

Livingston
Urban Renewal Plan

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Chapter I -Introduction

Background & Statement of Purpose

A group of business people, property owners and citizens became concerned about the condition of the Downtown Livingston area and approached the Livingston City Commission about the possibility of creating an urban renewal district. On Sept. 15, 2003, the Livingston City Commission adopted Resolution No. 3437. Through this resolution, the City Commission authorized the Citizens Coordinating Committee to conduct a professional study for the purpose of determining if blight exists within the Downtown Livingston area.

The Study that was conducted revealed that blight exists in the area in accordance with Urban Renewal Law (7-15 Parts 42 & 43 M.C.A.). On December 1, 2003 the City Commission adopted Resolution No.3462 "declaring a blighted area exists within the City of Livingston, Montana" and directed the Citizens Coordinating Committee to complete the preparation of an urban renewal plan to address the conditions of blight discussed in the *Livingston Urban Renewal Study*. This Plan is the result of that directive.

An area is determined to be "blighted" if conditions are found which meet definitions set forth in the Urban Renewal Law. The statute declares that prevention and elimination of such areas is of public concern. Even though Urban Renewal Law recognizes it is in the public interest to eliminate blight, the blighting conditions that exist are faced most immediately by the citizens who reside, work or own property in the area. The idea that these private interests must be engaged in partnership with the City in order to correct blighting conditions and take advantage of opportunities is the underlying principle guiding this Plan.

Boundaries, Description and Map of the Urban Renewal District

The boundaries of the District as determined by the City Commission are based on factors including infrastructure conditions, building conditions, transportation corridors, existing and desired land use patterns, incidence of emergency service calls, as well as other considerations.

The proposed Urban Renewal District (District) is approximately 143 acres in size, though a broader district was initially studied. Total acreage in the City of Livingston is approximately 1664 acres. The Urban Renewal District is approximately 9% of the land area of the City of Livingston. The district's infrastructure, streets and buildings were laid out, for the most part, about 100 years ago. The area's features have taken shape based on the predominant modes of transportation at the time of the town's founding: rail, horse and foot. Park Street (Highway 89/10), Main Street, and the rail lines of Burlington Northern/Montana Rail Link are transportation corridors that shape the district, and just beyond the district lies Interstate 90. The Yellowstone River and Absarokee Mountains are the dominant landscape features. Platting of land and land use, access, traffic and circulation, development patterns and a host of other aspects of the plan area are defined by these features.

The legal description of the Urban Renewal District is as follows:

Urban Renewal District; being portions the Original Townsite of Livingston, all of the Sacajawea Park and Miles Park Additions to the City of Livingston, a portion of Certificate of Survey No. 1020, and Tract 1 of Certificate of Survey No. 984, (an unincorporated portion of Park County); located in portions of the NE1/4, SE1/4, SW1/4 and NW1/4 of Section 13, and the NE1/4 and NW1/4 of Section 24, all in Township 2 South, Range 9 East, P.M.M., City of Livingston, Park County, Montana; more particularly described as follows:

Beginning at the intersection of the center lines of E Street and Park Street; thence northerly along an extension of the center line of E Street, across the southerly half of the Burlington Northern Santa Fe (BNSF) Right-of-Way; thence westerly approximately 1,075 feet along the center line of the BNSF Main Line; thence northerly across the northerly half of the BNSF Right-of-Way; thence northerly approximately 144.4 feet along the westerly boundary of Tract A-1 of Certificate of Survey No. 970; thence continuing northerly approximately 255.4 feet across a portion of Tract A-1 of Certificate of Survey No. 970 to the southerly boundary of Chinook Street; thence westerly approximately 22.5 feet along the southerly boundary of Chinook Street; thence northerly along the southerly extension of the center line of B Street to the intersection of B and Chinook Streets; thence westerly along the center line of Chinook Street to the intersection of Chinook and 2nd Streets; thence southerly along the center line of 2nd Street to the intersection of 2nd and Front Streets; thence westerly along the center line of Front Street to the intersection of Front and 8th Streets; thence southerly along the southerly extension of 8th Street across all of the BNSF Right-of-Way, U.S. Highway 10, Out Lot No. 2 of the Original Townsite, and Park Street to the southerly boundary of Park Street; thence southerly along the center line of 8th Street to the intersection of 8th and Callender Streets; thence easterly along the center line of Callender Street; thence southerly along the center lines of the center alleys through Blocks 80, 94, 112, and 120 of the Original Townsite to the center line of Butte Street; thence westerly along the center line of Butte Street to the intersection of Butte and Yellowstone Streets; thence southerly along the center line of Yellowstone Street to the north bank of the North Channel of the Yellowstone River; thence southerly along a southerly extension of the center line of Yellowstone Street across the North Channel; thence westerly, southwestly, and southerly along the south bank of the North Channel, said south bank also being the northerly boundaries of the Sacajawea Park Addition; thence easterly along the north bank of the Main Channel of the Yellowstone River, said bank of the Main Channel being the southerly boundaries of the Sacajawea and Miles Parks Additions; thence northerly along the easterly boundary of the NE1/4 of Section 24, said section line also being the easterly boundary of the Miles Park Addition; thence northerly along the easterly boundary of the SE1/4 of Section 13, said section line also being the easterly boundary of the Park High School Tract as shown on Recorder's Plat No. 539; thence continuing northerly along said section line across View Vista Drive; thence continuing northerly along said section line across a portion of Tract 1 of Certificate of Survey No. 1020; thence continuing northerly along said section line along the line common to Tracts 1 and 2 of Certificate of Survey No. 1020 to the south bank of the North Channel; thence continuing northerly along said section line across the North Channel; thence westerly along the north bank of the North Channel to the center line of D

Street; thence northerly along the center line of D Street to the intersection of D and Geysler Streets; thence westerly along the center line of Geysler Street; thence northerly along the center lines of the center alleys through Blocks 109, and 97 of the Original Townsite to the center line of Lewis Street; thence easterly along the center line of Lewis Street to the intersection of Lewis and E Streets; thence northerly along the center line of E Street to the point of beginning.

