

MINUTES OF THE MEETING
NATURAL RESOURCES
MONTANA STATE SENATE

January 27, 1977

The seventh meeting of the Natural Resources Committee was called to order by Senator Elmer Flynn, Chairman, at 9:30 a. m. on the above date in Room 405 of the State Capitol Building.

ROLL CALL: Upon roll call all members were present.

Mr. Larry Weinberg, Staff Attorney of the Legislative Council and Tala Skari of the Environmental Quality Council were also present.

CONSIDERATION OF SB 110: An Act to encourage development in harmony with the natural environment and to repeal the requirement of a finding that subdivisions be in the public interest.

Senator Flynn announced that he would now give the proponents of SB 110 time to testify.

Senator Dover, Chief Sponsor of SB 110, stated that he was for the protection of our environment and for the expansion of cities and towns in a planned and orderly fashion. He said that the original intent of HB 666 may have been to give guidelines but there is such latitude that it has only fostered harassment and brought about long and angry delays. It calls for a basis of need. In every town there are people who need houses today. 65% of the people in the U.S., and this applies to Montana, cannot afford to buy homes and with every dollar raised on cost of housing, someone has lost the qualifications for a new home. There is no provision, there is no place provided here where the average person selling his own property can go and get guidelines that he can legally follow. (See Attachment #1&2)

Mr. Cliff Christian, representing the Montana Association of Realtors, gave his testimony in support of the bill. He stated that the original act did not attempt to specify where the subdivisions would take place. We don't quarrel with the public. We do object to these provisions. (See Attachment #3.)

Mr. Joe Gerbase, representing the Montana Association of Realtors and an Attorney, said that nobody is against planned development but there are ways to do things and not to do things. The first criteria is basis for need of the subdivision. Next they say, expressed public opinion. There is no standard here. The next six criteria are effects. This type of law is no good. The point I am making is that these are not standards, they are points of inquiry. The builders and developers are in a terrible position. It is just not the right type of laws to have. This law shouldn't be on the book.

Mr. Bruce Patterson, representing the Beaver Creek South, Inc., stated that the cost of a home sight to the buyer is absolutely incredible right now. I think a majority of it is because of this legislation. There are so many subdivisions that cannot qualify for FHA or VA financing. The lot is so expensive that a majority of home buyers can't afford to buy it. We have no recourse in the thing and I don't think that these are the type of laws that we want. (See Attachment #4.)

Mr. Ed Anderson of Great Falls, next appeared as a proponent. He said that he was opposed to this law because it is unfair to the small property owner. The only subdivisions that have been approved have been through power plays. He feels it is unconstitutional but no one can afford to and does not want to take it to Court.

Mr. Dean Zinnecker, Executive Director of the Montana Association of Counties, appeared supporting this bill, SB 110. He said we do not deny the need to consider public interest in subdivisions.

Louise Lykins, Attorney from Great Falls, stated that she was in support of this bill for all the reasons already mentioned. One of the reasons most wrong with it is, it is a vague statement of public interest.

Senator Flynn announced that the opponents of the bill would be given time to testify.

Mr. John Crowley, of the Missoula Planning Board, said that he should like to show how HB 666 has been implemented. I will demonstrate to you it has been arbitrary. Out of eleven that have been reviewed only two lots have been denied in Missoula. And they are two very large subdivisions. One also was turned down this week. 193 lot trailer park proposed in the community of Lolo was denied. We did a survey of every existing trailer park in Missoula County. There was a very serious threat to public health and safety and adjacent wells. The school at Lolo is at or above capacity at the present time, and it is already overcrowded. To add 193 lots to that would be premature. Those are the only two denied by HB 666 in last two years. H.B. 666 requires local government to consider expressed public opinion. We have to now consider what are the impacts of that development community wise. This puts the whole decision making process out in the open. (See Attachments #5 through #17.)

Senator Flynn asked if the Missoula Board took position on this bill.

Mr. Crowley replied, no.

Senator Flynn asked if he was testifying as a citizen.

Mr. Crowley said, yes.

Jane Lopp, Kalispell Planner and representing Flathead County A.P.O., said that she would urge that the Committee give a Do Not Pass to SB 110. As planning staff members we don't make the decisions, it is local government. It is really hard to look at these particular criteria. How can you say we don't want to consider public interest. The eight criteria in HB 666 allow the local government to discuss them in local government process. HB 666 allows for the public interest to be assessed. Not one subdivision has been denied for failure to meet the criteria of HB 666. (See Attachment #18.)

