

# *Friends of Park County*

Testimony of Friends of Park County  
Submitted to the Livingston Planning Board  
November 16, 2020

## **Executive Summary**

- The Planning Board should recommend that the City Commission revise the draft Growth Policy and associated objectives and strategies to make development and redevelopment of land inside the current city limits the first and highest priority for accommodating new growth.
- A rough analysis indicates Livingston may need 400 acres for new housing over the next 20 years (a 50% increase) and currently has over 600 acres inside the City limits.
- The Joint Planning Area, (the “Extra Territorial Jurisdiction” area) combined with the city, is bigger than San Francisco or Paris. It is very unlikely any of that land is needed for future city growth during the next 20 years. Planning and regulation for the Joint Planning Area should focus on protecting natural resources and people and property from hazards.
- The housing chapter needs to be updated and a realistic housing need and supply analysis prepared as soon as possible, as has been recommended by the Park County Housing Coalition. It should be completed in tandem with the update of the city’s zoning, as recommended in the draft Growth Policy, and in coordination with Park County.
- The Yellowstone River is the City’s greatest natural amenity and greatest natural hazard; it deserves to be better planned and protected.
- The Planning Board should recommend the top half-dozen implementation actions for immediate City action, out of the 200+ implementation steps listed in the Burton Draft.

Friends of Park County welcomes the opportunity to offer suggestions for revisions to the policies that will be the basis for the city's updated Growth Policy. We appreciate the significant contributions of time and concern to our community the Planning Board members are making. We look forward to being constructive and helpful partners.

Although many aspects of the Burton Draft of the Livingston Growth Policy ("Burton Draft") and its various appendices are of interest to us, we have focused our recommendations for your November 18 hearing on just five major topics.

**A. Livingston's Growth Policy should make development and redevelopment of land inside the city limits the first and highest priority for accommodating new growth.**

We believe a simple analysis will show there is already an ample supply of land available inside the city limits of Livingston which can accommodate new growth and development for many years.

Our rough estimate suggests that Livingston would need about 400 acres more land to accommodate a 50% increase in housing units, which would be enough for a 50% increase in population. That estimate assumes the new housing would be of the same type and distribution as shown in Table 5.1 of the Burton Draft, (which is taken from the 2014-18 the U.S. Census American Community Survey data.)

A 50% increase in population is about the amount of growth that would occur over 20 years with a 2% annual growth rate, quadruple the historic growth rate. Based on a quick GIS analysis we found that the City has more than 600 acres of land available for housing, while leaving ample land available for jobs (commercial, industrial, *etc.*).

This is a conservative estimate, because it does not offset any of the land need that could be desirable and achievable through infill and redevelopment, for example by encouraging cottage cluster housing and alley cottages.

Making good use of the land already inside the city avoids wasting taxpayer money to pay for new water and sewer lines, roads, fire and police protection and so on to serve new development.

It is a better strategy to promote public and private investment in the existing downtown and neighborhoods, and potentially former commercial and industrial sites like the railroad yards, rather than on new subdivisions and commercial sprawl at the I-90 interchanges. It will also avoid the need to compromise the natural resources outside the city.

There are already several parts of the Burton Draft that are consistent with this approach so only a limited number of revisions would be needed to carry out this shift in policy, which are:

- **Reword Goal 1 on page 25**

We recommend revising Goal 1 to make development and redevelopment of land inside the city limits the first and highest priority for accommodating new growth. While there are many ways of expressing this policy, here is a suggestion for amending the existing Goal:

*Within close proximity to or within the City limits, encourage growth that consumes less energy and encourages sustainability by taking advantage of existing and planned infrastructure, such as transportation, energy, water, and sewer facilities and which deploys future public and private investments to strengthen our historic downtown and existing neighborhoods.*

Objective 1.1. and its supporting strategies as written are already consistent with the proposed revision to Goal 1 but an additional strategy would add clarity:

*Objective 1.1: Encourage higher densities and a wider range of land uses that are compatible with adopted plans and where existing or planned short-range community facilities and infrastructure can support them.*

*Strategy 1.1.1 Evaluate and amend the zoning ordinance to allow for higher densities and wider land uses in areas that can support such development.*

*Strategy 1.1.2 Work within the Urban Renewal District to encourage redevelopment of underutilized properties.*

*Strategy 1.1.3 If and when the supply of land inside the 2020 city limits is exhausted then additional land should be annexed to the city to allow for continued growth, continuing the pattern of traditional compact, mixed-use development which has been established.*

With respect to the execution of Strategy 1.1.1 the Planning Board should direct staff to consider in particular revisions to minimum parking requirements, setbacks, height and bulk limits. Experience around the county has found that these regulations often contain provisions that make infill and redevelopment expensive or impossible.