The following is a map of the Urban Renewal District:



Brief History of the Area

Railroad construction in the late 1800's, the area's proximity to Yellowstone Park, and ranching and mining opportunities encouraged Livingston's early economy to thrive. Livingston became a hub of Northern Pacific/Burlington Northern railroad operations, and remained so until 1987. The town continued to grow modestly in the east, north, west and southwesterly directions with growth limited primarily by the Yellowstone River. The pattern of development has remained primarily concentrated along the original transportation corridors. Some development has occurred in the last 25 years farther to the east and west, and along the 89/90 interchange areas. Highway 89 remains a primary corridor to Yellowstone National Park. Development has continued to occur along these corridors, which affects commercial activities within the City limits.

Findings of Study

The following findings are taken from the *Livingston Urban Renewal Study*. They are organized according to the factors that define blight under Urban Renewal Law (M.C.A. 7-15-4206).

- (a) the substantial physical dilapidation; deterioration; defective construction, material, and arrangement; and/or age obsolescence of buildings or improvements, whether residential or nonresidential; **physical dilapidation in components of the area's infrastructure was "substantial". The area is characterized by aging infrastructure, both visual and underground. Sidewalks, curbs, gutters and alley areas are in noticeably deteriorating condition - cracked, broken and spalled. High curb cuts impede safe access. Some absence of sidewalks force pedestrians into the roadway. Basic services of water and wastewater distribution and collection are inadequate and in need of repair, upgrading or replacement. Municipal water services lines are reaching the end of their serviceable life, and in-ground sewer systems are in need of replacement, as are connecting private service lines. Many properties have plumbed roof drains that route storm water unnecessarily into the sewer treatment system. Some buildings lack compliance with current fire and life safety codes and several properties suffer from deferred maintenance and upkeep. Some upper floor spaces are vacant or underutilized. Access to most of these upper floor spaces is limited. Aging public and private properties, insufficient maintenance, building, fire and life safety codes and ADA compliance, and underutilization contribute to blighting conditions that erode the economic and social base downtown and promote a cycle of disinvestment.**

- (b) inadequate provision for ventilation, light, proper sanitation facilities, or open spaces as determined by competent appraisers on the basis of the building standards of the municipality; **no such appraisal was undertaken and no findings are made.**
- (c) inappropriate or mixed uses of land or buildings; **some examples of inappropriate and mixed uses of land exist in the study area. Where light industrial, and heavier commercial activity occurs immediately adjacent to residential uses, conflicts with noise, parking, deliveries, and employee activity arise. The city's Comprehensive Plan should address these issues. In addition, this situation should be examined in light of the existing uses and the community's need for light industrial and heavy commercial business expansion areas in the future. Commercial zoning underlies existing residential uses in established neighborhoods. These single-family neighborhoods are an important part of downtown's economy and should be maintained. Where these conditions occur, it is recommended that the transition of neighborhoods from residential to commercial not be hastened by any local action, and that the value of these modestly scaled residential structures and neighborhoods be underscored in the comprehensive plan as a desirable component in proximity to the downtown area.**
- (d) high density of population and overcrowding; **according to demographics, population loss, transition and aging has occurred significantly in the last 20 years, with the overall population remaining relatively stable. There is significant aging occurring in the Livingston population, and within the study area. This condition will result in continued increase in emergency service calls. This continued increase in demands for service contributes a blighting influence.**
- (e) defective or inadequate street layout; **there is evidence of inadequate railroad crossing opportunities and related street layout defects which may cause some traffic circulation problems and may be a contributing factor to automobile crashes as identified in the Livingston Transportation Study. This is a blighting influence.**
- (f) faulty lot layout in relation to size, adequacy, accessibility, or usefulness; **the placement of utilities and the narrowness of alleys in relationship to lot layout and lot coverage in the study area contributes to limits in alley usefulness and accessibility. The pattern of subdivision along the railroad tracks on the north side of Park Street and the limited services to those properties render some of the study area less useful and is a contributing factor to blight.**
- (g) excessive land coverage; **excessive land coverage was not examined in the study area.**
- (h) unsanitary or unsafe conditions; **there were a high number of emergency services calls in the Study Area in relation to the rest of the City. Also, lack of provisions for pedestrians, bicyclists and adequate access for those with mobility challenges can lead to unsafe conditions. These factors constitute a blighting influence.**

- (i) deterioration of site; **no glaring examples of deterioration of site were specifically identified.**
- (j) diversity of ownership; **the near singularity of ownership/control of railroad right-of-way creates conditions that impede normal market function, especially with regard to new development, maintenance and services to these properties. Conversely, great diversity in ownership within the study area creates additional challenges to accomplishing its management, improvements and land assemblage. This is a blighting influence.**
- (k) tax or special assessment delinquency exceeding the fair value of the land; **tax records were not reviewed for this type of information.**
- (l) defective or unusual conditions of title; **because of the vast number of properties involved in the Study Area, it was impossible to undertake a determination of whether defective or unusual condition of title exist.**
- (m) improper subdivision or obsolete platting; **no such conditions were examined.**
- (n) the existence of conditions which endanger life or property by fire or other causes; **fire and emergency service call data received suggests that the Study Area has a proportionately higher share of such incidences than that of the City as a whole. The study area encompasses 9% of the surface area of the city of Livingston, but has 25% of the service calls. This factor is a blighting influence.**
- (o) any combination of the factors listed in this subsection.

