.net) <resmith2011@rj-development.net>
Subject: Mountain View Prelim Plat Conditions Questions

Hello, Shannon, Jim, and Jennifer.

We are preparing to submit the Phase 1 Final Plat application for the Mountain View subdivision.

Please provide responses to the following questions at your earliest convenience.

Thank you.

1. Please provide a City template for a waiver of protest. If none exist, the applicant will modify one from the City of Bozeman. Chris, we are in the process of having several standard templates (such as waiver of SID) reviewed by the City Attorney. It'd probably be quicker for you to just modify one from elsewhere. You can have a single document- just phrase it as a waiver of "one or more SIDs". Please send that to me to have our City Attorney review once it's ready - no need to wait to submit when everything else is ready.

MOUNTAIN VIEW PRELIMINARY PLAT--CONDITIONS OF APPROVAL

Condition Number	Written Condition
1	The subdivider must sign a waiver of protest of SID for all lots in this subdivision. This waiver will apply to a future project to create pedestrian/bicycle connectivity from this subdivision to the City's existing trail system.
2	The subdivider must sign a waiver of protest for a SID for future water and sewer infrastructure improvements to expand capacity as necessitated by future development in the subdivision.

2. We believe the best location for the Welcome to Livingston gateway sign is on Lot 11. This is an acceptable location.

How do you want this condition recognized as part of Phase 1 final plat?
 Will a callout to general location suffice? We would prefer an easement be established between the pond and property line, ideally 25 ft. x 25 ft. to allow for future maintenance/ repairs.

3. Please confirm that the City will design, fabricate, install and maintain the sign. The City or another entity will handle design/ fabrication/ install/ maintenance/ repairs; Mountain View is not responsible for anything other than providing a space for the sign.
4. For the City to maintain the sign, will it need its own easement or is the Lot 11 stormwater easement acceptable? A separate easement for the sign to avoid any confusion, since the City is not responsible for maintenance of the stormwater pond on that lot.

MOUNTAIN VIEW PRELIMINARY PLAT--CONDITIONS OF APPROVAL	
Condition Number	Written Condition
7	The developer will allot an area within the subdivision, outside MDT right-of-way, for future Gateway Signage installation such as a "Welcome to Livingston" sign.

- 5. For phase 1 Final Plat, can the two stormwater lots remain under the ownership of Livingston West, LLC? **Yes.**
- 6. Is a stormwater O+M Manual required to be submitted with Phase 1 Final Plat application? **Yes.**

MOUNTAIN VIEW PRELIMINARY PLAT--CONDITIONS OF APPROVAL	
Condition Number	Written Condition
8	Storm water design will meet all applicable DEQ standards. The Property Owners Association (POA) must maintain ownership and maintenance responsibilities for stormwater facilities once constructed.

- 7. For phase 1 Final Plat, can the two open space lots remain under the ownership of Livingston West, LLC if a public access, parks, and open space deed restriction is provided? **Yes. Can you please send that language to me to run by the City Attorney before adding to the final plat?**

MOUNTAIN VIEW PRELIMINARY PLAT--CONDITIONS OF APPROVAL	
Condition Number	Written Condition
9	The applicant is required to deed restrict the subdivision open space/ parklands for public use and the POA must assume ownership and maintenance responsibilities.

- 8. Please specify what kind of barricades are required. Simple weighted reflective sawhorses? Three or four sections of concrete "jersey barriers"? With or without MUTCD "Dead End" signage? **See standard drawing 09810-2 in the COL Mods to PW. A DEAD END sign must be installed as well per MUTCD.**

MOUNTAIN VIEW PRELIMINARY PLAT--CONDITIONS OF APPROVAL	
Condition Number	Written Condition
14	The applicant must install dead end barricades at the cul de sacs for each phase of development to prevent the public from accessing the all-weather road.

Chris Naumann

Associate Principal | Bozeman Branch Manager
 (he/him)
 t: 406-922-4311

From: [Shannon Holmes](#)
To: [Chris Naumann](#)
Cc: [Richard Smith](#); [Andrew Field](#); [Jennifer Severson](#); [Bobby Egeberg](#); [Adam Ballew](#); [Ryan Townsend](#); [Josh Chabalowski](#)
Subject: RE: Mountain View subd meeting
Date: Monday, November 18, 2024 2:23:47 PM
Attachments: [image002.png](#)
[image003.png](#)
[livingston modifications to mt public works standards 2019.pdf](#)

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Chris,

Good afternoon,

Thanks for sending this over. Please install the dead end barricades per our standard drawing with the center sign on the centerline of the road. The only other item that I had was cleaning the 8-inch CMP on PFL Way. I like all the BMP's that are called out.

Let us know when the work is completed.

Thanks!



SHANNON HOLMES
*Public Works Department
 Director*

📞 406-222-5667

✉ sholmes@livingstonmontana.org

📍 330 Bennett St. Livingston, MT

🌐 www.livingstonmontana.org

📘 www.facebook.com/ColPublicWorks

From: Chris Naumann <cnaumann@sanbell.com>
Sent: Monday, November 18, 2024 12:10 PM
To: Shannon Holmes <sholmes@livingstonmontana.org>
Cc: Richard Smith <resmith2011@rj-development.net>; Andrew Field <asfield@gmail.com>; Jennifer Severson <jseverson@livingstonmontana.org>; Bobby Egeberg <begeberg@sanbell.com>; Adam Ballew <aballew@livingstonmontana.org>; Ryan Townsend <rtownsend@livingstonmontana.org>; Josh Chabalowski <firechief@livingstonmontana.org>
Subject: RE: Mountain View subd meeting
Importance: High

Good morning, Shannon.

Attached is our punch list from Thursday's temporary road walk through. Please let us know if we omitted anything. Also please respond with specific direction on the spacing shown in the dead end-emergency only sign detail. Corey is waiting for confirmation of the spacing before installation. Thanks.

Chris Naumann

Associate Principal | Bozeman Branch Manager
(he/him)
t: 406-922-4311
m: 406-570-5758