Jim Posewitz, of the Fish and Game Department, informed the Committee that the Fish and Game Commission has not been convened since this hearing was called. I am speaking as a point of information as to how this act will relate to wildlife. We do support the existing provisions in the law. In the Smith River Inventory 88% of winter ranges were on private land and 12% on public land. If you look at the plight of wildlife with the proposed bill here you can see that the habitat that supports wildlife might be in for a grim future. We are expressing our concern for wildlife. The law does not give us an authority, it gives us an opportunity. (See Attachment #19.)

Janet Thompson of Butte, representing the Montana American Association of University Women, stated that their organization urges that Senate Bill 110 not be passed. The subdivision statutes should be strengthened not weakened.

Darlene Grove, representing the League of Women Voters, stated that they were in opposition also. You are indeed giving local government more power.

Senator Devine asked Ms. Lopp what in her estimation the Association Plot Plan would cost.

Ms. Lopp stated it does not increase the cost of the developer.

Senator Devine said it looks to him to be expensive.

Ms. Lopp stated that we search out this information. He does not do this. We have amended our review form to include HB 666. As far as the criteria, we do this. When he brings in his proposal and his design we would take it to the appraiser as far as taxation is concerned.

Senator Galt stated, as I read this bill you talk about effects of public health and safety. Isn't it in the law already. Why do we need all the rest of the garbage. Don't you have a public hearing under the subdivision law now.

Mr. Crowley said, yes, we do.

Mr. Posewitz added that prior to HB 666 we would get an environmental assessment from the Department of Health. We now send our comments to the county planner on request and this is at no charge to anyone.

Senator Galt said there is already a thing in the subdivision law where they have a public hearing after due notice.

Mr. Posewitz said we simply are not aware of these things until after they get into the Department of Health. Then there is an inter-agency communication. The law as now provides a more clearly defined way to get information to the planners.

Senator Smith said that he noticed that Ms. Lopp mentioned that not one subdivision was denied in Kalispell.

Ms. Lopp said, Flathead County.

Senator Smith asked why are all the hearings necessary if no denials.

Ms. Lopp said if a problem can easily be solved it is done before a hearing and it saves a whole lot of flak.

Senator Flynn said what criteria is used to determine whether subdivisions had vital effects on agriculture.

Ms. Lopp said we look at what the soil conservation districts provide us on information. On timber land we rely on State Division of Forestry on assessing this. We rely heavily on conservation service and the appraisal.

Senator Flynn asked, John, how do you make a decision on some of these things.

Mr. Crowley said, on expressed public opinion we again only evaluate that public opinion that is in the form of written testimony before the hearing. The Planning Board has grown accustomed to human cry.

Senator Flynn said in this law it is up to each governing body to make its determination. Is this good?

Mr. Crowley said they were governed by some planning boards and local governments prior to HB 666. The importance of HB 666 is probably of community impact.

Senator Roskie said you keep saying you consider this. Would definite criteria show go or no go.

Mr. Crowley stated there is no numerical rating system. The one trailer park that was denied there was testimony that it was going to take agricultural land out of production. We do have a scarcity of subdivided land in Missoula County.

Senator Roskie asked whether there is no criteria to judge any of these factors?

Mr. Crowley said we have nineteen reviewing agencies.

Senator Roskie asked, is there criteria that says ten elk are better than fifty elk.

Mr. Crowley said, not --

Senator Roskie added, say a new store, or private school - do you use the same judgment when considering his application for permit? Anyone that wants to use private land for other than subdivisions?

Mr. Crowley said, zoning is the only way we would become involved in it. I guess it would be very much like what we are going through today.

Senator Roskie added, someone wants to come in and build other than a subdivision - there is specific criteria requirements?

Mr. Crowley said if you can meet the building codes you can get a permit. True.

Senator Roskie continued, do you think this is defensible - constitutional?

Mr. Crowley replied, I don't know, I am not an Attorney. I can't answer the legal questions.

Senator Roskie asked, isn't the subdivision law adequate under environmental assessment.

Mr. Crowley said, no, not really. That puts the burden of proof on the developer. In most cases the developer doesn't know where to get that information. I think HB 666 simply takes us one step further.

Senator Roskie asked, what is the clear cut authority to say yes or no.

Mr. Crowley said, it is a judgment - subjective right.

Senator Jergeson said, lets say you have a subdivision of 140 acres and it is divided into plots, you take the subdivisions -

you know what land is going to cost, you know pretty much what your labor costs are going to be, you know what operating costs are going to be. What percentage is the cost in the subdivisions of gaining the approval?

Mr. Christian said, costs are general costs. The developer goes out and satisfies those conditions. Under HB 666 there may be no criteria so as far as specifications, nailing down the costs, we can't do that. We start adding the costs and pass to the purchaser.