Chapter II - Problems & Opportunities (Policies and Goals)

Comprehensive Plan

It should be recognized that the Livingston Comprehensive Plan might change during the life of the Urban Renewal Plan (URP). The Comprehensive Plan is currently undergoing update per Montana State Law. Conversely, opportunities may arise in the Livingston Urban Renewal District that would prompt changes in the Comprehensive Plan or zoning. The two plans should inform one another. While the URP does not anticipate specific amendments to the Comprehensive Plan or the zoning code, it would be unreasonable to assume that over the course of 15 years opportunities would not arise requiring such changes or making such changes desirable. The URP and projects that may arise pursuant to carrying it out that require changes in either zoning or comprehensive land use planning will be required to follow whatever requirements exist at that time for such amendments or variances prior to being approved or funded by the Livingston Urban Renewal Agency.

Policies and Goals can be guided by the Livingston Comprehensive Plan, the Urban Design Plan and the Patterns Study and other planning documents listed in the Urban Renewal Study. These policies and goals may provide guidance for decisions related to, but not limited to:

- Infrastructure
- Transportation
- Design
- Access
- Public Safety
- Historic Preservation
- Open Space
- Public Art
- Landscaping

Infrastructure

A community's infrastructure is its collective solution to the problem of efficient movement of pedestrians, vehicles and other public services such as water and wastewater management. Failure to maintain and improve public infrastructure is a major disincentive to private investment and reinvestment. It stands to reason that the private sector will not invest in an area that does not command attention and investment by the public sector. Therefore, the Livingston Urban Renewal Plan envisions the creation of ongoing public/private partnerships that will enhance public infrastructure as a redevelopment strategy. Moreover, where public/private partnerships with the federal government, the State of Montana, Park County, the City of Livingston or other public entities may be formed to efficiently and economically improve or expand the ability of the public infrastructure to serve the community, those partnerships should be made.

Among the strategies deserving consideration are the following:

- A program that coordinates planned public improvements to sidewalks, curbs, gutters and alleys with remedial actions by private property owners is needed to assure that the community's most basic infrastructure is properly maintained. At the same time it is important to remain mindful of the significant costs to private property owners involved and consider appropriate financing mechanisms.
- Replacement of public and private service lines should occur at such time as the alleys are reconstructed or when incidents of system failure occur.
- Rerouting of storm water runoff from roof drains is recommended to eliminate excessive burden on the sanitary sewer system and reduce infiltration of storm water into the sewage treatment system, thereby reducing the cost of municipal wastewater treatment.
- At such time as the alleys in which the public and private water mains and service lines are located are reconstructed, both the mains and services should be replaced as needed. In addition, serious consideration should be given to providing adequate water service to

pressurize fire suppression systems to protect the lives and properties in the district, especially those properties that are in violation of building, fire and life safety codes.

- Appropriate, adequate lighting is recommended as an essential public amenity which will provide security for both people and property, improvement of pedestrian access and to extend the amount of time people are willing to spend in an area, during hours of darkness, on any given evening.
- Infrastructure design should be improved to be consistent with the standards created pursuant to the Americans with Disabilities Act (ADA). The ADA provides accessibility standards for citizens who are mobility challenged. The nearly total lack of ramps at street corners in the portions of the study area with sidewalks should be remedied. Barriers that impede access to Downtown buildings, walkways and facilities are specifically identified by the ADA as unacceptable and should be corrected. Barriers such as sidewalks with uncommonly high street-to-sidewalk elevation changes should be eliminated. Where sidewalks are absent, construction of paths or sidewalks should take place to get pedestrians out of the roadway and onto safe routes. The ADA addresses other situations, such as visual impairments, which should be considered when making improvements under this Plan.
- There is evidence that several sidewalks in the study area cover underground vaults. When these sidewalks over vaults deteriorate enough, a structural failure to the public right-of-way will occur. Death or serious injury could result, so this hazard that should be anticipated and a program developed to address it. Historic elements such as signs cast in the concrete have been identified in other studies as historically significant and those elements add to the character and value of the Study area. Where those artifacts can be preserved or incorporated in new sidewalks, consideration should be given to doing so.
- Historically, sidewalks are the legal responsibility of the adjoining property owner. Typically rehabilitation and renovation of structures creates a good opportunity to address sidewalk replacement. New entrances, rehabilitation of walls or display space, for example, may be benefited by new sidewalks. Completing the sidewalk work at the same time as other renovations are made will reduce disruption to the businesses and likely provide economy of scale that will benefit the property owner.
- The deteriorating condition of the public right-of-way, specifically the condition of sidewalks, curbs, and gutters, is a contributing blighting influence in the study area. A program which coordinates planned public improvements with remedial actions by private property owners to correct this situation is needed to assure that the community's most basic infrastructure is properly maintained while, at the same time, remaining mindful of the significant costs to private property owners involved.
- Drainage of storm water and snow melt from streets is a responsibility of the City. Streets that have insufficient slope, or gutters or storm drains in bad condition will reduce the effectiveness of storm water drainage. The effect of this condition is pooled water at

crosswalks and diminished street life cycle as the street surface is subjected to aggravated freeze-thaw cycles.