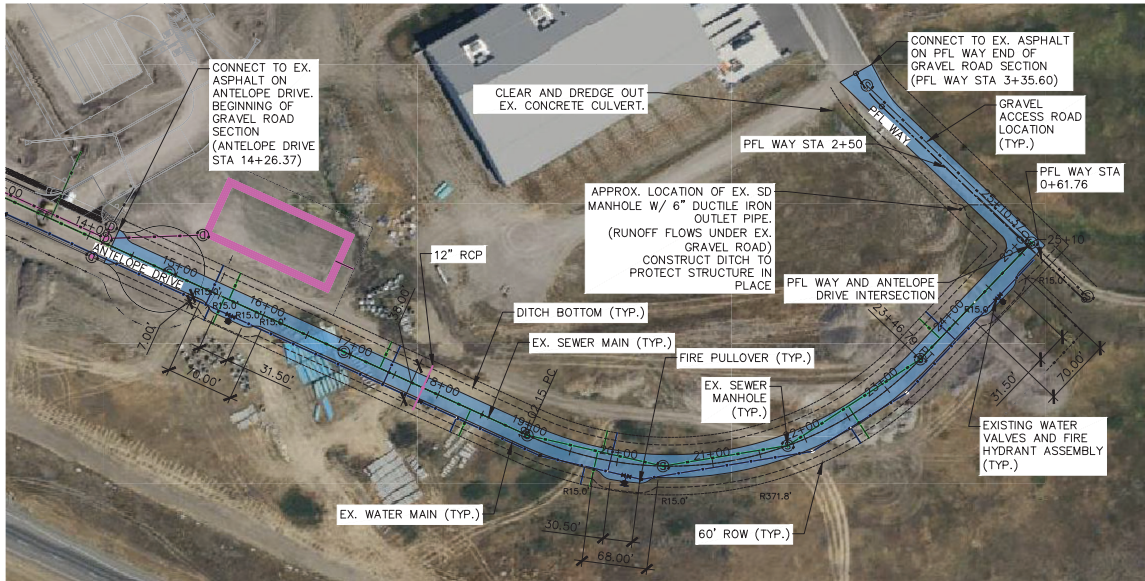
EXHIBIT A
ALL WEATHER ACCESS ROAD
WITHIN
PROPOSED MOUNTAIN VIEW SUBDIVISION

PREPARED FOR : LIVINGSTON WEST, LLC
PREPARED BY : **sanbell**

OCTOBER, 2024
LIVINGSTON, MONTANA



DRAFT



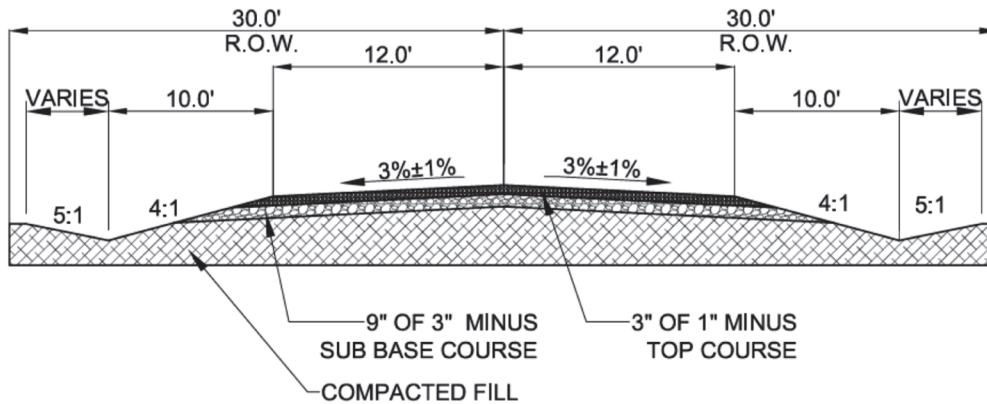
- NOTES:**
1. ALL MANHOLE LIDS AND WATER VALVES TO REMAIN UNCOVERED AFTER COMPLETION OF GRAVEL ROADWAY SECTION.
 2. TOP OF GRAVEL ROAD SECTION TO BE FLUSH WITH MANHOLE LIDS AND WATER VALVES.
 3. TYPICAL GRAVEL ROAD SECTION TO FOLLOW PARK COUNTY TYPICAL GRAVEL ROAD SECTION (DATED 2014) WITH TWO 12-FT WIDE LANES AT 3% +/- 1% CROSS SLOPE AND 4:1 SLOPES OUTSIDE TRAVEL LANES TO CREATE DITCH THAT IS 1-1.5' DEEP.
 4. CLEAR & GRUB ALL VEGETATION WITHIN R.O.W.
 5. PROJECT SHALL BE CONSTRUCTED IN ACCORDANCE WITH CITY OF LIVINGSTON STANDARDS, MPWSS
 6. CONTRACTOR TO IMPLEMENT SWPPP

EXHIBIT B
ALL WEATHER ACCESS ROAD
WITHIN
PROPOSED MOUNTAIN VIEW SUBDIVISION

PREPARED FOR : LIVINGSTON WEST, LLC
PREPARED BY : **sanbell**

OCTOBER, 2024
LIVINGSTON, MONTANA

DRAFT



TYPICAL GRAVEL ROAD SECTION

NOTES:

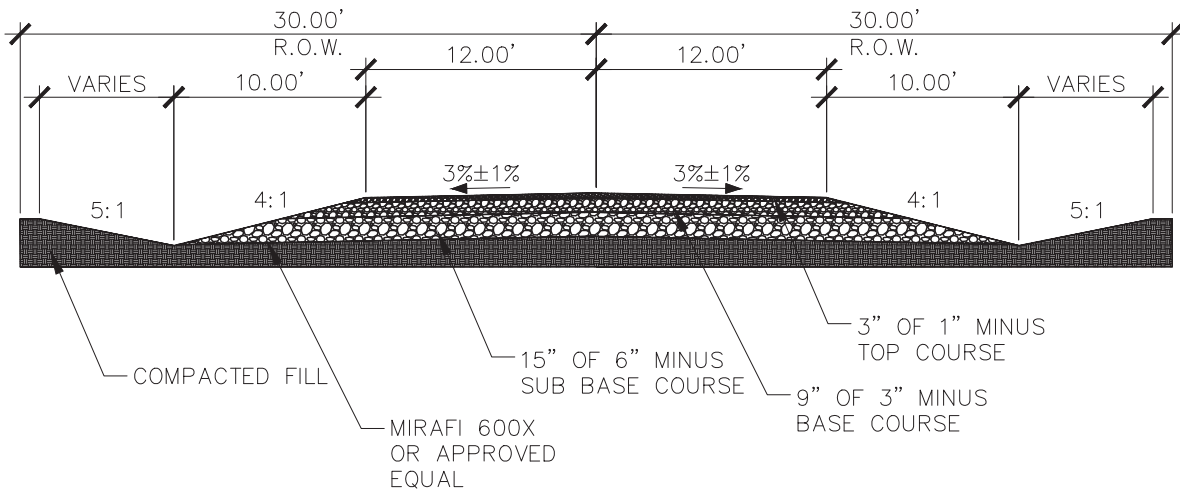
1. TYPICAL GRAVEL ROAD SECTION TO FOLLOW PARK COUNTY TYPICAL GRAVEL ROAD SECTION (DATED 2014) WITH TWO 12-FT WIDE LANES AT 3% +/- 1% CROSS SLOPE AND 4:1 SLOPES OUTSIDE TRAVEL LANES TO REACH 36 FEET WIDE.
2. COMPLETE MAX 12" LIFT THICKNESS
3. IN-PLACE DENSITY TESTS FOR ROADWAY SHALL, AT A MINIMUM, BE REQUIRED AT INTERVALS OF 50- FEET.
4. ALL IMPROVED AREAS AND ALL EMBANKMENTS SHALL BE COMPACTED FOR THE FULL DEPTH AND SHALL BE COMPACTED TO 95% OF THE THEORETICAL MAXIMUM PROCTOR DENSITY AS DETERMINED BY AASHTO-T-180.
5. 9" OF 3" MINUS SUB BASE COURSE CAN VARY IN THICKNESS IN ORDER TO MATCH EX. MANHOLE ELEVATIONS AT ROAD SURFACE.