Senator Jergeson asked, is it 10% of cost of total project or does it vary or where is it.

Mr. Christian said, it varies with the size of the subdivision. There is no general fixed percentage. We could get a specific subdivision and analyze it.

Senator Dover added, you can go out and subdivide but many times the subdivider can't find out and that is where the harassment is.

Senator Jergeson said, there have been eleven subdivisions in Missoula County. There are a number of cases there and most of them have been approved. Have any figures been exploited to determine what the costs of the projects were for attorneys and such.

Mr. Gerbase said, one of my clients in Great Falls - I could get you that. On the basis of a five-acre small subdivision it used to cost \$650 in engineering fees - now it costs \$1200. 65% of the people can't buy a home now.

Mr. Ed Anderson said, I have a friend and on a 32-lot subdivision he has \$50,000 invested and has not even gotten it to the planning board yet. On a 200-acre division I got an engineering firm to comply with the regulations and my estimate was \$46,000 just to find out if I could do it or not.

Senator Smith stated, I am not a subdivider or a real estate broker. I voted for HB 666 last session and co-sponsored SB 110. I probably contribute as much or more to the environment as any person in this room. In this bill it is so vague. I am from Northeastern Montana and I am talking about the small four-home places. Can you imagine the added cost for them. It is prohibitive. We are concerned about the red tape. One person paid \$1200 just to get information to dig the basement. These eight criteria - what's going to happen to me if it applies to agriculture. If I have to go through all of those requirements when I plow a field I am going to hurt some wildlife. Be prepared to pay a lot more for your food.

Senator Roskie said, people say that some of these actions are

probably taking a minimum of six to twelve months - some are running eighteen to twenty-four months before turning a shovel full of dirt. I happen to know situations in my own community which took a good many months. The cost on that before they got approval was in the neighborhood of \$100,000. My basic concern is - these are such subjective requirements. No one is arguing the points you make for public health and safety. Those are established by law. I would like to know Bruce, how much money have you got in it.

Mr. Patterson said, our subdivision has 61 lots - 189 dwelling units. Our costs at this point have exceeded \$125,000 and we haven't done a thing over a three-year period.

Senator Manley stated, everybody keeps talking about wildlife habitat and I am in agriculture and have deer and elk on my range. I have had people ask me to sell them a homesite. This land is probably worth \$150 to \$200 an acre. I can sell to the developer for \$1000 or \$1500 an acre. People come along with rules and regulations - elk and deer belong to the Fish and Game. But they haven't paid any pasture on them. But if they can keep me from making \$1000 and keep me at \$150 - is this constitutional? I asked this two years ago and I still don't have an answer.

Mr. Gerbase said, I frankly can't - I can't give you a legal opinion of it.

Senator Manley continued, there evidently isn't an answer. This man spent over \$100,000 for lawyer fees so if I am going to make that \$1500 I am going to have to hire an attorney and spend \$1500. This law has brought us to this.

Mr. Ed Anderson said, the authority for doing that is under police power. I don't think there has been any court cases on it.

Senator Dover in summary stated, if you're going to ask \$1000 for that acreage you are going to be donating. I definitely do feel that we need planning development in our towns. HB 666 is not the vehicle to get this job done. You have some plans to go by and I question whether you needed HB 666 to do it. I am asking support for SB 110 today. This really is a costly item. And I don't know - when you start a project you can never know what it is going to cost you before breaking ground. HB 666 has allowed a lot of abuses, it is so vague. It is so subjective. The problem with HB 666 is it depends on your interpretation. The feeling I get is it has been a negative interpretation. I can't bring every one of my developers today but we do need a different type of legislation.

At this time, hearing on Senate Bill 110 was closed.

DISPOSITION OF SB 110: Motion was made by Senator Dover and seconded by Senator Devine that Senate Bill No. 110 DO PASS. Seven members voted in favor of the motion and one member against the motion. Motion carried. (See Attached Roll Call Vote.)

ANNOUNCEMENTS: Senator Flynn announced that hearings would be held on Saturday on Senate Joint Resolution No. 14 and Senate Joint Resolution No. 18.

ADJOURNMENT: There being no further business, Senator Flynn adjourned the meeting at 11:15 a. m.



