

## City of Livingston Planning Board Agenda

Date: August 17, 2022

A meeting of the City Planning Board is scheduled for August 17, 2022, from 5:30-7:00 p.m. The meeting will be held via Zoom.

Join Zoom Meeting:

<https://us02web.zoom.us/j/81304082429?pwd=bzBkS0Rvby8wWVZGMG9NL25OT3VvUT09>

Meeting ID: 813 0408 2429

Passcode: 197156

Call in: (669) 900-6833

Roll Call

Approval of Minutes:

- June 2022
- No July meeting

Public Comments (state your full name and physical address prior to speaking)

New Business:

- Public Hearing – Mountain View Subdivision

Old Business:

Administrative Comments:

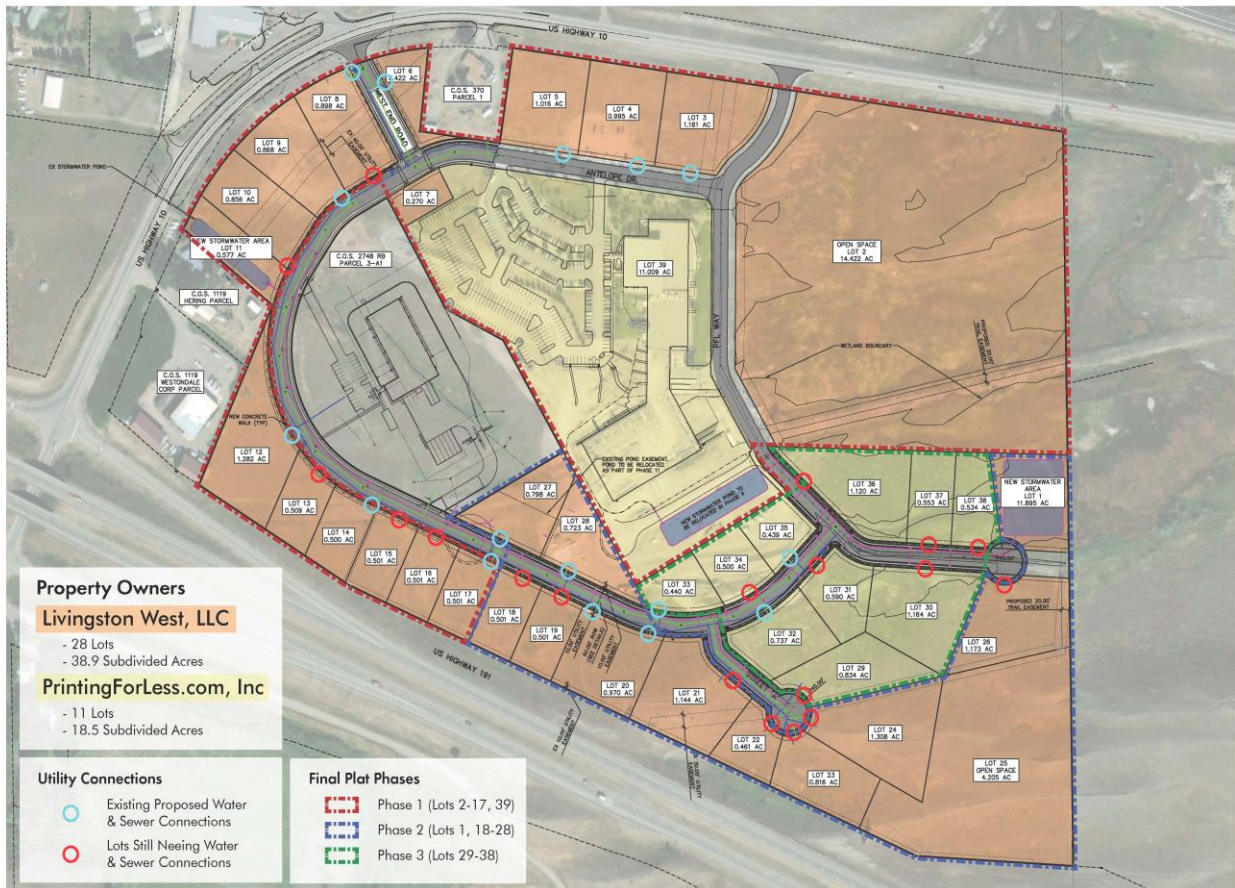
- Public Works Update
- Planning Update
- Board Comments
- Next Meeting: September 21, 2022

Meeting Adjournment

## STAFF REPORT Mountain View Subdivision

### BACKGROUND

Livingston West, LLC and PrintingForLess.com INC, owners of property described as Parcel 1A of Certificate of Survey No. 2748 and Parcel 2A of Certificate of Survey No. 2621, located on the west end of Livingston near the Highway 10 West on-ramp at Interstate 90, are proposing to divide this property into 39 lots. The property was annexed in 2004, is zoned Highway Commercial and it currently contains the PFL facility and a new FedEx ground building.



## **FINDINGS OF FACT**

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? *Not applicable.*

### 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.)? *No ag water user facilities exist on the subject property.*

### 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 slowly 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? *Taxes on new construction will go to the City's General Fund and 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 and were updated in 2021.*
- 2) Would the subdivision allow existing services, through expanded use, to operate more efficiently or make the installation or improvement of services feasible? *Somewhat. The extension of water and sewer mains to the edge of Hwy 10 would accommodate future service to additional annexed property across the Highway.*

- 3) What are the present tax revenues received from the unsubdivided land by the County, City and Schools? *\$6,548.17.*
- 4) at would be the approximate revenues received by each above taxing authority when the subdivision is improved and built upon? *Estimated at \$300,000 divided among the three entities.*
- 5) Would new taxes generated from the subdivision cover additional public costs? *The fact that this development is zoned Highway Commercial, with the potential for both higher density residential buildings as well as commercial uses, makes it more likely that the property tax revenue generated will cover the additional public costs. Impact fees will apply to this development and the property will also be included into our street and light maintenance districts.*
- 6) Would any special improvement districts be created which would obligate the City fiscally or administratively? *No.*

#### 4. Effect on the Natural Environment

- 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.*
  - 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, per the City's Design Standards, 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. (See response letter from SHPO.)*
  - 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? *No Known hazards have been identified.*

#### 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. (See response from FWP.)*

#### 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.*

## **PUBLIC HEARING**

## **STAFF RECOMMENDATION**

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

1. The subdivider will 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. All infrastructure will comply with the City of Livingston Public Works Design Standards and Specification Policy.
3. The water main loop from Antelope Drive to PFL Way will be in place prior to final approval of Phase 1.
4. Final approval of this subdivision will require proof of compliance with Montana DOT conditions in regard to any improvements to Highway 10.
5. Street lights will be required within this development. Type and spacing will be per existing City specification.
6. Storm water design will meet all applicable DEQ standards.
7. A Montana licensed engineer, or his supervised representative, will be required to be on site during utility construction.

8. Any utility reimbursement plan must be submitted to, and approved by, the City prior to the beginning of construction.
9. 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.
10. Any improvement agreement(s) for deferred infrastructure construction need to be reviewed and approved by the City prior to the beginning of construction.
11. 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.
12. All outdoor lighting in this development will be required to be night-sky friendly.

*Jim Woodhull*

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Jim Woodhull  
Director of Building & Planning