EXHIBIT C
ALL WEATHER ACCESS ROAD
WITHIN
PROPOSED MOUNTAIN VIEW SUBDIVISION

PREPARED FOR : LIVINGSTON WEST, LLC
PREPARED BY : **sarbell**

OCTOBER, 2024
LIVINGSTON, MONTANA

DRAFT



**TYPICAL SECTION
FOR
15+50 TO 18+00 AND 24+50 TO 25+09.38 (ANTELOPE DRIVE)
0+61.76 TO 2+50 (PFL WAY)**

- NOTES:**
1. TYPICAL GRAVEL ROAD SECTION TO FOLLOW PARK COUNTY TYPICAL GRAVEL ROAD SECTION (DATED 2014) WITH TWO 12-FT WIDE LANES AT 3% +/- 1% CROSS SLOPE AND 4:1 SLOPES OUTSIDE TRAVEL LANES TOR REACH 38 FEET WIDE.
 2. COMPLETE MAX 12" LIFT THICKNESS
 3. IN-PLACE DENSITY TESTS FOR ROADWAY SHALL, AT A MINIMUM, BE REQUIRED AT INTERVALS OF 50- FEET.
 4. ALL IMPROVED AREAS AND ALL EMBANKMENTS SHALL BE COMPACTED FOR THE FULL DEPTH AND SHALL BE COMPACTED TO 95% OF THE THEORETICAL MAXIMUM PROCTOR DENSITY AS DETERMINED BY AASHTO-T-180.
 5. 9" OF 3" MINUS SUB BASE COURSE CAN VARY IN THICKNESS IN ORDER TO MATCH EX. MANHOLE ELEVATIONS AT ROAD SURFACE.

November 15, 2024

Andrew Field
Livingston West, LLC
PO Box 500
Emigrant, MT 59027

**REFERENCE: MOUNTAIN VIEW SUBDIVISION PHASE 1
PROJECT NO. 18005.05
SUBSTANTIAL COMPLETION PUNCH LIST**

Dear Andrew:

The substantial completion inspection for the above referenced project was conducted on November 14, 2024, with the following people in attendance:

Andrew Field, Livingston West, LLC	Shannon Holmes, City of Livingston
Corey Walldan, DWE Dirt Works, Inc.	Josh Chabalowski, City of Livingston
Chris Naumann, Sanbell	Adam Ballew, City of Livingston
Bobby Egeberg, Sanbell	Ryan Townsend, City of Livingston
	Mike Stordalen, City of Livingston

Although the fire access road area is less than 1 acre, and therefore not required to implement a SWPPP, we are proposing to implement BMPs within the temporary fire department access road as discussed with city staff and shown in the attached plan markup.

Listed below are the items that are to be corrected and/or completed prior to final approval. See the attached plan markup identifying approximate correction locations on the plans.

- Install dead end barricades on each end of the gravel access road.
- Reset manhole lid w/ ramnek (or equal) approximately Sta 16+95.
- Reset manhole lid w/ ramnek (or equal) and cleanout debris from bottom of manhole approximately Sta 19+02.
- Add straw wattles at culverts and approximately every 100 feet within the roadside swales.

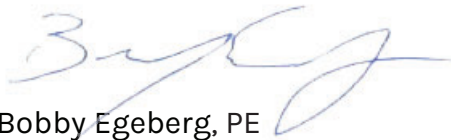
Andrew Field
Mountain View Subdivision Phase 1 - Punch List
November 15, 2024
Page 2 of 2

- Add silt fence around spoil piles where it drains to the public right of way.
- Add silt fence on the north side of the disturbance north of PFL Way.
- Add concrete barriers with reflectors over the culvert approximately Sta 17+80.
- Regrade swale to discharge east of roadway alignment approximately Sta 22+50.
- Regrade swale on the southeast corner of the intersection of Antelope Dr and PFL Way to discharge to the east without flowing onto the gravel road.
- Cleanout culvert crossing PFL way.

Please have the above items completed immediately and notify Sanbell when the items have been completed.

Please call if you have any questions.

Sincerely,



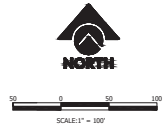
Bobby Egeberg, PE
Associate | Senior Engineer

BE
c: Attendees

Final Walk-through Punch List Markups
11/14/2024

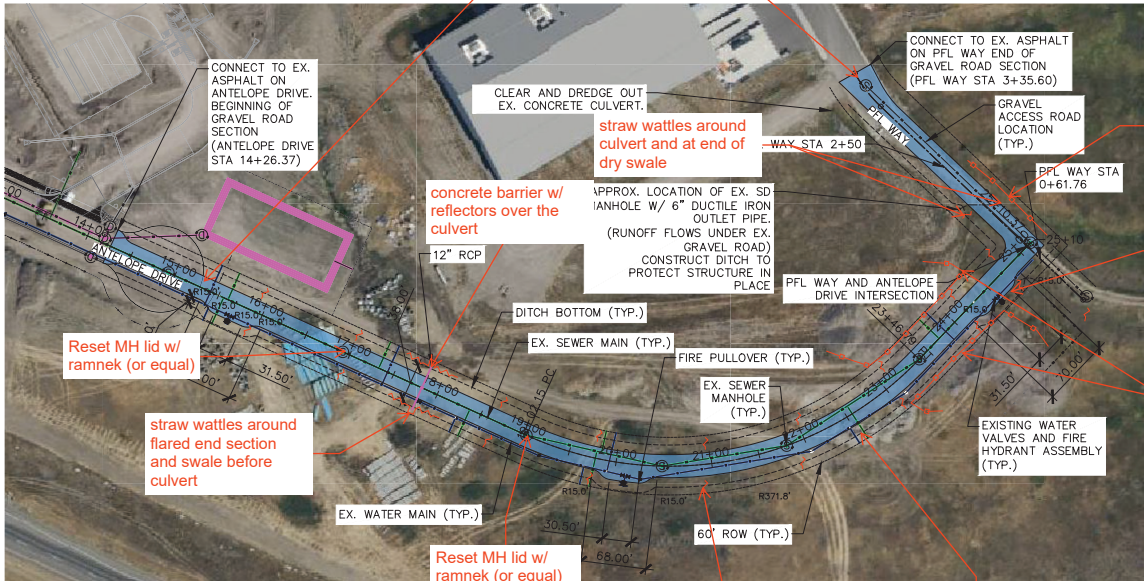
EXHIBIT A
ALL WEATHER ACCESS ROAD
WITHIN
PROPOSED MOUNTAIN VIEW SUBDIVISION

OCTOBER, 2024
LIVINGSTON, MONTANA



PREPARED FOR : LIVINGSTON WEST, LLC
PREPARED BY : **santbell**

DRAFT



Dead End Barricades
with No Public
Access sign, see
detail

concrete barrier w/
reflectors over the
culvert

straw wattles around
culvert and at end of
dry swale

Reset MH lid w/
ramnek (or equal)

straw wattles around
flared end section
and swale before
culvert

Reset MH lid w/
ramnek (or equal)
and cleanout debris

silt fence on north
side of disturbance

regrade swale in this
area to discharge to
the east without
flowing onto the
gravel road

silt fence around spoil
piles where it drains
to the public
right-of-way

regrade swale to
discharge east in
approximately this
area to limit runoff
flowing to the
intersection