Transportation

- The *Livingston-Park County Transportation Study* (2000) observed that there was a parking deficiency in the Central Business District (CBD). Moreover, the Study observed that there was an increase in congestion and car crash rate in the study area that may be due to the arrangement of the on-street parking inventory. These parking arrangements may create an unsafe condition and may impede the sound functioning of the CBD and are therefore considered contributing factors of blight. Correcting the problems identified in the Livingston/Park County Transportation Study requires a coordinated approach that, first, deals with unsafe conditions such as deficient street markings, impairment of reasonable sight distances, etc, and second, effectively and efficiently manages existing on-street parking spaces, which will benefit both businesses and shoppers.
- Creation of publicly managed off-street parking facilities should be considered once parking management strategies have maximized the efficient use of existing parking resources.
- As necessary, development or improvement of railroad crossings should be considered to improve safety and circulation.

Community Amenities and Public Facilities

- The Study found that there are ample opportunities for enhancement of parks and riverfront, both in active and passive recreational activities. Public gathering places, either private or public, indoors or out, can be enhanced or developed, as can bike and pedestrian pathways and exercise routes. Facilities for walkers and bikers can be provided.
- Enhancing Main Street to be the corridor to the Yellowstone River is recommended. Identity of areas within the Downtown can be enhanced by the provision of landscape, public art, seating, etc. Replacement of waste receptacles is advised.
- Sacajawea Park is currently undergoing review with respect to flood plain/floodway issues. The City should resolve these issues as aggressively as possible to not only preserve a much-loved and much-used community asset, but to allow it to be improved and expanded for use by present and future generations of Livingston citizens and visitors. Needed improvements to the Park include upgraded power, irrigation, restrooms, and new trees. With proper care and attention, this park could shine like a jewel in the community.
- There are many successful events and activities that are poised to grow and still others proposed for our area, or in the idea stage. While smaller venues exist throughout the

Study area, it is extremely difficult to execute a large-scale special event, or event series. Many opportunities to host events remain unaddressed because venues are inadequate, sound is poor, and parking is unavailable. Existing special events in the community have, for the most part, met or exceeded their capacity. Development of a civic/arts/cultural/recreation complex with facilities for special events, concerts, performances, recreational activities, equestrian and sporting events would provide much needed opportunities to Livingston area residents and promote business growth. In addition, if properly designed, these facilities could be multi-purpose and provide convention and trade show opportunities.

Commercial Development

- The District provides a broad mix of commercial, professional, retail and hospitality services to the community. Some regional and national businesses exist as well. Many businesses rely heavily on easy access making available parking, alley access, good signage, lighting and sidewalks extremely important. Connectivity is a major issue for existing and new business. Implementation of this Plan should be undertaken in consideration of the general health of the District’s commercial properties.
- Some façade improvement investments have taken place, and abundant opportunities for investment in downtown façade restoration and building rehabilitation still exist. Where vacant and underutilized space occurs (especially upper floor space) substantial investment opportunity exists. A building or fire code compliance program, with low cost loans, or grants in the form of matching contribution from the Agency would stimulate private investment in existing District programs. In addition, development of low cost financing programs that encourage private rehabilitation of existing structures is recommended. Low cost loans for façade improvements are also recommended.
- The Livingston Downtown Association has recently undertaken a planning process that will move the organization towards management of the Downtown as a business district, with comprehensive attention to organization, promotion, design and economic restructuring, using the Main Street model in its approach. It is recommended that the City adopt a local Main Street Program in partnership with the Livingston Downtown Association.
- Although the Study found no glaring examples of deterioration of site, many structures and improvements are showing signs of age and deferred maintenance. Encouraging and partnering to accomplish “clean and paint days,” neighborhood improvement programs, hazardous materials amnesty days, and other building and property maintenance incentives and activities should be encouraged
- Much of Livingston’s commercial activity is concentrated in the District, however development spreads out from the central business district along Park Street. It is recommended that the community consider the committed lands concepts and promote infill development and redevelopment within the District. Many towns are now considering how they wish to shape their community in the face of issues such as

potential big box development, the prevention of, or remedy to sprawl, the proliferation of signage, management of growth and other development related issues. It is recommended the community engage in earnest discussion on these important topics and develop policies and programs that encourage sound use of existing and planned public infrastructure and other resources. By focusing public policy on redevelopment strategies contained in this Plan, many of the ills that come from both growth and deterioration can be addressed.

Residential Development

- Livingston is experiencing a change in demographics to an increasingly older population with a need for housing with convenient access by all modes of transportation to shopping, recreational opportunities, and personal services. In addition, the need for assistance to elderly and low/moderate income households is currently being addressed by several other agencies. However, forming partnerships with other departments and agencies to accelerate this effort can be part of urban renewal efforts.
- Suitable planning and consideration should be undertaken to prevent incongruous development adjacent to neighborhoods, continued conversion of neighborhood homes to commercial establishments, and increased commercial traffic circulation within the neighborhood. Where live/work situations are desirable and do not detract from residential neighborhoods, they should be encouraged.
- Where suitable, property owners should be encouraged to consider redevelopment of upper level residential spaces. Many of these units would make a useful, affordable housing alternative.