SENATOR ELMER FLYNN, CHAIRMAN

ROLL CALL

NATURAL RESOURCES COMMITTEE

45th LEGISLATIVE SESSION - - 1977

Date 1-27-77

[illegible]

SENATE NATURAL RESOURCES COMMITTEE

BILL S. B. 110

VISITORS' REGISTER

DATE 10-27-77

NAME	REPRESENTING	BILL #	(check one)	
			SUPPORT	OPPOSE
Jarvis Rouch		110		✓
Edna King		110		✓
Wm. M. Hill		110		✓
Tom Jellie's		110	✓	
Vicki Johnson		110		✓
Bob Jackson		110		
		110		✓
Robert Evans				
James Groves		110		✓
Bob Kirby	Env. Information Center	110		✓
	E I C.	110		
Wm. M. Hill	AAUW			
Donald Rumpf	AAUW	110		
	Attorney	110	✓	
	Tell Company	110	✓	
W. M. Hill	Ref			
W. M. Hill	W. M. Hill of Co.	110	✓	
W. M. Hill	Farm Bureau	110		
W. M. Hill	Farm Bureau	110		
W. M. Hill	Farmers Union			
W. M. Hill	Farmers Union			
W. M. Hill		110		
W. M. Hill				
W. M. Hill		110		

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY

COMMITTEE

VISITORS' REGISTER

DATE _____
 (Printed name of agent) (City) (State) (Zip) (Telephone)

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY

NAME:

DATE: 1-27-77

ADDRESS:

PHONE:

REPRESENTING WHOM?

APPEARING ON WHICH PROPOSAL:

DO YOU:

SUPPORT?

AMEND?

OPPOSE?

COMMENTS:

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Figure 1. The effect of the number of nodes on the performance of the proposed algorithm. The figure shows that as the number of nodes increases, the performance of the proposed algorithm improves, reaching a peak at 10 nodes and then slightly declining.

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Journal of Management Inquiry 20(6) 798-814
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NAME:

DATE: _____

ADDRESS:

PHONE:

REPRESENTING WHOM?

APPEARING ON WHICH PROPOSAL:

DO YOU:

SUPPORT?

AMEND?

OPPOSE?

COMMENTS:

NAME: JOE GERMAN DATE: 1/26/77

ADDRESS: St. Charles, Billings

PHONE: 156-6299

REPRESENTING WHOM? Yent Assoc of Publcs

APPEARING ON WHICH PROPOSAL: SR 110

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: _____

[illegible]

DO NOT PLACE I HAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

COMMENTS: _____

COMMENTS: _____

NAME:

DATE:

ADDRESS:

PHONE:

REPRESENTING WHOM?

APPEARING ON WHICH PROPOSAL:

DO YOU:

SUPPORT?

AMEND?

OPPOSE?

COMMENTS:

100% 99% 98% 97% 96% 95% 94% 93% 92% 91% 90% 89% 88% 87% 86% 85% 84% 83% 82% 81% 80% 79% 78% 77% 76% 75% 74% 73% 72% 71% 70% 69% 68% 67% 66% 65% 64% 63% 62% 61% 60% 59% 58% 57% 56% 55% 54% 53% 52% 51% 50% 49% 48% 47% 46% 45% 44% 43% 42% 41% 40% 39% 38% 37% 36% 35% 34% 33% 32% 31% 30% 29% 28% 27% 26% 25% 24% 23% 22% 21% 20% 19% 18% 17% 16% 15% 14% 13% 12% 11% 10% 9% 8% 7% 6% 5% 4% 3% 2% 1% 0%

4. *Journal of the American Medical Association*, 2000; 284: 2689-2695.

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1. *Journal of Management Education*, 31(1), 1-15. doi:10.1177/0022032106289111

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1. <https://doi.org/10.1016/j.jmb.2019.04.001>

NAME: Gert Thompson

DATE: 1-27-77

ADDRESS: 700 Antimony Butte, Md

PHONE: 123-3822

REPRESENTING WHOM? A. A. H. W.

APPEARING ON WHICH PROPOSAL: SB. 110

SUPPORT?

AMEND?

OPPOSE?

COMMENTS:

STANDING COMMITTEE REPORT

.....January 27..... 1977.....

MR. PRESIDENT.....

We, your committee on NATURAL RESOURCES.....

having had under consideration SENATE..... Bill No. 110.....

Respectfully report as follows: That.....SENATE..... Bill No. 110,.....

DO PASS

PA

SENATE COMMITTEE NATURAL RESOURCES

Date 1-27-77 SENATE Bill No. 110 Time 11:00 a. m.

NAME	YES	NO
Flynn, Elmer, Chairman	✓	
Roskie, George, Vice-Chairman	✓	
Devine, John	✓	
Dover, Harold	✓	
Galt, Jack	✓	
Jergeson, Greg		✓
Manley, John	✓	
Smith, Ed	✓	

Beverly Braut
Secretary

Elmer Flynn
Chairman

Motion: Senator Dover moved that Senate Bill No. 110 DO PASS:

the motion was seconded by Senator Devine.