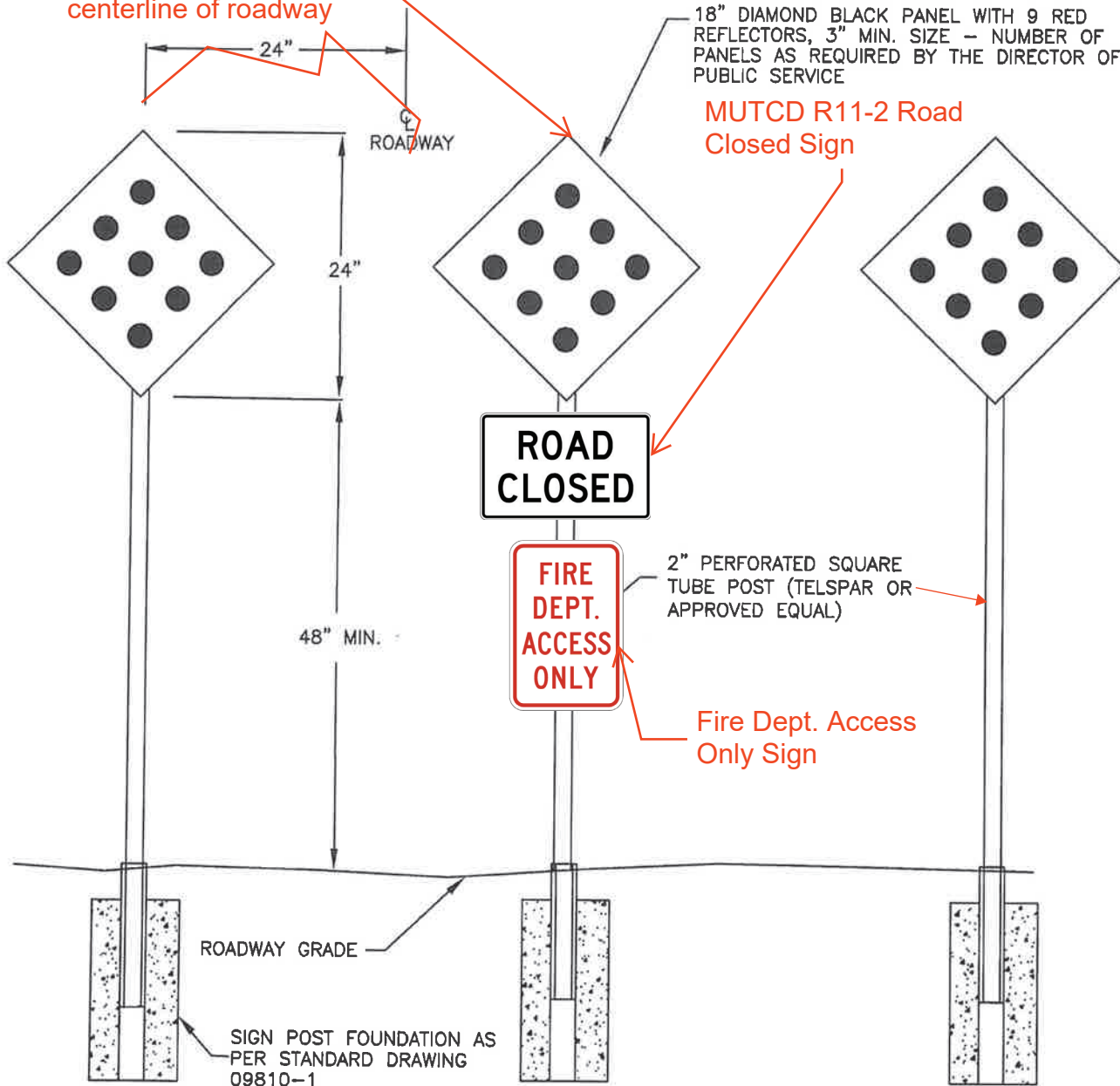
straw wattles installed
perpendicular to the
flowline within the
swale on each side of
the road
approximately every
100'

- NOTES:**
1. ALL MANHOLE LIDS AND WATER VALVES TO REMAIN UNCOVERED AFTER COMPLETION OF GRAVEL ROADWAY SECTION.
 2. TOP OF GRAVEL ROAD SECTION TO BE FLUSH WITH MANHOLE LIDS AND WATER VALVES.
 3. TYPICAL GRAVEL ROAD SECTION TO FOLLOW PARK COUNTY TYPICAL GRAVEL ROAD SECTION (DATED 2014) WITH TWO 12-FT WIDE LANES AT 3% +/- 1% CROSS SLOPE AND 4:1 SLOPES OUTSIDE TRAVEL LANES TO CREATE DITCH THAT IS 1-1.5' DEEP.
 4. CLEAR & GRUB ALL VEGETATION WITHIN R.O.W.
 5. PROJECT SHALL BE CONSTRUCTED IN ACCORDANCE WITH CITY OF LIVINGSTON STANDARDS, MPWSS
 6. CONTRACTOR TO IMPLEMENT SWPPP

Install this post in centerline of roadway

18" DIAMOND BLACK PANEL WITH 9 RED REFLECTORS, 3" MIN. SIZE - NUMBER OF PANELS AS REQUIRED BY THE DIRECTOR OF PUBLIC SERVICE

MUTCD R11-2 Road Closed Sign



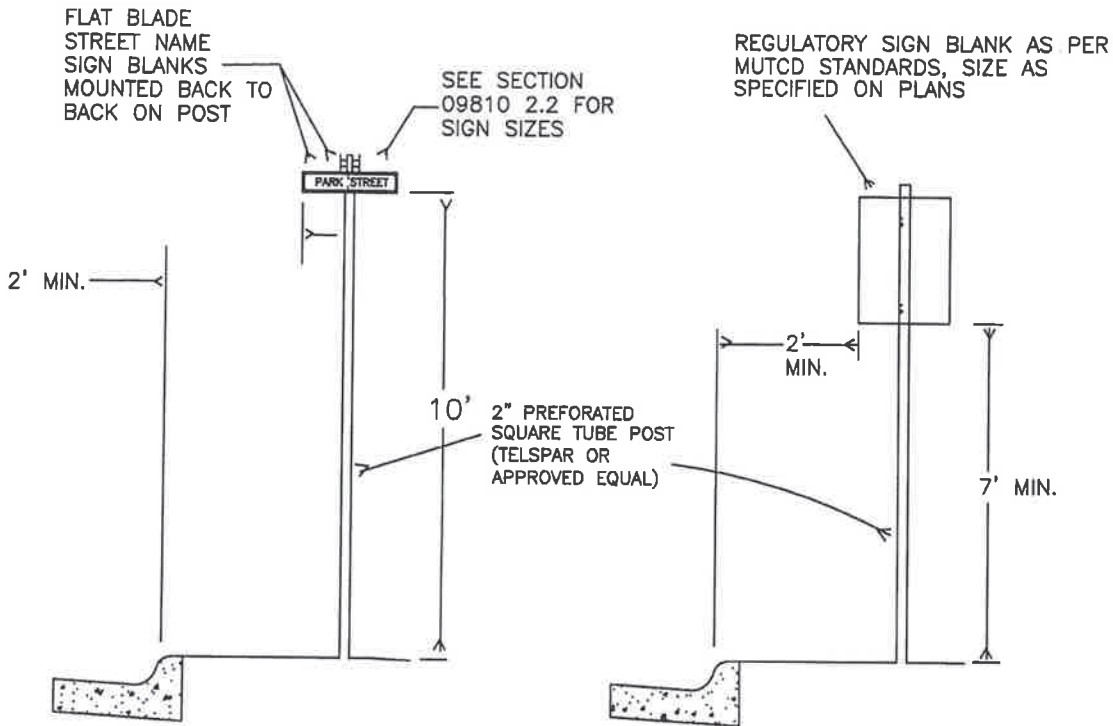
SIGN BLANKS SHALL BE CONSTRUCTION GRADE ALUMINUM, 0.08 INCH THICK, WITH ENGINEER GRADE REFLECTIVE SHEETING

