

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.

Dear Friends,

April was a busy month for Land Use Planning in Park County, and May is shaping up to see a lot of activity as well, here are some of the topics we think deserve everyone's attention; (click on the headers or scroll down for more details)

Park County Planning Director: “The developers have discovered there is no zoning in Park County.” Will the sale of the 1,976 acre Heart K Ranch mean hundreds of new homes and rural ranchettes in and around Livingston?

Livingston Planning Board completes its work, dramatically improving the draft Growth Policy. City Commission review and adoption in May and June. Friends of Park County will propose a few final improvements. The purely advisory Growth Policy will become Livingston's reality only with implementation by the City and County.

Planning Board sends out draft Park County Conflict Mitigation Ordinance for public comment. Friends of Park County continues to support traditional zoning as the better alternative and as the only way to prevent rural sprawl in Park County. We will host a **webinar on May 15 to compare and contrast draft ordinance with traditional zoning.** Click **HERE** to register

Several bad land use bills have just been passed by the Montana Legislature, making it easier to subdivide ranches and pollute the Yellowstone River and harder for citizens to protect their communities with zoning. Others bills still a threat as session draws to a close.

Surging growth drives median single family home price to \$705,000 in Bozeman, up \$100,000 since February and up 45% since March 2020. “Typical” single family homes in Park County now cost \$475,000

Can rural sprawl be tamed to protect wildlife and agricultural lands? Urban Growth Boundaries and how they work. Part 2 of Todd Wilkinson's interview of Robert Liberty in Mountain Journal.

Park County Planning Director: “The developers have discovered there is no zoning in Park County;” Hundreds of homes and rural ranchettes in and around Livingston?

At the conclusion of the April 15 meeting of the Park County Planning Board, the Planning Director announced, “The developers have discovered there is no zoning in Park County.”

This was the preface to his report of new development proposals “in the works” including applications for “glamping” facilities and one that could result in 600 to 700 new homes in Livingston and ranchettes outside the east entrance to the city.

This appears to be a reference to the possible sale of the Heart K Land and Cattle Company: 1,976 acres, with 568 acres inside the city and 1,408 acres outside of but adjacent to Livingston. A development plan for the portion inside the city was approved when it was annexed many years ago. It contemplates both high and low density residential development plus ten acres of downtown type of development. (See map below.)



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

The legal status of that development approval is not clear to Friends of Park County at the time this is written.

Friends of Park County alerted the Livingston Planning Board the following week about the potential sale as a reason for urging an accelerated schedule for translating the purely advisory Growth Policy into effective regulations and policies. At that meeting

the Planning Board passed a motion, by a wide margin, changing the Future Land Use Designation for the Heart K property inside the city from Very Low Density Residential (1 to 2 homes per acre) to a designation that would keep it in its current undeveloped state.

Livingston Planning Board completes its work, dramatically improving the draft Growth Policy. The City Commission will review the Growth Policy in May [with public comment] and adopt in June. Friends of Park County will testify to the Commission proposing a few final improvements be made to the Growth Policy. The purely advisory Growth Policy will become Livingston's reality only with implementation by the City and County.

After six-months of painstaking review and discussion, on April 21st the Livingston Planning Board completed its recommended revisions to the draft Livingston Growth Policy. The Board's work entailed listening respectfully and acting upon scores of recommendations from residents and organizations, including more than 100 pages of written testimony containing recommendations for specific wording changes submitted by Friends of Park County.

The Planning Board has transformed an off-the-shelf draft Growth Policy that enabled low-density sprawl inside and around the city into a Growth Policy that should be a model for other smaller cities in Montana.

Among the changes made by the Planning Board that were strongly advanced by Friends of Park County:

- Replacing land use designations that would have allowed thousands of acres of residential sprawl around the city of Livingston with land use designations to maintain those lands in ranching, farming and open space.
- Five square miles of land designated for "manufacturing" (bigger than the Ford Motor Company's biggest plant) east of the City Limits along Swingley Road reduced to a few hundred acres and redesignated "Industrial."
- Improved protections for the natural features of the Yellowstone River.

Other changes, including changes advocated for by Friends of Park County and supported by other organizations, were:

- Stronger policies focusing growth on infill, redevelopment and traditional neighborhood development, including policies supporting downtown Livingston's role as the commercial and civic center of the city.
- As noted in the first news update, the Future Land Use Map for the Heart K Ranch land inside the city limits, was re-designated to limit its development potential. This land is next to the Yellowstone River with significant acreage in the floodplain and separated from the rest of the city by the railroad tracks.
- Accelerated the schedule for implementing the advisory Growth Policy into mandatory regulations and various policies and programs.

There is still room for important improvements to the draft, including transitioning the urban land use designations in the 2-mile doughnut around the City (the "Extraterritorial Jurisdiction") into proper rural land use designations and making sure various other City plans and policies are consistent with the overall Growth Policy. (For more details about Friends of Park County's recommendations on the draft Growth Policy, look under "[Our Work](#)" on friendsofparkcounty.org.)

But no matter how good the Growth Policy is, it is purely advisory. It will have no effect on development in and around the city, unless and until it is implemented by revised zoning and other measures adopted by both the City and Park County. That is why Friends of Park County pushed hard to accelerate the implementation steps.

As of now, the schedule calls for the City Commission to review the draft at its meeting on May 18th and again on June 15th, when the Commission may make its decision. The public may comment on May 18th. FPC is working on clarification and expansion of the public comment process.

Park County draft Conflict Mitigation Ordinance sent out for public comment.

