

# Friends of Park County

P.O. Box 23, Pray, Montana 59065

*Promoting thoughtfully planned growth in order to protect and enhance Park County's vibrant communities, sustainable working lands, and healthy natural resources.*

## Recommendations on the Revised Draft Livingston Growth Policy Chapters 2, 3, 4 and 11

Presented to the Livingston Planning Board  
February 16, 2021

### Summary

Friends of Park County appreciates the very substantial progress that the Planning Board has made, with the support of the planning staff, in revising the Burton draft of the Livingston Growth Policy, shifting it away from sprawl and toward compact, traditional neighborhood development and the conservation of the rural lands and resources around Livingston that give it its distinctive character.

Our recommendations in response to the February 17 revised draft consist primarily of endorsing those revisions that continue this policy shift and suggesting other minor changes to the revised draft to assure additional consistency with the overall re-orientation.

### Chapter 2: Population and Community Character

#### Recommendation: Accept Staff's Proposed Population Range Projections

Friends of Park County recommends that the Planning Board accept the staff's proposed population range forecasts, expressed in the revised Table 2.1:

Table 2.1: Population ~~Projections~~ ~~Projects~~ in the City of Livingston and Park County

Year	Park County	Livingston (Growth Rate Derived from County Projections)	Livingston Annual Growth Rate of 1.0%	Livingston Annual Growth Rate of 2.0%
<del>2018</del> 2019	<del>16,736</del> 16,606	<del>7,478</del> 7,801	<del>7,529</del> 7,801	<del>7,478</del> 7,801
2025	17,857	<del>7,979</del> 8,393	<del>8,153</del> 8,281	<del>8,590</del> 8,785
2030	18,543	<del>8,285</del> 8,715	<del>8,569</del> 8,703	<del>9,484</del> 9,699
2035	18,955	<del>8,469</del> 8,909	<del>9,006</del> 9,147	<del>10,471</del> 10,709
2040	19,111	<del>8,589</del> 8,982	<del>9,466</del> 9,613	<del>11,561</del> 11,823

Source: Montana Department of Commerce and Burton Planning Services

It is good planning practice today to acknowledge the uncertainty in future population forecasts and to adopt policies and strategies that achieve the desired community outcomes regardless of the rate of growth.

Whether Livingston reaches a population of 9,000 in 2027, 2033 or 2041 (as the revised Table 2.1 projects) should not affect how the city manages that growth to realize its policy goals. The important question is not when a particular population will be reached but the form that population growth takes.

One important qualification to this endorsement of the use of a population range forecast is noted in the next recommendation.

**Recommendation: Require Consistency Between Growth Policy Population Forecasts in Chapter 2 and Forecasts Used in Public Facilities Planning. An Annual Growth Rate of 2.6% Was Assumed in A Study of Future Sewer Capacity Improvements Estimated to Cost \$16.8 Million.**

The population range projection in Chapter 2 of the Growth Policy should be used to guide the implementation of the Growth Policy through the city's public facilities and services planning.

The September 2019 "Preliminary Engineering Report: Wastewater Collection System" by TD & H engineering stated:

This report evaluates the collection system to determine immediate needs for reliability, safety and public health. The City of Livingston has experienced consistent annual growth are 0.25% in recent years. Given the population boom happening in the neighboring Gallatin Valley, the local population growth is expected to increase to 2.6% annually.

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The increase in residents in the City of Bozeman is likely to occur similarly within the City of Livingston. As such, the City has approved an annual growth rate of 2.6%, resulting in a design average day flow of 1.44 MGD in 2040. This will nearly double the sanitary flows, not associated with I/I, over the next 20 years.