CITY OF LIVINGSTON
STANDARD DRAWING

SCALE:
NONE

DEAD END BARRICADE
DETAIL

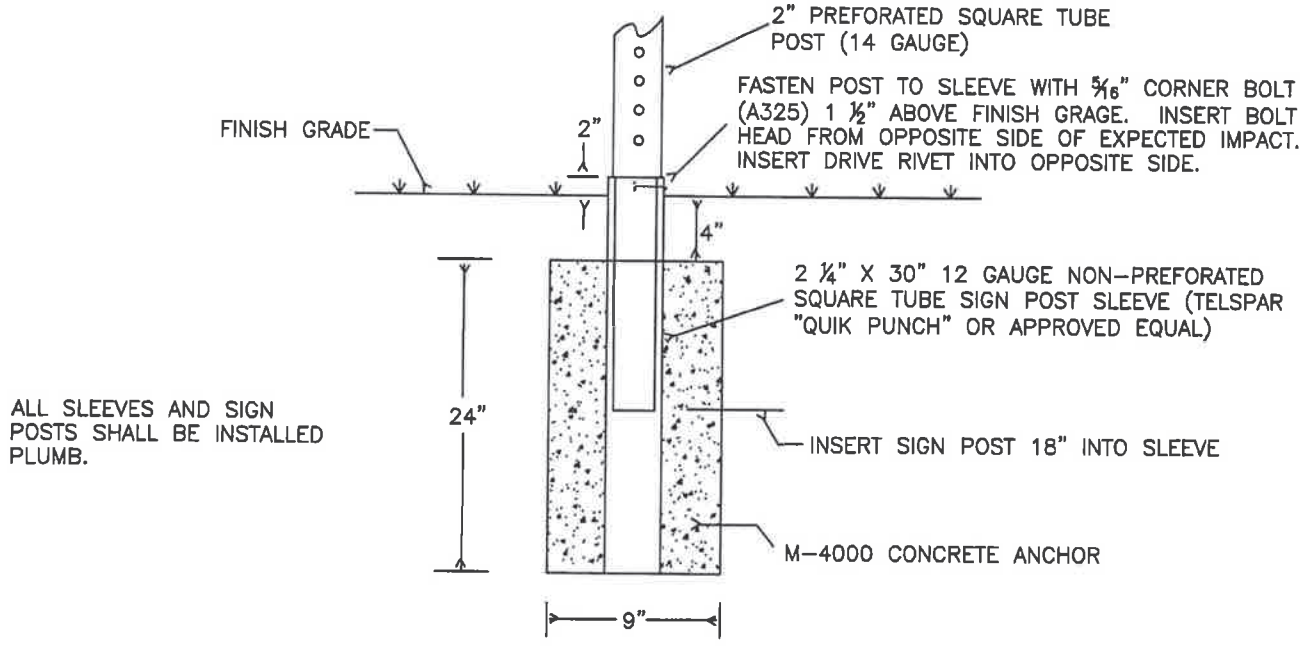
NO. 09810-2
APRIL 2014



ATTACH SIGNS TO POST WITH $\frac{3}{8}$ " DRIVE RIVETS (MIN. 2 PER SIGN)

STREET MARKER SIGN

REGULATORY SIGN



ALL SLEEVES AND SIGN POSTS SHALL BE INSTALLED PLUMB.

SIGN POST FOUNDATION DETAIL

CITY OF LIVINGSTON
STANDARD DRAWING

SCALE:
NONE

SIGN INSTALLATION
STANDARDS

NO. 09810-1
APRIL 2014

From: [Shannon Holmes](#)
To: [Chris Naumann](#)
Cc: [Richard Smith](#); [Andrew Field](#); [Jennifer Severson](#); [Bobby Egeberg](#); [Adam Ballew](#); [Ryan Townsend](#); [Josh Chabalowski](#)
Subject: RE: Mountain View subd meeting
Date: Monday, December 16, 2024 3:28:38 PM
Attachments: [image002.png](#)
[image003.png](#)
[All Weather Access Road Punch List.pdf](#)

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Good afternoon Chris,

We completed the final walkthrough on Friday, December 13th. All items on the attached punch list were completed. Therefore, conditional items #3, #4, #10, #12, #14 and #15 have been completed.

Please let me know if you have any questions.

Thanks!



SHANNON HOLMES
*Public Works Department
Director*

📞 406-222-5667

✉ sholmes@livingstonmontana.org

📍 330 Bennett St. Livingston, MT

🌐 www.livingstonmontana.org

📘 www.facebook.com/ColPublicWorks

CERTIFICATE OF COMPLETION & ACCEPTANCE

PROJECT OWNER: City of Livingston
 PROJECT TITLE: Ruedeusch Offsite Street and Utility Improvements for Offsite Public Infrastructure
 PROJECT NUMBER: 21098.01
 DATE OF ACCEPTANCE: June 13, 2023
 PROJECT LOCATION: Continuation of Antelope Drive to PFL Way and connection to Hwy 10
 CONTRACTOR: DC Excavate
 ENGINEER: Sanderson Stewart
 SUBSTANTIAL COMPLETION DATE: June 13, 2023
 TWO-YEAR WARRANTY EXPIRATION DATE: June 13, 2025

The Work performed under the Contract for the above Project has been inspected by a representative of the Owner, Contractor, Engineer, and City of Livingston and has been found to substantially comply with the approved Contract Documents and is hereby declared complete. Acceptance by the Owner and City of Livingston and recommendation thereto by the Engineer does not affect the "Contractor's Continuing Obligation" as described in Article 14.15 of the Standard General Conditions of the Construction Contract, or the Owner's contractual obligations.

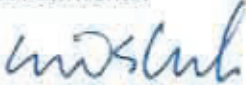
Maintenance Bond with the City of Livingston named as dual obligee is attached.

ENGINEER'S RECOMMENDATION

On the basis of observation of the Work during construction, final inspection, and review of project testing, final application for payment and accompanying documents, the Engineer is satisfied and hereby certifies that the Work has been completed in accordance with the approved Contract Documents. This acceptance shall not relieve the Contractor of its obligations under the Contract Documents.

Sanderson Stewart


 Engineer

By: 
 Printed Name: ERIN S. CLAUNCH
 P.E. #: 15913
 Date: JULY 18, 2023

CONTRACTOR'S CONCURRENCE WITH ENGINEER'S RECOMMENDATION

DC Excavate

 Contractor

By: 
 Printed Name: Bill Dempsey
 Title: Project Manager
 Date: 1/8/24

OWNER'S ACCEPTANCE AND GRANT OF POSSESSION

On the basis of independent observations and inspection and the recommendation of the Engineer, the Owner accepts the Project as complete. This acceptance does not relieve the Contractor of continuing obligations as described above. The Contractor is reminded this Project is under warranty beginning June 13, 2023 and that bonds shall remain in effect for two years after the Date of Acceptance specified above. The Owner hereby grants possession of all public infrastructure improvements completed by this Project to the City of Livingston and warrants against defects in these improvements for a period of two years from the Date of Acceptance as specified above.

City of Livingston
Owner

By: _____
Printed Name: _____
Title: _____
Date: _____

CITY OF LIVINGSTON ACCEPTANCE

The City of Livingston hereby accepts possession of all public infrastructure improvements, subject to the above indicated warranty. This acceptance does not relieve the Owner or Contractor of its continuing obligations for this work as described above or otherwise required through Improvements Agreements, Conditions of Plat Approval, or other contractual commitments.

City of Livingston

By: _____
Title: _____
Date: _____

January 10, 2024

Montana Department of Environmental Quality
Permitting and Compliance Division
P.O. Box 200901
Helena, MT 59620-0901

Reference: Ruedebusch Infrastructure Improvements
Sanderson Stewart Project No. 21098.01
E.Q. #22-2496

To Whom it May Concern:

Attached for your records are one (1) set (11x17) of the final record drawings and a copy of the DEQ approval letter for the above referenced project.

