

Springhill Development Rights and Use model

The following is taken from "Hooked on Growth: Economic Additions and the Environment" by Douglas E. Booth, Chapter 6 pages 167 and 168.

While county-wide zoning is not very popular in rural areas, at least one state has come up with an appealing voluntary option for local zoning to achieve land conservation goals. Montana state law permits the formation of zoning districts at a sub-county level. A zoning district can be established if at least 60 percent of the landowners sign a petition for such a district and if fewer than 40 percent of the landowners who in total own less than 50 percent of the land enter written protests against the district. An advisory committee of landowners then works with the local county planning board and commission to prepare a draft zoning regulation for adoption by the county commission after public hearings. In Gallatin County sixteen of these zoning districts are currently in existence.

One of the more interesting examples is the Springhill Zoning District, located just north of Bozeman, Montana, near the Bridger Mountain Range in Gallatin County. The community is composed of around 140 individuals equally split among ranchers, retirees, and people who work at home or else commute to Bozeman for employment. The Springhill Community includes approximately nineteen thousand acres, of which eleven thousand are national forest land. The area includes eight-eight parcels of land with fifty-one residential dwellings. In 1989 a petition was successfully circulated for the establishment of a zoning district with the same boundaries as the local elementary school district. Seventy percent of the landowners supported formation of the district. Landowners were concerned with a residential subdivision constructed in the area in 1989, and local residents wanted to maintain the character of the existing landscape and limit the extent of new residential development. By 1992 a land use plan and zoning regulations were established.

The goals of the Springhill land-use plan include preserving the existing rural agricultural community, protecting riparian areas, preventing development on steep slopes and in wetlands, preserving the natural vegetation, and conserving wildlife habitat. The principal means for accomplishing these goals are to limit residential development and to cluster it on a limited amount of land. The primary vehicle in the zoning regulations for limiting and clustering residential development is a system of transferable development rights (TDRs). In the Springhill Zoning District, one residential dwelling unit is allowed as a matter of right per 160 acres or per parcel existing at the time the zoning law was adopted in 1992. In addition, landowners are allowed one additional development right for every eighty acres within an original parcel subject to obtaining a conditional use permit. The owner of a two-hundred-acre parcel, for example, would have a total of three development rights, two of which would require a conditional use permit. These could be used to construct three dwellings, or the development right could be sold. Any development right can be transferred through sale to any other parcel within the zoning district. Transferable development rights are a marketable entity that can be separated from the original property. Transferable development rights as well as development rights arising from the eighty-acre provision, however, can be used on only 15 percent of the original parcel area. The remaining 85

percent must be permanently preserved as open space. In this way, development will be limited and much of the district will be preserved in its current open-space status. For example, an owner of a two-hundred-acre parcel with one dwelling on the property could purchase an additional three development rights for a total of five, subject to conditional use (two development rights are from the eighty-acre provision), but development of the five units would have to be confined to subdivided parcels totaling no more than thirty acres. The primary limitation of zoning districts is that they cover only part of the county. Because much of Gallatin County, the home of Spring Hill as well as other zoning districts, remains unzoned, development is readily diverted to those areas not covered by zoning laws.