Other Lands

- Bordering the study area and fully surrounded by the City of Livingston is the S Bar S trailer court. This property is not part of the City itself although the prospect of annexation into the City is under discussion. The S Bar S provides housing for some of Livingston's lowest income residents and seniors. As a neighborhood, S Bar S lacks much of the typical public municipal infrastructure such as streets, sidewalks, curbs and gutters within its boundaries. Also it is served by City water and sewer service, but is probably inadequate for any future development. The S Bar S is also subject to an inordinately high proportion of calls to the Park County Sheriff's office. It is clear that if the S Bar S property is annexed, the City will be annexing a neighborhood adjacent to the study area that clearly meets the statutory definition of blight. Once this area becomes annexed and part of the City of Livingston--now or some time in the future--a service plan to assure the residents that they will receive the benefits offered to all City residents will need to be prepared.

If the S Bar S property is annexed into the City of Livingston, and subsequently redeveloped as something other than housing for low and moderate income citizens,

great care should be taken to consider the housing needs of those who may be displaced. An urban renewal program is a logical place to coordinate consideration of those needs.

Financing

- The Agency is authorized to develop financing programs for the redevelopment projects from the City and State of Montana, property tax increments, Special Improvement Districts (SID), interest income, Agency bonds or any other available sources such as gifts and federal grants.
- Tax increment financing will become a major source of funding for redevelopment activities. The implementation of this feature will be in accordance with Title VII, Chapter 15, Part 42, Sections 4282-4292 MCA.
- The Agency will annually develop a program and budget to be reviewed and adopted by the Commission. During this procedure, specific actions will be proposed in detail for community review. This process will allow maximum community input to further the redevelopment interests of the community and to evaluate past actions of the Agency.

Some examples of Urban Renewal District Goals adopted by other communities:

- Encourage the continuance of vibrant residential neighborhoods through partnerships with existing agencies taking full advantage of the established network of services targeting residential development.
- Promote commercial development design that considers impacts to the residential neighborhoods.
- Create a vibrant commercial area typified by architectural excellence and neighborhood compatibility.
- Redevelop existing industrial and light industrial areas, when appropriate, to assure the community has adequate opportunity to develop businesses which create jobs and expand and diversify the tax base. Such redevelopment of industrial property should be mindful of community changes over the years and the existence of other uses nearby.
- Consider ways to effectively address commercial/residential interface.
- Preserve and enhance the diversity, integrity, and unique values of the community.
- Create a safe environment in which residents live and work – an environment that is reflective of the values of the community.
- Encourage interesting and innovative design of structures.
- Encourage upgrading and maintenance of private property and structures.
- Encourage development of vacant property in this area to promote infill of the urban core.
- Encourage the appropriate development of vacant and underutilized land where access and public facilities allow.

- Revisit the vision and goals of the Plan at regular intervals in addition to the regular annual review of the Annual Report, Budget and the Capital Improvement Plan.
- Adopt criteria for various areas of commercial/residential interface.
- Adopt a procedure for input by the general public, neighborhood groups and business owners.
- Work with the City and other entities to initiate neighborhood master plans that will include design criteria, zoning, transportation planning, etc.

In addition to policies and goals, an annual work plan with specific projects will be developed to guide the activities of the agency.

Chapter III- Public Involvement in Urban Renewal

This Urban Renewal Plan is to be viewed as a responsive, adaptable document that can accommodate changing conditions, discovery of new information or development opportunities as they may arise. It is envisioned that once the District is in place and before projects are conceived and monies spent, further planning and public involvement including business owners, property owners, neighborhood residents and the general public will take place. Ongoing planning for the District will allow the community to identify priorities based on current information, conditions and opportunities.

Chapter IV- Implementation

Introduction

The Urban Renewal Plan identifies community attitudes, problems and opportunities and sets a direction for achieving redevelopment of the urban core. After adoption, this document is the official policy guide for public action. These policies can only be transformed into action through an effective implementation. The implementation of community policies will depend on sound processes of administration, financing and evaluation.

Administration

The Livingston Redevelopment Agency (Agency) is hereby created pursuant to the provisions of 7-15-4232 MCA. The Livingston Redevelopment Agency is responsible for the administration of the redevelopment effort outlined in this Plan under the provisions of Title VII, Chapter 15, Parts 42-43, MCA.