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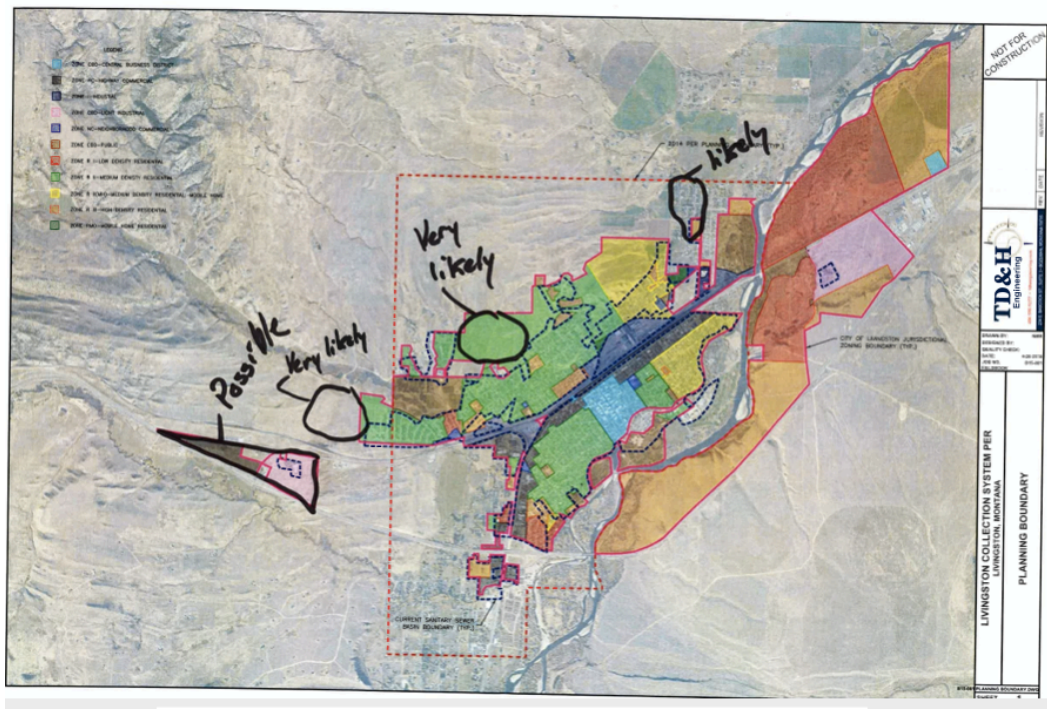
Friends of Park County strongly endorses protecting the Yellowstone River and other streams and groundwater from contamination by human sewage. Protecting water quality can certainly require improvements to the wastewater collection system. But the timing and scale of those improvements, and their cost to taxpayers, depends on whether those improvements are made consistently with the designated growth areas and staged for the time when they are needed in the face of population growth.

The potential taxpayer impact for improvements in the wastewater collection system is not a minor matter. Completing all 8 priority projects, shown in the excerpted table below from the Preliminary Engineering Report, would cost about \$3,400 per household in Livingston (assuming a city population of 10,000 at the time when taxpayers are paying for the improvements.)

Table 6-1 Project Cost Estimate Summary		
Priority	Project Name	Total Estimated Cost
1	Northern Trunk Main Capacity Increase	\$1,291,000
2	W Geyser Street Capacity Increase	\$1,992,000
3	N 5th Street Capacity Increase	\$3,117,000
4	Centennial Lift Station	\$474,000
5	Park Street Capacity Increase	\$4,332,000
6	E. Lewis Street Replacement	\$2,709,000
7 (tie)	Green Acres Subdivision	\$2,260,000
7 (tie)	Civic Center	\$616,000

Preliminary Engineering Report: Wastewater Collection System (September 2019) page 6.4.

Below is a sketch map that was included with the Preliminary Engineering Report showing areas of likely and very likely growth outside the city limits, that needed to be considered in planning for improvements in the sewage system. Those area are now inconsistent, at least in part, with the revised version of the Growth Policy.



Given that this report was completed one year before the draft Livingston Growth Policy was prepared and long before recent changes, there was nothing inappropriate in providing a population estimate or estimating future growth areas. However, this report and future ones will need to be brought into alignment with the updated Growth Policy once it is approved.

**Recommendation: Adopt staff proposed additions and revisions to the text, goals and strategies in Chapter 3, which reinforce and explicate the overall compact growth and infill development strategy.**

Friends of Park County recommends adopting the following new and amended text, goals and strategies from Chapter 3 in the February 17 draft:

Page 19 New explanatory text for Exhibit 3.43<sup>1</sup>

Using the 2017 Future Growth Map as starting point, a map was developed to depict Extra-Jurisdictional Areas Facing Development Pressure ~~new Future Growth Map was developed~~ (Exhibit 3.43) to indicate the areas that are likely to see development pressure. These areas do not indicate that the City wishes to expand through annexation, nor does it "pre-approve" future growth areas for annexation. Likewise, not being included in a future growth areas not included on this map does not preclude an area from being annexed. Annexation concerns should be addressed in the City's Annexation Policy and should reflect the community's desires in the future growth areas as to the location for growth.

Page 21 new text:

The City of Livingston is surrounded by substantial amounts of open space, as well. Undeveloped, and agricultural land and public lands comprise a majority of these open space areas. The City and the community share a desire to balance growth with preservation of these open spaces in order to protect the natural environment and important agricultural heritage.

Page 27 new strategies:

Strategy 3.1.1.1: Encourage additional residential density within the downtown area of the City.

Strategy 3.1.1.4: Promote ~~that any growth outside of City Limits~~ that maintains the compact, historic development patterns found in the historic city center.

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<sup>1</sup> Friends of Park County would have preferred that the Planning Board had adopted PCEC's recommendation of simply deleting the Future Growth Map rather than showing "Areas Facing Development Pressure" (Exhibit 3.43). However, as a compromise it endorses the addition of this language explaining the map.