- **Reword Goal 2 and Objective 2.1 and related strategies on page 25**

If Goal 1 is revised to emphasize using land already within the city then Goal 2 needs to be reworded and the subordinate strategies adjusted to be consistent with it:

*Goal 2: ~~Provide~~ The city shall ensure there is adequate land for anticipated demands in a pattern which allows a mixture of uses.*

*Objective 2.1 [new]: Every five years re-evaluate land needs in light of changes in population, housing and employment needs and shifts in development patterns.*

*Strategy 2.1.1 [new] Conduct an analysis of the capacity of land, buildings and infrastructure inside City of Livingston to accommodate 20 years of project growth in housing and employment, taking into account Objective 2.2 and Strategy 2.2.1.*

*Objective 2.2: Locate community facilities where they will best serve the needs of the community.*

*Strategy 2.1.1. Utilize the Future Land Use Map to determine the proper place for future community facilities.*

*Strategy 2.2.1 Partner with developers to include community facilities ~~within~~ to serve new residential, commercial, and mixed-use developments.*

The current wording of Objective 2.2 and its implementing strategy is entirely consistent with a policy of promoting growth inside the existing city limits so no changes are necessary:

*Objective 2.2: Properly revise the Zoning Ordinance to allow a mixture of differing but compatible land uses.*

*Strategy 2.2.1. Initiate a comprehensive review of the Zoning Ordinance and adopt changes based on the Growth Policy.*

- **Add a new Goal 5 in support of reinforcing the success of downtown Livingston.**

Livingston's increasingly vibrant downtown is one of its greatest assets. It certainly deserves its own Goal. Here is some possible wording.

*Goal 5: Reinforce downtown's role as the commercial and civic heart of Livingston.*

If this is of interest to the Planning Board, we will be glad to provide some possible objectives and strategies in subsequent testimony.

- **Delete Future Growth and Future Land Use Maps on pages 24, 97, 98**

If the Planning Board recommends the changes in Goals 1 and 2 then for consistency it will need to recommend that the City Commission delete the Future Growth Maps which are Exhibit 3.4: *Future Growth Map* on page 24, Exhibit 11.1: *Recommended Future Land Use Map* on page 97, and Exhibit 11.2: *Recommended Future Land Use Map (Detailed)* on page 98.

Replacement maps showing targeted areas for future growth, inside and if and when necessary, beyond the current city limits can be provided as part of an update.

- **A comment about population forecasts.**

The Planning Board may wish to consider whether there is a need to debate the forecasted population growth for Livingston and to agree to a particular growth rate. What difference should it make in the city’s growth policy if Livingston reaches 11,561 people (the high range of the forecast in Table 2.1) in twenty years instead of 30 or 40 years? We believe the city would deserve the same policies and take the same actions regardless of whether the growth rate was faster or slower.

**B. Refocus planning and policy for the Joint Planning Area (aka “Extra-Territorial Jurisdiction”) on rural land protections first, and urban reserves second.**

The first thing to note about the Extra Territorial Jurisdiction area, is its size: The 51.3 square miles of the city and the ETJ is more than twice as big as Bozeman and Manhattan – and is larger than San Francisco and Paris.

That does not mean that this area (which we refer to as the Joint Planning Area) is not deserving of study; it is. But that study should not focus on what future growth may occur there since there is an adequate supply inside the city limits already.

Instead, planning in the Joint Planning Area should identify the areas where additional rural development is *not* appropriate – because it is in a hazard zone, will cost taxpayers too much to pay for roads, water and sewer, has important natural features or resources such as wildlife habitat, riparian areas and wildlife movement corridors, is already serving as a low-density rural residential area or avoid diverting vital private investment needed in the city, to areas outside or on the fringes of the city. Such as study could also inform efforts to protect important parcels through both regulatory and non-regulatory means such as conservation easements.

The lands that remain would be worth study for future development but will need to be protected in the interim through some form of “urban reserve” zoning so that those lands are not developed in ways that make them impossible to develop in ways that meet the Smart Growth Principles.

In the meantime, before this work can be completed, the City should adopt interim zoning measures to avoid the potential impacts from inappropriate development.

**C. To address the housing affordability crisis the Hearings Board should recommend the City Commission make carrying out Housing Strategy 1.4.1 a top priority.**

We endorse the objectives and strategies in Chapter 5, “Housing,” in particular, the following objective and strategy on page 42:

*Objective 1.4: Promote a mix of housing within neighborhoods that supports a variety of household income levels, household age groups, and housing types.*

*Strategy 1.4.1 Conduct a housing needs assessment to determine the housing needs of Livingston and the feasibility of various methods to promote and/or require the construction of affordable housing units.*

As members of the Planning Board noted during the November 4 hearing, the Burton Draft treatment of housing is out of date, as a result of development trends accelerated by the COVID19 pandemic. (The average sale price of a single-family homes in Bozeman in September was \$605,000.)