The Livingston Redevelopment Agency may exercise project powers in accordance with 7-15-4233 MCA. Those specific powers are itemized as follows:

- a) to formulate and coordinate a workable program as specified in 7-15-4209 MCA;

- b) to prepare urban renewal plans;
- c) to prepare recommended modifications to an urban renewal project plan;
- d) to undertake and carry out urban renewal projects as required by the local governing body;
- e) to make and execute contracts as specified in 7-15-4251, 7-15-4255, 7-15-4281, MCA, with the exception of contracts for the purchase and sale of real or personal property;
- f) to disseminate blight clearance and urban renewal information;
- g) to exercise the powers prescribed by 7-15-4255, MCA, except the power to agree to conditions for federal financial assistance and imposed pursuant to federal law relating to salaries and wages shall be reserved to the local governing body;
- h) to enter any building or property in any urban renewal area in order to make surveys and appraisals in the manner specified in 70-15-4257, MCA;
- i) to improve, clear, or prepare for redevelopment any real or personal property in an urban renewal area;
- j) to insure real or personal property as provided in 7-15-4258, MCA;
- k) to effectuate the plans provided for in 7-15-4254, MCA;
- l) to prepare plans for the relocation of families displaced from an urban renewal area and to coordinate public and private agencies in such relocation;
- m) to prepare plans for carrying out a program of voluntary or compulsory repair or rehabilitation of buildings and improvements;
- n) to conduct appraisals, title searches, surveys, studies, and other preliminary plans and work necessary to prepare for the undertaking of urban renewal projects;
- o) to negotiate for the acquisition of land;
- p) to study the closing, vacating, planning or re-planning of streets, roads, sidewalks, ways or other places and to make recommendations with respect thereto;
- q) to organize, coordinate and direct the administration of the provisions of this part and part 43;
- r) to perform such duties as the local governing body may direct so as to make the necessary arrangements for the exercise of the powers and performance of the duties and responsibilities entrusted to the local governing body.

Any powers granted in this part or part 43 that are not enumerated above as powers of the Livingston Redevelopment Agency may only be exercised by the local governing body or other officers, boards, and commissions as provided under existing law. The provisions of this Plan or other documents entered into pursuant to this Plan may also be enforced by court litigation instituted by the Agency with the consent of the City Commission or by the City. Such remedies may include, but are not limited to, specific performance, damages, reentry, injunctions or any other remedies appropriate to the purposes of this Plan. In addition, any recorded provisions that are expressly for the benefit of owners of property in the Project area may be enforced by such owners.

In accordance with 7-15-4234 MCA, The Livingston City Commission shall appoint a board of commissioners to administer the Livingston Redevelopment Agency.

Agency Financial Transactions

The funds of the Livingston Redevelopment Agency derived from the tax increment provision, as well as any other funds acquired by the Agency, shall be held in trust for the Agency by the City of Livingston Treasurer in accordance with provisions in 7-15-4286 (2) (a) MCA.

Expenditures of the Livingston Redevelopment Agency shall be made in accordance with the procedures established by the City of Livingston with respect to claims made against, and paid by, the City of Livingston.

Agency Staff

Consistent with the provisions of 7-15-4239 MCA, the Agency may employ the necessary technical experts and other such agents and employees, as are required. Employees hired by the Agency shall be considered City of Livingston employees and shall be covered by the same work rules, rights, duties, privileges, and obligations of such employees. The cost of their employment, unless otherwise provided, shall be borne by Agency.

Annual Program Budget

The Agency shall prepare an annual work program and budget that will list the activities and costs of activities for the coming fiscal year, as well as the method of financing those activities. This program and budget may be amended during the course of the fiscal year, in light of funding and program changes. All budgets and revised budgets shall be reviewed and approved by the City of Livingston, and administered in accordance with City policies.

Annual Independent Audit

The Agency shall cause to be performed an annual independent audit covering the operations of the Agency in carrying out this Plan.

The first such audit shall occur within ninety (90) days of the close of the first fiscal year following the City Commission's adoption of this Plan. The audit shall occur as a component of the City of Livingston's annual audit.

All such annual independent audits shall be maintained as a part of the public records of the City of Livingston.

Evaluation

The Livingston Redevelopment Agency shall provide to the City Commission and the public an annual program evaluation as part of the Annual Report. Such evaluation shall review the Urban Renewal District Plan and the past annual work program.

Amendment

The Livingston Urban Renewal Plan may be amended in accordance with Montana statute. In addition, changes to the land use element shall be made consistent with Livingston zoning regulations.

The City Commission may modify and amend the Plan, including modifications and amendments to designate and approve urban renewal projects to be undertaken pursuant thereto, by enacting an ordinance providing for and setting forth the modification and amendment. No such ordinance shall be adopted until after a public hearing has been conducted thereon and notice of said hearing has been given in accordance with State Law.

If the modification or amendment involves the addition or deletion of land from the District, mailed notice shall be given to all persons owning property to be added or deleted at the time and the manner provided by Section 7-15-4215 (1), MCA. All notices shall provide the information regarding the modification required by Section 7015-4215 (1), MCA. Nothing herein shall limit or affect the authority of the Agency to undertake and carry out renewal activities on a yearly basis as provided by Section 7-15-4220, MCA.

Property Acquisition

It is contemplated that the Agency will not be purchasing most of the property in the District area, but will be assisting and encouraging public and private entities to eliminate blight or blighting influences and strengthening the City's economy by developing property in the District area consistent with the Plan.

Except as specifically exempted herein, the Agency may acquire, but is not required to acquire, all real property located in the District area by gift, devise, exchange, purchase, eminent domain or any other means authorized by law.

For the public interest and in order to eliminate the conditions requiring redevelopment and to execute the Plan, it may be necessary, from time to time, for the power of eminent domain to be exercised by the City to acquire real property in the Project area for redevelopment purposes. The power to exercise eminent domain for redevelopment purposes under this Plan is reserved to the City of Livingston.

The Agency shall not acquire interests in oil, gas or other mineral substances more than five hundred (500) feet from the surface nor the right to extract such substances through any opening or penetration for any purpose connected therewith more than five hundred (500) feet from the surface.