Strategy 3.1.1.5: Evaluate and amend the zoning and subdivision ordinances to prohibit the development of large lot subdivisions inconsistent with Livingston's historic development pattern within the City or Extra-Territorial Jurisdiction (ETJ).

Strategy 3.1.1.6: Encourage residential developments to provide neighborhood commercial areas serving residents within walking distance.

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

3.1.1.9: Maintain the overall size of the area within City Limits to no greater than the City's current land area of approximately 3,700 acres.

~~Deletion of: Identify growth areas in the ETJ and encourage appropriate development in these areas through annexation and capital improvement policies.~~

Strategy 3.1.2.2: Analyze undeveloped areas within City limits that are undesirable for development and consider de-annexation.

Strategy 3.1.2.3: Maintain existing agricultural uses within the ETJ.

Goal 3.2: Provide adequate land for anticipated demands ~~inside and outside City limits~~ in a pattern which encourages infill, compact development, and allows a mixture of uses.

Strategy 3.2.1.3: Ensure new community facilities are located outside of environmentally-sensitive areas and areas prone to natural hazards.

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

**Recommendation: Revise Goal 3.1 (page 27) to refer to encouraging compact, efficient growth only within the city limits, not outside of them.**

In the February 17 draft, Goal 3.1 on page 27 has been revised to read:

Goal 3.1: Within City limits **or within close proximity to City limits**, encourage growth that consumes less energy and encourages sustainability by taking advantage of existing and planning infrastructure, such as transportation, energy, water, and sewer facilities, prioritizing infill over expansion of the City limits.

Friends of Park recommends deleting the reference to efficient growth outside the city limits, to achieve consistency with other strategies and overall growth strategy of city growth inside city limits:

Goal 3.1: Within City limits ~~or within close proximity to City limits~~, encourage growth that consumes less energy and encourages sustainability by taking advantage of existing and planning infrastructure, such as transportation, energy, water, and sewer facilities, prioritizing infill over expansion of the City limits.

Almost all of the new and amended strategies, including those relating to annexations, point in the same direction; compact, traditional city development belongs inside present or future city limits. Although the draft language is improved, Goal 3.1 still contemplates development on city facilities outside city limits. This is inconsistent with the other new and revised strategies.

At your prior meeting this month, Public Works Director Holmes described the possibility that failing sewage systems in the Green Acres subdivision might necessitate the extension of city wastewater collection systems. Table 6.1 from the engineering report shows the cost for this extension as \$2.26 million. This is a good example of one of the bad effects of allowing residential developments outside but next to the city.) In that kind of situation, to avoid a health hazard, the land should be annexed and provided with other city facilities and services and the draft annexation strategies should be supplemented accordingly.

**Recommendation: City’s Growth Policy Goals and Objectives should be implemented during annexation process, not just “considered.”**

New strategy 3.1.1.7 on page 27 is:

Strategy 3.1.1.7: Evaluate, amend, and strengthen the City’s Annexation Policy to ensure the Goals and Objectives of the Growth Policy are considered during the annexation process.

“Considering” goals and policies means reflecting on them, not carrying them out. If the goals and objectives are in the Growth Policy they should be implemented, not just “considered” for implementation. The proposed new strategy should be revised as follows, to require implementation:

Strategy 3.1.1.7: Evaluate, amend, and strengthen the City’s Annexation Policy to ensure the Goals and Objectives of the Growth Policy are **considered implemented** during the annexation process.

**Recommendation: Adopt staff recommendation of limiting overall land area of City, while allowing adjustments to city limits, within that size cap.**

Friends of Park County supports the idea of reconsidering the location of current city boundaries to allow potential future growth in better locations (for example, not in the Yellowstone River flood plain) while not increasing the overall size of the city.

## Chapter 4: Natural Resources

**Recommendation: Replace, rather than delete, Strategy 4.1.3.3. to draw a connection between curbing sprawl as a strategy to avoid additional greenhouse gases. (page 97-98)**

Friends of Park County suggests that Strategy 4.1.3.3 be replaced, rather than eliminated, to clearly reference the climate change benefits of compact growth:

Strategy 4.1.3.3: ~~Reduce urban sprawl through compact development consistent with the Future Land Use Map.~~ Maintain traditional compact mixed-use growth pattern to avoid increases in sprawl that results in additional driving that generates climate-changing pollution.

## Chapter 11: Land Use Recommendations

**Recommendation: Approve the following proposed new and amended text describing future revisions to the zoning ordinance:**

Recommended changes to zoning ordinance page 91:

- Investigate updating zoning to include a neighborhood scale mixed use district.

Recommended changes to subdivision regulations page 92

Require a flood study if proposed development is to be located within a 100-year floodplain.

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.

Proposed PUD Overlay page 96.

1. As a first step toward codifying a Planned Unit Development Overlay, investigate PUDs 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.