As the Engineer of Record, I hereby certify the project has been inspected and the work has been completed in accordance with the construction plans and specifications and there are no deviations from the design standards of the applicable circulars other than those previously approved by the department.

Please contact me if you have any questions or need additional documentation at 406-869-3327.

Sincerely,



Tim Pirtz
Principal/ Chief Engineer

LMH/SG

Enc.

c: Shannon Holmes, Public Works Director

File Attachments for Item:

**A. A PROCLAMATION OF THE CITY COMMISISON OF THE CITY OF LVINGSTON MONTANA,
DECLARING APRIL 25, 2025 AS NATIONAL ARBOR DAY IN LIVINGSTON MONTANA**



Proclamation Of the Livingston City Commission

Declaring April 25, 2025, as National Arbor Day
in Livingston, Montana

WHEREAS, Arbor Day is a day dedicated to the celebration of trees and the significant benefits they provide our environment, our communities, and our future; and

WHEREAS, Arbor Day began with the vision of J. Sterling Morton, a Nebraska City editor, who proposed a tree planning holiday in 1872, recognizing that trees offer clean air, water, cooling shade, and habitat for wildlife; and

WHEREAS, Arbor Day has grown to be celebrated in all 50 states, with communities around the world coming together each year to plant trees and promote environmental stewardship; and

WHEREAS, the City of Livingston takes pride in the dedication efforts of its Parks Department, which is responsible for maintaining trees in our 14 city parks and providing assistance to the community with tree-related matters when needed; and

WHEREAS, the City of Livingston, in partnership with Livingston Loves Trees and local volunteers, planted 103 new trees last year, demonstrating our collective commitment to a greener, more sustainable future;

WHEREAS, the preservation and planning of trees is an important aspect of maintaining a health and vibrant community;

NOW, THEREFORE, BE IT RESOLVED, on behalf of the Livingston City Commission, I, Quentin Schwarz, Chair, do hereby proclaim April 25, 2025, to be:

NATIONAL ARBOR DAY IN LIVINGSTON, MONTANA

Livingston, Montana



Further, I encourage all residents, schools, and organizations to join in the celebration of trees, engage in planting efforts, and recognize the essential role trees play in enhancing our quality of life.

Signed this ___ day of January, 2025

Quentin Schwarz, Chair
Livingston City Commission

Emily Hutchinson
City Clerk

File Attachments for Item:

A. CONSOLIDATED LAND USE BOARD YEAR END SUMMARY 2024

**LIVINGSTON CONSOLIDATED LAND USE BOARD
2024 YEAR-END SUMMARY**

To: The Livingston City Commission
From: Jessica Wilcox, Consolidated Land Use Board Chair

The inaugural year of the Consolidated Land Use Board was a busy one. The new board, created by consolidating the former Zoning Commission and Planning Board, consists of eight members- seven voting and one non-voting member, who represents the City Commission. Board terms began on January 31, 2024; three board members were appointed to one-year terms and four were appointed to two-year terms. Of the seven voting board seats, five were filled by members who were serving on a City-appointed board for the first time.

Board trainings were held in February and the first public meeting of the Consolidated Land Use Board (the LUB) was held March 13, 2024. My peers on the board elected me to serve as the Chair, and the board elected Forrest Huisman to be the Vice-Chair.

The LUB met six times in 2024. Below is a list of meeting highlights and board accomplishments in 2024:

At the March meeting, Katherine Daly, Park County Housing Coalition (PCHC) Program Manager, presented an overview of the Coalition’s 2024 Work Plan, including how the City and PCHC are collaborating on affordable housing initiatives, and provided information about housing affordability in the City of Livingston.

In April, the City’s Planning Director provided the LUB with an overview of what to expect during the Zoning Code Update process anticipated to kick off in late summer 2024. Staff provided an initial estimate on the timeline to hire a professional planning consultant to assist with the Code Update and when we might expect the update process to “kick off”.

During its June meeting, the board considered a Zoning Map Amendment to implement a Gateway Overlay District, which was proposed in response to a Public Gateway Visioning Workshop held in February 2024. The Board voted 6-0 to recommend approval of the Map Amendment, and the Commission supported that recommendation and approved the new Overlay District at its June 6 meeting.

In August, the board saw the culmination of a year-long effort to create the City’s first Comprehensive Downtown Master Plan. Andy Rutz of Crescendo Planning + Design presented a draft Downtown Master Plan for consideration by the board. The board voted to recommend approval of the Plan to the City Commission, and the Commission voted to adopt the Downtown Master Plan at its September 3 meeting.

Although no action items came before the LUB in September, information was presented about several City-initiated planning processes underway. Aleck Gantick with CV Studio presented information about the Reservoir Park planning process and discussed opportunities for public participation during this process. City Manager Grant Gager talked about the Parks Master Plan process and identified opportunities for public engagement during the planning process. Additionally, the City's Planning Director presented information about the Zoning Code Update process, discussed opportunities for public engagement in this effort, and explained the role of the LUB throughout the update process.

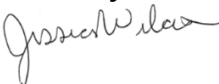
In October, the LUB considered state-mandated Zoning Text Amendments related to Accessory Dwelling Units and Duplex development. The board voted 5-0 to recommend approval of the amendment to the City Commission, and the Commission supported this recommendation and approved the amendment at its December 17 meeting.

The final LUB meeting of 2024 was in November. The board was introduced to the consulting team of SCJ Alliance, who were selected to lead the City's first ever comprehensive Zoning Code Update. SCJ gave an overview of the anticipated timeline, highlighted key opportunities for public engagement, and discussed the LUB's role in this planning process.

I wanted to take a moment to reflect on my tenure as the Chair of the Livingston Urban Board (LUB) in its inaugural year. It has been an honor to lead during such a pivotal time, and I am proud of the strides we've made toward fostering responsible and sustainable development within our community.

As we look ahead to 2025, I am committed to ensuring that our efforts remain aligned with the Growth Policy, supporting development that enhances the unique character of our community while addressing the needs of our residents.

Thank you for your ongoing support and trust. I look forward to working together to build a vibrant and sustainable future for Livingston.

Sincerely,


Jessica Wilcox

2024 Land Use Board Members: Jessie Wilcox (Chair); Forrest Huisman (Vice-Chair); Baily Goodwine; John Kalmon; Frank O'Connor; Caitlin Chiller; Becky Moores; Commission Torrey Lyons (non-voting board member)

File Attachments for Item:

B. DISCUSSION OF PROPOSED GROWTH POLICY INSPIRED CHANGES TO THE CITY OF LIVINGSTON SUBDIVISION REGULATIONS



DATE: January 21, 2025
TO: Chair Schwarz and City Commissioners
FROM: Jennifer Severson, Director of Planning
RE: Discussion of Proposed Growth Policy Recommended 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 recommendations in the adopted Growth Policy.

The reasons for the recommendation are as follows:

- The 2021 Growth Policy includes several recommendations for updates to the Subdivision Regulations in Chapter 28.

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. Staff previously presented updates to the subdivision regulations (Livingston Municipal Code Chapter 28) that were tied to state mandates in MCA, technical conformance within Chapter 28 or other items in City code.

Analysis

The 2021 Growth Policy includes several recommendations for updates to the Subdivision Regulations in Chapter 28. Attachment A identifies all recommended updates to the Subdivision Regulations in the Growth Policy.

As shown on Attachment A, several of the recommendations are included in Attachment B, a red-line of the subdivision regulations, as marked with yellow highlights in Attachment B. Some of the



recommended changes will be implemented through other documents including the public works design standards or coming recommendations to the subdivision regulations.

Fiscal Impact

There is no fiscal impact arising from this action.