The Agency shall not acquire real property to be retained by an owner pursuant to a participation agreement if the owner fully performs under the agreement. The Agency is authorized to acquire structures without acquiring the land upon which those structures are located. The Agency is also authorized to acquire any other interest in real property less than a fee.

The Agency shall not acquire real property on which an existing building is to be continued on its present site and in its present form and use without the consent of the owner, unless (1) such building requires structural alterations, improvements, modernization or rehabilitation; or (2) the site or lot on which the building situated requires modification in size, shape or use; or (3) it is necessary to impose upon such property any of the standards, restrictions and controls of the Plan and the owner fails or refuses to participate in the Plan by executing a participation agreement.

Acquisition of Personal Property

In general, personal property shall not be acquired. However, where necessary in the execution of this Plan, the Agency is authorized to acquire personal property in the District by any lawful means.

Acquisition Governed by Federal, State & Local Law

Any acquisition of property made under the Plan will be in accordance with appropriate federal, state and local law.

Participation by Owner & Tenants

Opportunities for Owner and Tenant Participation

The Agency may extend preferences to persons who are engaged in business in the District to reenter in business within the District if they otherwise meet the requirements prescribed by the Plan. The Agency may also extend preference to other owners and tenants in the District if they otherwise meet the requirements prescribed by the Plan. The Agency is authorized to permit business, residential, institutional and semi-public owners and tenants, if they so desire, to purchase and develop or re-develop real property in the District.

The Agency is also authorized to permit persons who are owners of residential, business and other types of real property in the District to be given the opportunity to participate in redevelopment by rehabilitation, by retention of improvements, or by new development, by retaining all or a portion of their properties, by acquiring adjacent or other properties from the Agency, and by purchasing other properties in the District.

In the event an owner-participant fails or refuses to rehabilitate or newly develop his real property pursuant to this Plan, the real property or any interest therein may be acquired by the Agency and sold or leased for rehabilitation or development in accordance with this Plan.

If conflicts develop between the desires of participants for particular sites or land uses, the Agency is authorized to establish reasonable priorities and preferences among the owners and tenants and to determine a solution by consideration of such factors as: length of time in the area, accommodation of as many participants as possible, ability to perform and conformity with intent and purpose of this Plan.

In addition to opportunities for participation by individual persons and firms, participation to the extent feasible shall be available for two or more persons, firms or institutions, to join together in partnerships, corporations or other joint entities.

Participation by as many businesses, residents, property owners and tenants as possible is desired in the redevelopment of the District. Participation opportunities shall necessarily be subject to and limited by such factors as the expansion of public facilities, elimination and changing of land uses, realignment of streets, the ability of owners to finance acquisition and development in accordance with the Plan, any reduction in the total number of individual parcels in the District, and assembly and development of areas for public and/or private development in accordance with this Plan.

Participation Agreements

Subject to the provisions below (Determination of Conformance), each person desiring to become a participant shall enter into a binding agreement with the Agency by which the participant agrees to rehabilitate, develop or use the property in conformance with the Plan and to be subject to the provisions thereof. In such agreements, participants who retain real property shall be required to join in the recordation of such documents as are necessary to make the provisions of this Plan applicable to their properties.

Whether or not a participant enters into a participation agreement with the Agency, the provisions of this Plan are applicable to all public and private property in the District.

Determination of Conformance

The District is large and contains many parcels of real property. As a result there is a need to simplify the availability of participation opportunities. Therefore, as an alternative to requiring a participation agreement for each property not to be purchased or subject to Agency acquisition by eminent domain, the Agency is authorized to make determinations of those properties that conform to the Plan. The Agency shall, in good faith, review the property contained in the Project area and issue Certificates of Conformance to qualifying properties when requested by the Owner of the property as soon as possible consistent with the redevelopment permitted by this Plan and specific designs for development adopted by the Agency pursuant to this Plan.

The Agency is authorized to enter into participation agreements regarding properties not purchased or not to be purchased by eminent domain by the Agency and not included in any Agency Determination of Conformance.

Cooperation with Public Bodies

Certain public bodies are authorized by state law to aid and cooperate, with or without consideration, in the Planning, undertaking, construction or operation of this Project. The Agency shall seek the aid and cooperation of such public bodies and shall attempt to coordinate this Plan with the activities of such public bodies in order to accomplish the

purposes of redevelopment and the highest public good. The Agency shall follow discretionary procedures in place in the City of Livingston. A Redevelopment Agency Board Member shall be designated to act in an advisory capacity to the City Planning Board.

The Agency, by law, is authorized to acquire real property owned by public bodies with the consent of such public bodies. The Agency, however, will seek the cooperation of all public bodies that own or intend to acquire property in the District. The Agency shall impose on all public bodies planning and design controls, as it may from time to time adopt, to ensure that present uses and any future development by public bodies will conform to the requirements and objectives of this Plan. Any public body that owns or leases property in the District will be afforded all the privileges of owner and tenant participation if such public body is willing to enter into a participation agreement with the Agency.

Relocation of Persons Displaced by the Urban Renewal Plan

Assistance in Finding Other Locations

The Agency shall assist all persons (including families, business concerns, and others) displaced by Agency acquisition of property in the District in finding other locations and facilities and shall pay relocation payments in accordance with the City of Livingston policy unless otherwise required by state or federal law.