At its April 15 meeting the Park County Planning Board meeting decided to submit its draft Conflict Mitigation Zoning District Regulations ordinance to public hearings during the course of the Spring and Summer for possible approval by the Planning Board in the Fall.

The Conflict Mitigation ordinance had its first debut with the Planning Board in November 2019 and its first public review and discussion by the Planning Board in

November 2020.



The ordinance was not intended to limit the extent or impacts from rural ranchette development and other forms of rural sprawl.

The Board decided to proceed to send the draft out for public comment despite hearing concerns about lack of public support for the proposal.

Friends of Park County is presenting a **Zoom webinar on the draft Conflict Mitigation ordinance on May 19 4:00 PM**, to help residents understand the ordinance and to present some alternatives based on traditional zoning. Click [here](#) to register.

Several bad land use bills have just been passed by the Montana Legislature; others still a threat as session draws to a close.

Many bad land use bills were introduced in the Montana Legislature, including several introduced by Senator John Esp and Representative Marty Malone. (Friends of Park County's letter to the Governor, Senate President, House Speaker and local legislative delegation can be found on our website, friendsofparkcounty.org, under the "[Our Work](#)" tab.)

Park County Commission given the power to hobble citizen-initiated zoning in order to protect mining interests. House Bill 527 may functionally eliminate citizen-initiated zoning (CIZ) districts across the state by tacking on requirements for including mineral owner signatures on a petition. HB 527 changed citizen-initiated zoning (CIZ) laws to allow counties, including the Park County Commission, to include mineral owners as a separate category for required signatures needed if the county deems it relevant for a CIZ petition. This would mean a much higher threshold for petition signatures required because a certain percentage of mineral owners would be needed. **STATUS:** This bill passed the full legislature on 4/26 and is awaiting signature or veto by the Governor.

Legislature reduces local control over land use in order to facilitate the

subdivision of farms and ranches. Until Senate Bill 211 was passed, the law allowed counties to reject a subdivision proposal because it would result in the loss of agricultural land, but SB 211 removes the consideration altogether. **STATUS:** This bill became law on 4/22.

Yellowstone River nutrient pollution legalized by SB 358. Senate Bill 358 was introduced by Park County's Senator John Esp. It repeals numeric nutrient standards for Montana's rivers- a critical tool for protecting and restoring a waterbody's designated uses related to nitrogen and phosphorus pollution, and will threaten **the water quality of the pristine rivers across Montana, including the Yellowstone.** **STATUS:** This bill passed the full legislature and is headed to the Governor's desk for signature or veto.

Disenfranchisement of county voters who pay taxes and elect County Commissioners, but do not live in zoning district. SB 294. SB 294. Another terrible land use bill sponsored by Senator Jon Esp (R-Big Timber) purports to bring "Part 2 county zoning" (zoning initiated by the county itself) into compliance with Williams v Missoula County, a Montana Supreme Court case which held unconstitutional the delegation of "veto power" to large tract landowners without a so-called legislative bypass, as there is with municipal zoning. This is accomplished via Section 2 of the bill, which does away entirely with "protest" rights and instead allows public "comment" to be considered by the commissioners as they are required to do in most other instances. The problematic provision of this bill, however, is Section 1. This section would provide a mechanism to limit a referendum to "electors residing in the district" which would arguably exclude electors subject of municipal zoning within a county. This disenfranchises the many concerned county electors not in the "district" but who are still impacted by zoning decisions. This bill passed the full legislature and is headed to the Governor's desk for signature or veto.

The 2021 Legislature has drawn to a close as this was being written, apart from the expected legal challenges, there is still a hope that some of these might be vetoed by the governor if there is sufficient public pressure. The latest information on these bills can be found on the [Montana Environmental Information Center's bill tracker page.](#)

Surging growth drives median single family home price to \$705,000 in Bozeman, up \$100,000 since February and up 45% since March 2020.

Nora Shelley's article in the *Bozeman Daily Chronicle* on April 23 reported: "The median sales price for single-family homes in March was \$704,750, a roughly \$100,000 increase from February and a 45.3% increase from a median price of \$485,000 in March 2020.....Condo and townhouse sales followed similar trends, with a median sales price of \$430,000, a 41% increase from a median price of \$305,000 in March 2020. According to the Big Sky Country MLS, the January 2019 thru January 2020 single family home average sales price in Park County increased 41.5% [\$237,677 to \$336,233] and the January 2020 thru January 2021 single family average sales price in Park County increased 41.5% [\$336,233 to \$475,744]. This represents a 100% average single family home sale price increase in the last two years [\$237,677 to \$475,744].

Can rural sprawl be tamed to protect wildlife and agricultural lands? Urban Growth Boundaries and how they work. - [Part 2 of Mountain Journal Interview with Robert Liberty](#)

Can Sprawl Be Tamed To Protect Wildlife And Ag Lands? Liberty Says Yes, But....

IN PART 2 OF MOJO'S INTERVIEW WITH NATIONAL PLANNING GURU ROBERT LIBERTY, WE DISCUSS URBAN GROWTH BOUNDARIES. HOW MIGHT THEY WORK IN GREATER YELLOWSTONE?

by **Todd Wilkinson**

How you can help:

We are glad you are reading about our work, and if you want to take the next step and take action, here are some ways you can help curb sprawl in Park County:

- Become an endorser for Friends of Park County
- [Make a contribution](#) to Friends of Park County
- Circulate this email to your friends.
- Write a letter to the editor.
- Sign up for our educational events.

- Testify in support of Friends of Park County's positions before the City and County Commissions and Boards. (We can help you if you have never done this before.)

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