Strategic Alignment

The proposed updates to the Subdivision Regulations support the following Land Use Recommendations for Subdivisions identified in Chapter 11 in the Growth Policy:

- Update regulations to add language from the Subdivision and Platting Act (i.e. MSPA).
- Include definitions within document (i.e. Subdivision Regulations in Chapter 28).
- 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.
- Ensure references to MCA and MSPA are up to date.
- Ensure all fees are included and cover staff and City resource costs to process each application.

Attachments

- Attachment A: Growth Policy Recommended Changes to Subdivision Regulations
- Attachment B: Red-line of Proposed Changes to Subdivision Regulations

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; Community Experience updates will include TIS requirement for 200+ trips to be added to Subdivision Application Form.
Require sidewalks, and trail connections where possible, with new subdivisions.	N	Allowed under current sub regs 28.7.17.4
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 Community Experience 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, tax revenue projections , greenhouse gas emissions, water use reduction, solid waste reduction, reuse of current resources, and coordination of project work to reduce disruption and waste .	N	Tax revenue projections already evaluated under current subdivision regs. Reduce disruption/ waste during project is under purview of DEQ.
Update regulations to add language from the Subdivision and Platting Act.	Y	Revisions included MCA changes
Include definitions within document	Y	Revisions included MCA changes
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.	Y	Updated with MCA changes. Will be updated again for consistency with new zoning code.
Ensure references to MCA and MSPA are up to date.	Y	Revisions included MCA changes
Procedure should be reviewed by staff and legal counsel to ensure proper administration of regulations	Y	Revisions included in MCA changes
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.	N	Curent regs (28.7.9.3.6) encourage tree and vegetation preservation where appropriate; evaluated on case basis.

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	Community Experience updates: Table 1 will be moved to Appendices- typical section(s) will be included . Design must be consistent with 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 by AASHTO and 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	Community Experience updates- viewshed consideration and analysis will be included (28.7.xx).
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	Community Experience updates. 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-2~~ [28.4.4](#). 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 ~~V~~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 ~~V~~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:

NOTE: Language TBD- Additional factors will be used to evaluate development impacts with respect to review criteria listed below

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) 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)?

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 or creating nuisance complaints due to safety concerns, noise, etc.)?

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?
- (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 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?

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) 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?

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?
- (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?

28.4.7.3. ~~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~~ Consideration and 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 ~~VI~~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.~~

~~c. — 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 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?~~

~~(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 pollutantats?~~
- ~~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-EA. — 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)(e), 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, existing topsoil, trees and other existing vegetation.

28.7.XX Viewshed Protection – language TBD and will be included in Community Experience updates

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.

28.7.5. Floodplain Provisions

Land located in the 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.

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.

28.7.6.3. 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.

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.

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. 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 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 saes 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.~~

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~~shall 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 in accordance with the specifications and standards prescribed in these regulations using materials approved by the governing body.

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.

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 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, 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.

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.

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 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. <u>Permanent Cul-de-sacs/Turnarounds (by variance only)</u>	
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
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 Specification Policy.

- ~~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.
- c. 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.~~
- ~~c. 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. ~~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.

28.7.14.3. Where practical, overhead utility lines must be located at the rear property line.

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 ~~parcs 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 and meet the goals of the growth policy and 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. 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 ~~27.7.17.1. 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) 27.7.17.1~~ 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) 28.7.17.7.1. 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) 27.7.17.1~~ 27.7.17.1.

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 Trails and Active Transportation Plan](#).

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 ~~III~~[28.4](#), Major Subdivisions, ~~or~~ Section ~~IV~~[28.5](#), 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.
- c. 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.
- c. 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 ~~V4~~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.

File Attachments for Item:

C. RESOLUTION NO. 5152: A RESOLUTION BY THE CITY OF LIVINGSTON CITY COMMISSION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO DOT – REBUILDING AMERICAN INFRASTRUCTURE WITH SUSTAINABILITY AND EQUITY (RAISE), COMMITMENT OF NEEDED FUNDS AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO ENTER INTO REQUIRED CONTRACTS FOR GRANT FUNDS TO ENGAGE IN A CORRIDOR STUDY AND EVALUATION OF VIABLE AND SUSTAINABLE OPTIONS FOR A GRADE SEPARATED CROSSING.



DATE: January 21, 2025
TO: Chair Schwarz and City Commissioners
FROM: Grant Gager, City Manager
RE: Staff Report for Resolution 5152

Recommendation and Summary

Staff is recommending the Commission Approve Resolution 5125 to authorize applying for a Department of Transportation Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Planning grant and committing funds not to exceed \$100,000 as the required match by adopting the following motion:

"I move to approve Resolution 5152 and authorize the Chair to sign the Resolution authorizing the City Manager to apply for DOT RAISE Planning funds."

The reasons for the recommendation are as follows:

- The federal Infrastructure and Jobs Act provided additional funding to the RAISE program for 2025, for both planning and construction grants.
- Additional grade separated crossings of the railroad right-of-way will improve the movement of goods and people and improve public safety.

Introduction and History

The City of Livingston has sought to provide for an additional grade separated crossing to allow for the efficient movement of persons and traffic throughout our community. Several different versions of this project have been considered at different locations in the City. At present, there is not a specific project that has been identified and engineered for construction.

The federal Infrastructure and Jobs Act provided additional funding to the RAISE program for 2025, for both planning and construction grants. Because federal support for infrastructure projects is competitive, the creation of a planning document that identifies a preferred location and addresses connectivity, safety and social justice issues will be helpful to subsequent construction grant applications.



Analysis

Although highly competitive, the 2025 funding opportunities through the RAISE program enhance funding for rural and economically challenged communities such as Livingston and Park County. Additionally, recent conversations with project partners indicate that there will be project co-sponsors and supporters, further increasing the opportunity for a successful application.

Fiscal Impact

The DOT RAISE grant if awarded will provide for 80% of the cost of the planning study and requires a 20% match from the City. The planning study and initial engineering is not estimated to exceed \$500,000 resulting in a requested \$100,000 commitment of funds.

Strategic Alignment

The evaluation of a grade separated railroad crossing has been included in several planning documents, including the Northside Transportation Plan Update and Growth Policy.

Attachments

- Attachment A: Resolution 5152

RESOLUTION NO. 5152

A RESOLUTION BY THE CITY OF LIVINGSTON CITY COMMISSION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO DOT – REBUILDING AMERICAN INFRASTRUCTURE WITH SUSTAINABILITY AND EQUITY (RAISE), COMMITMENT OF NEEDED FUNDS AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO ENTER INTO REQUIRED CONTRACTS FOR GRANT FUNDS TO ENGAGE IN A CORRIDOR STUDY AND EVALUATION OF VIABLE AND SUSTAINABLE OPTIONS FOR A GRADE SEPARATED CROSSING.

Required Authorizations for DOT – Rebuilding American Infrastructure with Sustainability and Equity
(RAISE Grant)

WHEREAS, the City of Livingston is applying to the Department of Transportation (DOT) for financial assistance from the Rebuilding American Infrastructure with Sustainability and Equity (RAISE) program to engage a corridor study; and

WHEREAS, the City of Livingston, has the legal jurisdiction and authority to construct, finance, operate infrastructure improvements within in the City Limits and in Park County, Montana; and

THAT the, the City of Livingston agrees to comply with all requirements and conditions of the DOT - RAISE grant if awarded; and

WHEREAS, the City of Livingston commits needed funds in an amount not to exceed \$100,000 which is the required 20% match on a planning award of \$500,000; and

NOW, THEREFORE, BE IT RESOLVED, That the Livingston City Commission authorizes the City Manager or their designee to submit this application to the DOT - RAISE program, on behalf of the City of Livingston, to act on its behalf and to provide such additional information as may be required and further;

And the City Manager is hereby authorized to enter into any contracts or agreements required by DOT for the funding if awarded.