Demolition, Clearance, Public Improvements, Building and Site Preparation

Demolition, Removal and Clearance

The Agency is authorized to demolish, remove and clear buildings, in whole or in part, structures and other improvements from any real property in the District as necessary to carry out the purposes of this Plan. Proposals for the demolition or removal of any building within the District shall be reviewed by the Historic Preservation Commission and approved by the Livingston City Commission.

Public Improvements, Public Facilities and Public Utilities

The Agency is authorized to install and construct or cause to be installed and constructed the public improvements, public facilities and public utilities (within or outside the District) as appropriate or necessary to carry out the Plan or of benefit to the District. Such improvements, facilities and utilities include, but are not limited to, over or underpasses, bridges, pedestrian walkways, malls, streets, curbs, gutters, sidewalks, street lights, sewers, storm drains, traffic signals, electrical distribution systems, natural gas distribution systems, water distribution systems, parks, plazas, playgrounds, telephone systems, motor vehicle parking facilities, landscaped area, civic buildings, bus or pedestrian shelters and transit facilities. All such public improvements will be undertaken in accordance with the standards, methods and means as permitted by the City of Livingston.

Preparation of Building Sites

The Agency is authorized to prepare, or cause to be prepared as building sites, any real property in the District owned or acquired by the Agency or subject to an approved development agreement.

Rehabilitation and Moving of Structures by the Agency

Rehabilitation

The Agency is authorized to rehabilitate or to cause to be rehabilitated any building or structure in the District. The Agency is also authorized to advise, encourage and assist in the rehabilitation of property in the District.

Moving of Structures

As necessary or appropriate in carrying out this Plan, the Agency is authorized to move or to cause to be moved any standard or habitable structure or building to a location within or outside the District.

Property Disposition and Development

Real Property Disposition

The City or Agency may sell, lease or otherwise transfer real property or any interest therein acquired within the District pursuant to this Plan for residential, recreational, commercial, industrial or other uses or for public use, and may enter into contracts with respect thereto, or may retain such property or interest only for parks and recreation, education, public transportation, public housing, public safety, health, highways, streets and alleys, administrative buildings or civic centers in accordance with the Plan, subject to such covenants, conditions and restrictions, including covenants running with the land, as it may deem to be necessary or desirable to assist in preventing the development or spread of blighted areas or otherwise to carry out the purposes of the Plan. The purchasers or lessees and their successors and assigns shall be obligated to devote such real property only to the uses specified in the Plan and may be obligated to comply with such other requirements as the Agency may determine to be in the public interest, including the obligation to begin, within a reasonable time, any improvements on such real property required by the Plan. Such real property or interest shall be sold, leased, otherwise transferred or retained at not less than its fair value for uses in accordance with the Plan, the Agency shall take into account, and give consideration to the uses provided in such a Plan; the restrictions upon, and the covenants, conditions and obligations assumed by the purchaser or lessee, may provide that such purchaser or lessee shall be without power to sell, lease or otherwise transfer the real property without the prior written consent of the Agency until he has completed the construction of any and all improvements which he has obligated himself to construct thereon. Real property acquired by the Agency which, in accordance with the provisions of the Plan, is to be transferred, shall be transferred as rapidly as feasible in the public interest consistent with the

carrying out of the provisions of the Plan. The inclusion restrictions or conditions (including the incorporation by reference therein of the provisions of the Plan or any part thereof) shall not prevent the recording of such contract or conveyance in the land records of the Clerk and Recorder of the County in such manner as to afford actual or constructive notice thereof.

The Agency may dispose of real property in District to private persons only under such reasonable procedures as it shall prescribe or as hereinafter provided. The Agency shall, by public notice by publication once each week for three consecutive weeks in a newspaper having a general circulation in the community, prior to the execution of any contract or deed to sell, lease or otherwise transfer real property and prior to the delivery of any instrument of conveyance with respect thereto under the provisions of this section, invite proposals from and make available all pertinent information to, private redevelopers or any person interested in undertaking to redevelop or rehabilitate a part of the District. Such notice shall identify the area, shall state that such further information as is available may be obtained at such office as shall be designated in said notice. The Agency may accept such proposals as it deems to be in the public interest and in furtherance of the purposes of this act and thereafter, contracts, deeds, leases and other instruments of transfer.

Actions by the City

The City shall aid and cooperate with the Agency in carrying out this Plan and shall take all actions necessary to ensure the continued fulfillment of the purposes of this Plan and to prevent the recurrence or spread in the area of conditions causing blight. Actions by the City shall include, but not be limited to the following:

1. Institution and completion of proceedings for opening, closing, vacating, widening or changing the grades of streets, alleys and other public rights-of-way and for other necessary modifications of the streets, the street layout and other public rights-of-way in the District. Such action by the City shall include the requirement of abandonment and relocation by the public utility companies of their operations in public rights-of-way as appropriate to carry out this Plan.
2. Institution and completion of proceedings necessary for changes and improvements in publicly owned utilities within or affecting the District.
3. Revision of zoning within the District utilizing existing City process to permit land uses and development authorized by this Plan.
4. Performance of the above, and of all other functions and services relating to public health, safety and physical development normally rendered in accordance with a schedule which will permit the redevelopment of the District to be commenced and carried to completion without unnecessary delays.
5. The undertaking and completing of any other proceedings necessary to carry out the provisions of this Plan.