**Recommendation: Request staff to clarify the meaning of “more modern street sections” for use in subdivision regulations.**

On page 92 one of the proposed changes to the zoning ordinance is:

Table 1 should be updated to meet more modern street sections and give sections for different types of street (arterial, collector, local). (VI-A-8 b Table 1)

It is not clear exactly what are the “more modern street sections.”

Street designs and designations are one of the more contentious issues in city planning today. The debate centers around the use of designs that favor the car and auto-oriented development versus a more balanced approach that respects the needs for walking, biking and lower speed traffic that is more compatible with infill and redevelopment and reduces pedestrian deaths and injuries.

The Planning Board should request the planning staff reference the National Association of City Transportation Officials’ (NACTO’s) [Urban Street Design Guide](#).

**Recommendation: Clarify or supply the criteria for making decisions on subdivision applications.**

Friends of Park County has difficulty determining exactly what criteria govern the review of subdivisions, as presented in Growth Policy Chapter 11 part B. “Evaluation of Subdivision” on pages 93-95. There is a list of “impacts” or “evaluation factors” that are to be considered, which serves as useful checklist of things to consider. These are described as “criteria,” but they are not, they are topics.

The only possible criterion is found in the following sentence on page 94:

Evaluation of subdivision proposals against these criteria [sic.] requires an assessment of how the public interest is best served. The relative value of each criterion and the significance of potential impacts to it will be weighed in the context of goals and objectives as expressed in the Growth Policy.

It is hard to find any particular guidance to how the potential impacts “will be weighed” and how that weighing is done in the “context” of the goals and objectives in the Growth Policy.

Applications for development approval should be subject to clear criteria that provide a high level of certainty for the applicant, interested neighbors and the decision maker. This is an essential element of both efficient decision making and fairness.

A modest improvement in the language that would help provide with decision making would be:

Subdivision proposals should be evaluated to determine whether the anticipated impacts from the subdivision will further or frustrate the goals and objectives in the Growth Policy and therefore whether the proposed subdivision will serve the public interest.

**Recommendation: Assure consistency between land use definitions and overall compact growth strategy by deleting the “Very Low Density Residential” land use designation.**

The section titled “Future Land Use Map: B. Definitions” provides the definitions for the land use designations used in the Growth Policy.

On page 101 Friends of Park County recommends deleting the “Very Low Density” residential designation:

~~Very Low Density—The Very Low Density Residential land use designation provides for the development of large lot single family dwellings and ancillary structures. The density range is 0 to 2 dwelling units per acre.~~

One acre lots and ½ acre lots for homes are not consistent with either the policies favoring compact traditional neighborhood development inside the city and with the protection of rural lands and resources outside the city. Those densities outside city limit and without city services can also lead to problems with cumulative septic system failures requiring the extension of city sewers.

That residential density is far, far too high for rural lands and far, far too low for compact city development.

**Recommendation: Assure consistency between land use definitions, overall compact growth strategy and allowing for construction of market affordable apartments by retaining the “Very High Density’ Residential” land use designation.**

On page 102 the draft recommends deleting the “Very High Density Residential” land use designation:

~~The Very High Density Residential land use designation provides multistory, multiple family developments. The density range is 25 or more dwelling units per acre.~~

The Ebert Apartments on West Callendar Street provides 38 apartments on a lot of about 12,000 square feet. That works out to a residential density of more than 135 units per acre. The price of a studio apartment at the Ebert Apartments is affordable by someone earning \$30,000 a year.

If the City wants to encourage compact growth and increase the supply of affordable housing, it needs to retain, not delete – this land use designation. If there is a concern about height and bulk of new residential development, then that it should be addressed directly through goals and strategies addressing those subjects.

**Recommendation: Approve draft definition of “Pastoral/Open Space”**

Friends of Park County endorses the staff memo’s proposed definition of “Pastoral/Open Space” on page 102:

Pastoral/Open Space land use designation includes generally undeveloped agricultural lands used primarily for grazing, crop production, and the production of agricultural products. Land designated as Pastoral/Open Space is intended to remain agricultural in nature in the future.

**Recommendation: Approve proposed draft deletion of reference to future residential growth areas outside the city limits.**

Friends of Park County endorses this proposed deletion of text on page 103, part of the section under the heading “C. Future Land Use Analysis”:

~~It is important to note that the primary residential growth areas are on the north side of the railroad corridor. This fact makes it essential that the City continue to pursue an additional off-grade rail crossing in order to facilitate future growth. It cannot be overemphasized that if we wish to pursue economic growth, we must provide for the physical growth of the City. Enhanced access to the north side of the railroad is a requirement for this to occur. According to the 2017 Northside Livingston Transportation Plan, an additional 2,240 residential buildings could be constructed north of the railyard.~~