

Description of land use planning ideas presented at the resource lands work group meeting, April 23, 2008.

Use of TDR's

After many months of considerations and evaluations, the three members of the Council involved with the resource lands work group have come to the conclusion that the use of Transfer of Development Rights as proposed in the December 3, 2007 draft plan revision is not appropriate for the Seeley Lake Regional Land Use Plan. The primary reasons for this determination were:

- TDR's should operate on a market basis. No open market exists in the Seeley Lake planning area.
- TDR's require a demand for transfer, and no such demand exists in Seeley Lake. Opportunities to create a demand through zoning seem unlikely.
- Successful TDR's have more receiving areas available than sending areas. The reverse occurs in the Seeley Lake region.
- Any attempt to create a transfer demand in the downtown area would confound efforts to provide for affordable housing.
- Demand created in the proposed receiving area would result in a transfer of development from one landowner to itself.
- The SLCC was being asked to determine the market value of this internal transfer for one landowner by establishing transfer bonuses and cluster bonuses.
- This same landowner holds protest rights over the whole process, allowing them to dictate their own market values in the process, making the SLCC the promoter of their market values.
- The proposed transfer bonuses coupled with the cap on appropriate development limited the amount of transfer that could occur.
- The resulting conservation benefits would be far too little to justify the level of development that would be facilitated by the transfers.

For these reasons, a recommendation was made to include mention of TDR's in the plan, and to identify that at some future time they may be a useful tool if applied on a County-wide basis, but that at present, they are not an effective tool to use in the Seeley Lake Planning Region.

Alternative Plan

As an alternative to using the TDR's, the following ideas were presented.

- It is recognized that due to limitations of infrastructure, including but not limited to roads, emergency services, law enforcement and proximity to communities, only certain areas within the Land Use Planning Region are appropriate to consider for development. These areas primarily lie within the Wildland Urban Interface (WUI) that has been designated by the Seeley Lake Fuels Mitigation Task Force which is implementing the Seeley/Swan Fire Plan as the approved Community Wildfire Protection Plan for this area. As suggested in many places in the draft Land Use Plan, expansion of the WUI should be strongly discouraged. It is recognized that

even within the WUI, there are some areas more appropriate for development due to considerations of wildlife habitat, linkage zones, other ecological values, terrain constraints, etc. While targeting development within the WUI is logical, additional efforts should be made to minimize the impact of development on sensitive areas within the WUI by taking serious consideration of these constraints.

- Thus, development should be targeted to occur in suitable areas within the WUI. To keep the WUI from continuously expanding, it was also suggested that a line ½ mile inside the currently delineated WUI should serve as the demarcation for potential areas to consider for development. The recommendation was made to delineate all areas outside of this line as a 1:160 resource protection land use density. This level would be recommended as a concession to Plum Creek if the plan were supported by this company. If it wasn't supported, the recommended density outside the ½ mile inner buffer of the WUI should be 1:640, as development outside of the WUI should be discouraged.
- Within the WUI, the existing land use densities contained in the April 2007 plan as adjusted by any further actions of the Council since that time would be used.
- Density shifting would be allowed from outside the WUI to any lands that had a designated land use density of less than 1:160 within the WUI, and with the appropriate review of the suitability of any such lands to receive higher densities.
- Cluster bonuses would be used within the WUI to encourage both clustering of development within the WUI, and as an incentive to shift densities from outside to WUI to within the WUI. A possible cluster bonus of 50% with a 75% provision of open space is one possibility, although other cluster bonuses to make density shifting effective could be considered.
- Additional considerations for densities within the WUI might be developed. For example, it could be stipulated that no lot sizes less than 5 acres in size could occur unless suitable wastewater treatment facilities are part of the plan. Further, it might be stipulated that a maximum overall density in various areas could be set, although this could also be determined through later review of proposed density shifts rather than stipulated in the plan.

These ideas were presented and discussed, with no recommendations made for action by the Council. These discussions will continue on May 14th at 6 PM.