

**STAFF REPORT**  
**North Town Subdivision**

**BACKGROUND**

Mr. Bill Muhlenfeld and Mr. Matt Faure, owners of property described as Lot 3A of The Northtown Subdivision, located north of the Palace Addition, are proposing to create eighty-eight (88) residential lots. This development would be a continuation of the previous phase that is nearly built-out on Sweetgrass Lane. This property was annexed into the City in 2008 and is zoned Medium Density Residential (RII).

**FINDINGS OF FACT** (See also pages 149-153 of the application packet)

The Montana Code Annotated requires that the following primary criteria be the basis for the governing body's decision to approve, conditionally approve or disapprove a proposed subdivision:

(Answers appear in *italics*)

1. Effect on Agriculture

- 1) Would the subdivision remove agricultural or timberlands with significant existing or potential production capacity? *No.*
- 2) Would the subdivision remove from production agricultural lands that are critical to the areas agricultural operations? *No.*
- 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)? *No. There are no intensive agricultural activities in the immediate area.*
- 4) How would the subdivision affect the value of nearby agricultural lands? *See answer above.*

## 2. Effect on Agricultural Water User Facilities

- 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.)? *There are no known agricultural water facilities effected by this project.*

## 3. Effect on Local Services

- 1) What additional or expanded public services and facilities would be demanded to serve this subdivision? *Water, sewer, garbage collection, police, fire, 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 police and fire services will eventually increase as the population increases. The amount attributed to this development is integrated into our current impact fee schedule.*
  - b) Who would bear these costs? *Impact fees will be charged at the time building permit(s) are issued.*
  - c) Can the service providers meet the additional costs given legal and other constraints? *The City's impact fees are designed to off-set the increase in costs.*
- 1) Would the subdivision allow existing services, through expanded use, to operate more efficiently or make the installation or improvement of services feasible? *This project will extend the City's water and sewer systems to the north. While these systems can provide service to this development, it is unlikely that the efficiency of those systems will be effected.*
- 2) What are the present tax revenues received from the unsubdivided land by the County, City and Schools? *Approximately \$6,941.*
- 3) What would be the approximate revenues received by each above taxing authority when the subdivision is improved and built upon? *Estimated at approximately \$60,000 to \$100,000 divided among all three entities.*
- 4) Would new taxes generated from the subdivision cover additional public costs? *In general, it is believed that residential property does not pay enough through property taxes to cover the cost of services provided. However, with impact fees it is much more likely for projects to pay for themselves.*
- 5) Would any special improvement districts be created which would obligate the City fiscally or administratively? *No.*

#### 4. Effect on the Natural Environment

- 6) 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? *No known historic or archaeological resources are present. No surface waters are present.*
- a) Would any stream banks be altered, streams rechanneled or any surface water contaminated from run-off carrying sedimentation or other pollutants? *No.*
  - b) Would groundwater supplies likely be contaminated or depleted as a result of the subdivision? *No.*
  - c) Would construction of streets or building sites result in excessive cuts and fills on steep slopes or cause erosion on unstable soils? *No.*
  - d) Would significant vegetation be removed causing soil erosion or bank instability? *No. Proper construction techniques should avoid any erosion problems.*
  - e) Would significant historical or archaeological features be damaged or destroyed by the subdivision? *No known historic or archaeological resources exist on this property.*
  - 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? *High winds are a concern everywhere in Livingston. Known storm drainage issues will have to be mitigated through proper engineering design.*

#### 5. Effect on Wildlife and Wildlife Habitat

- 1) How would the subdivision affect critical wildlife areas such as big game wintering range, migration routes, nesting areas, wetlands or other important habitat? *This subdivision is not located within critical wildlife habitat.*
- 2) How would pets or human activity affect wildlife? *Human/wildlife interaction is expected to be minimal at this location.*

#### 6. Effect on Public Health and Safety

- 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.*
- 2) What existing uses may be subject to complaints from residents of the subdivision? *None have been identified.*
- 3) What public health or safety hazards, such as dangerous traffic or fire conditions, would be created by the subdivision? *None have been identified.*

**VARINACE REQUEST** (See pages 571-572 of the application packet)

In conjunction with this development, the applicant is requesting the following variance from the design requirements found in the City's Subdivision Regulations:

1. **Standard:** Alleys are required in all residential subdivisions.  
**Request:** The applicant wishes to plat this subdivision with no alleys due to the topography of the site.

**STAFF RECOMMENDATION (Variance)**

Given the steep and varied terrain in this development, inclusion of alleys in the design would likely preclude the use of this property for residential purposes. Because this variance request will not be detrimental to public welfare or cause an increase in public costs, and because it would not place the subdivision in nonconformance with adopted zoning regulations, Staff recommends that the planning Board recommend to the City Commission that the variance request be **approved**.

**PUBLIC HEARING**

**STAFF RECOMMENDATION**

Based upon the Findings of Fact, and after reviewing this application, the City Planning Department recommends that the City Planning Board recommend **conditional approval** of this subdivision. The suggested conditions follow:

1. All sewer and water main extensions will be a minimum of eight (8) inch.
2. Storm water design will meet all applicable DEQ standards.

3. A Montana licensed engineer, or his supervised representative, will be required to be on site during utility construction.
4. Any utility reimbursement plan must be submitted to, and approved by, the City prior to the beginning of construction.
5. 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.
6. Any improvement agreement(s) for deferred infrastructure construction need to be reviewed and approved by the City prior to the beginning of construction.
7. The subdivider will, in consultation with the County Extension Office, prepare a noxious weed plan to mitigate the spread of weeds to adjacent properties. Proof of compliance with this plan will be required in order to gain final approval.
8. All outdoor lighting in this development will be required to be night-sky friendly. City standard street lights will be required throughout the development.
9. Final approval for the first phase will require compliance with all of these conditions as well as completion, or financial guarantee, of the water main loop connection from Sweetgrass Lane, through Phases 4B and 4A, along Wild Rye Drive and back to Scenic Trail.

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Jim Woodhull  
Director of Building & Planning