PASSED AND ADOPTED, by the City Commission of the City of Livingston, this 21ST day of January 2025.

QUENTIN SCHWARZ, Chair

ATTEST:

APPROVED TO AS FORM:

EMILY HUTCHINSON,
City Clerk

JON HESSE,
City Attorney

File Attachments for Item:

D. RESOLUTION 5153: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, DECLARING CERTAIN PROPERTY AS SURPLUS AND DIRECTING THAT SAID PROPERTY BE DONATED, SOLD OR DISPOSED OF.



DATE: January 21, 2025
TO: Chair Schwarz and City Commissioners
FROM: Grant Gager, City Manager
RE: Staff Report for Resolution 5153

Recommendation and Summary

Staff recommends the Commission approve Resolution 5153 declaring certain items surplus and authorizing their disposal by adopting the following motion:

"I move to approve Resolution 5153 and authorize the Chair to sign."

The reasons for the recommendation are as follows:

- Montana Code Annotated establishes certain requirements for disposal of public property.
- The City has identified certain items that are no longer necessary to its operations and is seeking approval to dispose of those items.

Introduction and History

Montana Code Annotated has established requirements for the disposal of municipally owned property in Section 7-8-4201 which provides that "the lease, donation, or transfer must be made by an ordinance or resolution passed by a two-thirds vote of all members of the council." In the case of a Commission-Manager form of government, it is the responsibility of the Commission to make such a decision.

With the recent acquisition of several vehicles, the City is able to dispose of certain older vehicles that have reached the end of their useful life.

Analysis

The City acquired a garbage truck recently. That transaction included the trade-in of two (2) vehicles.

Fiscal Impact

The trade-in will reduce the expenditure from the fund from which the equipment was purchased.



Strategic Alignment

Aligning physical assets with operations ensures efficient operation of government services.

Attachments

- Attachment A: Resolution 5153

RESOLUTION NO. 5153

A RESOLUTION OF THE CITY OF LIVINGSTON, MONTANA, DECLARING CERTAIN ITEMS AS SURPLUS AND DIRECTING THAT SAID PROPERTY BE DONATED, SOLD OR DISPOSED OF.

WHEREAS, The City of Livingston has procured certain items to enable its ability to provide statutorily required services to its residents and taxpayers; and

WHEREAS, Montana Code Annotated 7-8-4201, and its subparts, establishes requirements for the disposal of municipal property; and

WHEREAS, a two-thirds vote of all members of the City Commission is required to lease, donate or transfer municipal property; and

WHEREAS, The City of Livingston has identified several vehicles that are not required for its continued operations;

NOW, THEREFORE, BE IT RESOLVED, by the City Commission of the City of Livingston, Montana, that the following items are declared surplus and are authorized to be disposed of by the City Manager:

- 2003 Volvo WXR42 Truck - 4V2E36CE23N353110
- 2003 Volvo WXR42 Truck - 4V2E36CE23N353111

QUENTIN SCHWARZ, Chair

ATTEST:

APPROVED TO AS FORM:

EMILY HUTCHINSON
City Clerk

JON HESSE
City Attorney

File Attachments for Item:

E. DISCUSSION AND DIRECTION TO STAFF REGARDING 2025 SESSION OF THE MONTANA STATE LEGISLATURE



DATE: January 21, 2025
TO: Chair Schwarz and City Commissioners
FROM: Grant Gager, City Manager
RE: Discussion and Direction to Staff Regarding Legislative Strategy

Recommendation and Summary

The City Manager is seeking Commission direction on how to proceed with communicating with the State Legislature during the current session. As such there is no required or recommended motion.

The reasons for the request are as follows:

- There are several bills being considered that may impact the City of Livingston.
- The period for developing bills is open and the advancement of bills will soon begin.

Introduction and History

The Montana Legislature is currently in session and considering several bills concerning land use, municipal organization and other matters that pertain to local government operations. Response and input from the City may be required more timely than the two-week Commission meeting cycle may allow.

Analysis

The City Manager is seeking guidance from the Commission on how to proceed with providing City feedback from the Commission on how to provide input to the legislature on matters pertaining to the City. The Montana League of Cities and Towns is tracking bills related to housing, infrastructure, land use, local authority, natural resources, property taxes, public safety, revenue, transportation, water and other subjects, as detailed in Attachment A.

Fiscal Impact

There is no fiscal impact arising from this action.

Strategic Alignment

Ensuring that the City is represented in Helena will help achieve the goals of the City and Growth Policy.



Attachments

- Attachment A: [List of Bills](#)

File Attachments for Item:

F. APPOINTMENT OF CITY COMMISSIONERS TO COMMUNITY AND ADVISORY BOARDS



DATE: January 21, 2025
TO: Chair Schwarz and City Commissioners
FROM: Grant Gager, City Manager
RE: Appointment of City Commissioners to Community and Advisory Boards

Recommendation and Summary

The City Manager is recommending the Commission appoint members to serve on certain Community and City Boards by adopting the following motion:

"I move to appoint _____ to the Consolidated Land Use Board, _____ to the City/County Board of Health, _____ to the City/County Library Board, _____ to the City Urban Renewal Agency, and _____ to the Livingston Community Trust Board."

The reasons for the recommendation are as follows:

- Both Montana Code Annotated and the Livingston Municipal Code establish certain advisory boards of the City of Livingston.
- Certain seats on the boards are reserved for members of the City Commission.

Introduction and History

Certain City and State codes establish advisory boards and committees including City Consolidated Land Use Board (LMC Section 27-3), Urban Renewal Agency (City Ordinance 2075), City/County Board of Health (MCA 50-2) and City/County Library Board (MCA 22-1). The City additionally has a representative to the Livingston Community Trust, as well.

Analysis

Certain seats on the City advisory boards and committees are reserved for members of the City Commission as follows:

- City Consolidated Land Use Board: Section 27-3 of the LMC establishes that one non-voting member of the Board shall be a City Commissioner.



- City Urban Renewal Agency: Article II of the Urban Renewal Agency Bylaws establishes the membership of the board. There is no requirement that a member be a City Commissioner after the initial membership period, which has elapsed.
- City/County Health Board: Article III of the City-County Health Board Bylaws establishes the membership of the board and requires one City Commissioner be appointed by the City Commission.
- City/County Library Board: MCA 22-1 establishes a Board of the City-County Library and the City has a non-voting position of membership on that Board.

Fiscal Impact

There is no fiscal impact arising from this action.

Strategic Alignment

Appointing City Commission members to certain advisory board and committee seats will enable strategic coordination of the City's work plan.

Attachments

- Attachment A: List of Boards and Commissions

2025 Board and Committee Appointments

Board	Meeting Day/Time	Status	Current Appointment	2025 Appointment
City Consolidated Land Use Board	Second Wednesday 5:30 p.m.	Non-Voting	Lyons	
City-County Health Board	Quarterly, Second Tuesday 5:30 p.m.	Non-Voting	Nootz	
City-County Library Board	Third Tuesday 2:00 p.m.	Non-Voting	Willich	
Livingston Urban Renewal Agency Board	Fourth Tuesday 4:30 p.m.	Voting	Schwarz	
Livingston Community Trust Board	As Scheduled	Voting	Kahle	