There is an important internal inconsistency between the goal, objective and strategies in Chapter 5 and the Future Land Use Maps on pages 97 and 98 and related objectives, strategies and assumptions. The reality is that only a small number of prosperous current and future residents of Livingston can afford the big houses on big suburban lots envisaged in the Future Land Use Map. That 1950s vision of an affluent suburbia does not fit this community's needs in the mid-21<sup>st</sup> Century.

We urge the Planning Board to recommend that the city set aside money now for the immediate execution of Housing Strategy 1.4.1 using current demographic and economic realities and using new best practices now.

Ms. Barb Oldershaw with the Park County Community Foundation and Park County Housing Coalition has called for a county-wide housing needs assessment. Friends of Park County seconds this recommendation and urges the Planning Board to recommend to the City Commission that the City and County needs assessment be coordinated, provided the County can move quickly.

**D. The Yellowstone River is the City's greatest natural amenity and natural hazard; it deserves to be better planned and protected.**

The Introduction to the Burton Draft includes these sentences:

*From the air to below the surface of the earth, the Livingston community prides itself with abundant and diverse flora, fauna, and nationally renowned water resources – namely the Yellowstone River and its tributaries. Air quality, water quality, and climate change concerns are also aplenty.*

We couldn't agree more. A clean, wild river in a city is a rare thing in this world. We are very lucky to live beside it in Livingston. In its current state it still provides a place for wildlife, in, beside and above the river. We wouldn't be the same place if we didn't have the chance to glimpse a moose among the trees or brush or watch a Cutthroat trout rise to our fly on its rippling waters.

If we turn its banks into urban parks with trails full of pedestrians and cyclists, or worse, significant recreation facility developments, we will lose something precious and distinctive about our quality of life.

And if we build commercial or residential properties too close to it, we are putting people and property in harms ways, especially during a time of increasingly erratic weather. We need to remember that there is a vast watershed are no dams upstream from Livingston, and no dams to affect potential runoff. It is a hallmark of this great river.

The Burton Draft includes some useful objectives and strategies relevant to the River on pages 36 and 37:

*Strategy 3.1.4 Assess development and conservation of natural spaces at various scales to prevent and manage human-wildlife conflicts*

*Objective 3.2: Protect the riparian corridor along the Yellowstone River to preserve unique wildlife and promote water quality.*

*Strategy 3.2.1 Continue to limit development in the floodplain through application of the Livingston Floodplain Regulations.*

*Strategy 3.2.2 Facilitate safe, periodic flooding along the floodplain to support wildlife along the river*

But the consistency of these strategies and objective with other parts of the Burton Draft is unclear at best. We have concerns about the flood maps relied on by the consultants which may greatly underestimate flood risk.

If requested, we can offer the Planning Board suggestions for how the City can improve the planning and protections for the Yellowstone River and neighboring people and property in subsequent testimony, such as reconsideration of the prior flood hazard maps and drawing on what has been learned from other cities in the protection of urban riparian areas.

**E. The Planning Board should help the City Commission by recommending a few high priority implementation strategies that should be completed in the next 18 months.**

The Growth Policy is just a policy; the key is implementation. The Burton Draft lists more than 200 separate implementing actions needed to carry it out. We believe this is far beyond the capacity of the City and would take years or probably decades. The Planning Board should recommend to the City what strategies should be its top priorities for action in the next 18 months.

Our recommendations to the Planning Board are that the City should complete the following implementation tasks in the next 18 months:

*New strategy 2.1.1 Conduct an analysis of the capacity of land, buildings and infrastructure inside City of Livingston to accommodate 20 years of project growth in housing and employment, taking into account Objective 2.2 and Strategy 2.2.1.*

*Objective 2.2: Properly revise the Zoning Ordinance to allow a mixture of differing but compatible land uses.*

*Strategy 2.2.1. Initiate a comprehensive review of the Zoning Ordinance and adopt changes based on the Growth Policy.*

*Strategy 1.4.1 Conduct a housing needs assessment to determine the housing needs of Livingston and the feasibility of various methods to promote and/or require the construction of affordable housing units.*

*Update and integrate background information and flood maps related to protection of – and from – the Yellowstone River.*

*Initiate the first phase of the analysis of the Extraterritorial Area to identify areas not suitable for additional development.*

## **Conclusion**

Once again, we express our gratitude for the Planning Board’s hard work. We look forward to offering virtual testimony at your hearing on Wednesday.

As time allows and as interest is expressed at your November 18 hearing, we may offer some additional testimony on these and other topics at your December 2 hearing.

If you would like to speak with us or the consultants who helped prepare this testimony please contact us at:

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