

Friends of Park County

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

Growth Management News June 16, 2021

Giant development on Heart K Ranch next to Yellowstone River approved in 2007, considered for revival by City of Livingston.

Fifteen years ago, the City of Livingston approved a subdivision and development agreement for more than 876 residential units between the Yellowstone River, I-90, and the rail tracks, at the east end of Livingston. This development would take place in phases on 568 acres of the 1,976 acre Heart K Ranch, the portion inside the Livingston city limits. That area was designated a natural area as part of the new Livingston Growth Policy. Now the city is considering allowing a new owner to build the project.

[Read more Here](#)

Joint Meeting of Livingston and Park County Planning Boards discuss the future of the land around the City; confusion gives way to opportunity for real progress.

Will Livingston be surrounded by a ring of low-density residential and commercial sprawl – despite the great policies in the new Growth Policy? The answer depends on the level of cooperation between the City and Park County.

And despite some confusion, it looks like things are off to a good start.

[Read more here.](#)

Dennis Glick's Cautionary Reflections: "The Mighty Yellowstone: A Magnificent and Beleaguered River?"

Dennis Glick, the Executive Director and co-founder of Future West, has written an article published in the *Mountain Journal* about the future of the upper Yellowstone River and the communities along its course, based on his more than three decades living in Livingston. Future West and Dennis have provided invaluable assistance to Friends of Park County. Dennis is retiring as Executive Director of Future West at the

end of this month.

Click on the title below to read Dennis' commentary



Our thanks to Todd Wilkinson and Mountain Journal for allowing us to reproduce this article.

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For further reading (click on story links)

[Can Sprawl Be Tamed To Protect Wildlife And Ag Lands? Liberty Says Yes, But....](#)

[A Showdown Over Elk In Paradise?](#)

Tomorrow, we invite you to join Future West for the fourth webinar in their **“MANAGING GROWTH IN THE NEW WEST”** series: ***Tools for Protecting Agricultural Lands and Rural Open Space***
WEDNESDAY JUNE 23rd, 11:00AM MST

REGISTER: https://zoom.us/webinar/register/WN_LN4_6PDLRUG54FCnEqdBxw

The Northern Rockies is one of the fastest growing regions in the country. Many of our valleys are feeling the pressure of increased rural residential growth and this is affecting everything from our tax base to the environment. Rural working landscapes – farms and ranches – are particularly threatened by sprawling development that can significantly impact agricultural operations. But there are ways to maintain the agricultural lands that form the backbone of our region’s identity and rural economy. Our speakers, rancher Jim Stone and Future West staffer Randy Carpenter will survey the array of planning tools and strategies for better managing rural growth and they will illustrate how these are being successfully applied. While there is no one silver bullet for addressing this serious challenge, comprehensive strategies that utilize both regulatory and non-regulatory approaches to protecting rural lands are showing promise.

Heart K Ranch Development: Massive Development Project Revived after 14 years?



[Image from Western Ranch Brokers' marketing brochure for Heart K Ranch.](#)

In 2007 the City of Livingston approved the development of the part of the Heart K Ranch inside the city limits. The approved subdivision plan combined a higher density traditional (“New Urbanist”) development on the east of the property with very low density suburban style residential development to the west, closer to the center of Livingston. (See image above.)

The development agreement called for all the phases to be completed by October 1, 2022. But the Great Recession began in 2008 and no development occurred.

At its final meeting on the draft Growth Policy, the Planning Board voted to change the land use designations (which is not zoning but is the policy basis for zoning) for the property to conserve its natural values.

Now, with the explosion of home prices and acceleration of development in the region, a proposed purchaser of the Heart K Ranch has asked the city to assign (legally transfer) the development rights to the project so it can proceed to develop the property.

In May, Planning Board members Jessie Wilcox and Taya Cromley testified in opposition to the transfer of the development rights, noting the inconsistency of the proposed development with the new designation as a natural area under the new Growth Policy.

An attorney’s analysis prepared for Friends of Park County and Park County Environmental Council, questions whether the 2007 subdivision approval and development agreement are still valid.

You can read that legal opinion [here](#), and Friends Of Park County's subsequent letter to the city can be read [here](#).

Friends of Park County and PCEC presented those concerns to the City Commission at its meeting on June 15. (That was the very same meeting at which the City Commission gave final approval to the new Growth Policy.) The assignment had been on the agenda for an executive session (private discussion, closed to the public) but the item was withdrawn at the last minute.

As of this writing we do not know what the City will do – stay tuned.

Joint Meeting of Livingston and Park County Planning Boards discuss the future of the land around the City; confusion gives way to opportunity for real progress.

One June 16, the day after the Livingston city commissioners formally adopted the city's new growth policy on June 15, the planning boards for Park County and Livingston met to begin discussing how they could cooperate on implementation of the Growth Policy. The area under discussion is the two-mile belt around the city limits known as the Extraterritorial Jurisdiction or ETJ.

Under state law, this land is subject to growth policy planning by the City but remains within the authority of the County. This means implementation of the Growth Policy requires cooperation between the two governments.

The proposed land use designation for the ETJ in the draft Growth Policy was the misleadingly named "Very Low Density Residential" designation. ("Land use designations" are the generic and advisory precursors to zoning.) This designation would have allowed thousands of ½ and 1 acre lots around Livingston.

Under this designation a ring of sprawl would have replaced the ranch and farmland and natural areas currently adjacent to the city, which are visual hallmark of Livingston.

Thanks to advocacy by Friends of Park County and a critical motion last winter by Planning Board member Torrey Lyons, the future land use designation for the vast majority of the ETJ was changed from Very Low Density Residential to "Open Space /Pastoral." (Friends suggests this buffer could be called the City's "goldbelt" instead of greenbelt because of its usual color and because maintaining it would protect one of the City's golden assets.)

The joint meeting began in confusion on this subject but ended on a very hopeful note.

County Planning Board members, including Dean Nelson who lives in the ETJ, assumed that the Growth Policy for the ETJ was based on a "land grab," that is, future annexation into the City. It wasn't until City Planning Board members described the future land use map for the ETJ – which County Planning Board members had not reviewed - those opinions began to shift to become more positive.

But one of the County Planning Board members, whose ranch is just outside the ETJ expressed concern that sprawl would leapfrog this buffer spreading out around his ranch and further into the countryside.

To Friends' happy surprise, Park County Planning Director Mike Inman said that avoiding that result would be a reason for the County to adopt zoning for the area.

And of course, that is exactly what Friends of Park County has been recommending county-wide since its founding in November of 2020.

Looking ahead, there are many details to work out, especially the composition and authority of a planning board with the authority to implement the Growth Policy in the ETJ through zoning, annexation policy, and other steps.

Another issue is a difference in opinions between the City and the County over the City's authority to independently regulate land use in the ETJ.

Friends hopes that by focusing on the implementation goals- differences in opinion, Board composition, and regulatory authority can sort themselves out.

Give a Hoot 2021 Park County Community Foundation's 3rd annual giving challenge runs July 1st through 31st, please consider participating in our **"\$50K from 50 donors"** challenge [HERE](#).