(include enough information on motion--put with yellow copy of committee report.)

(ATTACHMENT # 1)

January 27, 1977

Mr. Chairman and Members of the Committee:

I am Senator Harold Dover, District 24, from Lewistown, a native Montanan. I am for the protection of our environment. I am for developing expansion around our cities and towns in a planned and orderly fashion.

Some of the legislation drafted to supposedly do this has in fact not done it and has led to considerable added cost to subdividers, home owners and the public. It has discouraged the orderly and many times best use of a project for homes at a time when almost every town in Montana is in great need of more housing.

House Bill 666, is one of these bills. The original intent of House Bill 666 may have been to give guidelines for local communities to determine the feasibility and best means of developing a new project but there is such latitude for various and surrounding interpretations at the expense and time of the subdivider it has only fostered harassment, high risk cost to developers, long and agonizing delays with little consideration of the added cost this would be to homeowners.

The public interest criteria called for in this statute has given license for local arbitrary action because there will almost always be an adverse effect as to the seven requirements. For example:

1. "Basis of Need" People are homeless. There is no question there is a need for housing. The success of individual business depends largely on the soundness of ~~his~~ ^{The Developer/Owners} judgement and if ^{he} ~~it~~ wants to consider

... this calls for absolute necessity of

(ATTACHMENT #2)

LOUISE LYKINS

ATTORNEY AT LAW

1510 14th Street South
Great Falls, Montana
January 8, 1977

Planning Division
Department of Community Affairs
Helena, Montana

The enclosed story in the Great Falls Tribune of January 6 is a gross misrepresentation of the facts concerning subdivision, at least in Cascade County.

I am acquainted with most of the subdivision and surveys that have been filed in this county since 1960 and I am sure that simply counting the number filed is no indication of the date the subdivision occurred.

Unless you counted by the date the survey was made, you do not have an accurate count of subdivision since 1973.

How many of the surveys filed represented sales many years ago under contracts for deed which are just now being paid off so that the documents are filed?

How many of the surveys represented an effort to correct typographical or scrivener's errors in the original filing?

How many of the surveys represented an honest effort to define boundaries of properties sold before 1973 in which the descriptions are so vague and indefinite that the property cannot be determined? One resident of this county, in an honest effort to correct such a situation, has been abused and harassed in his efforts and, after 6 months, cannot get the situation corrected.

Your statement that only 113 acres had public review is an outright misstatement. One subdivision filed in Cascade County, reviewed by more bureaucrats than the taxpayers should even have to support, contained 350.98 acres.

LAW OFFICES

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2512 3RD AVE. NORTH

BILLINGS, MONTANA 59103

ARNOLD A. BERGER
RICHARD W. ANDERSON
JAMES J. SINCLAIR
JAMES P. MURPHY

P. O. BOX 1914
TELEPHONE 252-3439

January 26, 1977

Mr. Joe Gerbase
Anderson, Symmes, Forbes, Peete & Brown
Attorneys at Law
100 Transwestern Building
Billings, Montana 59101

Re: Proposed Cougar Park Subdivision

Dear Mr. Gerbase:

You have requested that I relate to you the experiences of attempting to plat land near Bozeman, Montana. The land consisted of approximately 250 acres and was located approximately $3\frac{1}{2}$ miles west of the Bozeman city limits on the road to "Four Corners." The land was approximately $1\frac{1}{2}$ miles east of Four Corners.

As a precaution, and before the statute changed, we subdivided the land into 10-acre tracts. For your use we have attached hereto a copy of that plat.

Approximately one-half of the land was above a beautiful stream. This one-half also bordered on the main highway. The half below (south) had no access to the main road.

We wanted to start our platting in the southwest corner and, at that time, had a market for $2\frac{1}{2}$ -acre tracts. We attempted our first filing as shown on Cougar Park Subdivision First Filing which is the folded plat also supplied.

We experienced a rather high water table, and the state would not allow the use of septic tanks. We therefore platted the three southwesternmost $2\frac{1}{2}$ -acre tracts to accommodate the builder who had three houses sold.

This plat was accepted.

At that time, the state did advise us that the plat above the stream would be altogether acceptable because of the lack of high water table. All of the holes punched above the stream to measure the water table remained dry.

Apparently, with the blessing of the state, we caused a master plan

(ATTACHMENT #3)

2-2-77

Cliff Christian Testimony:

Mr. Christian Was to Bring the Secretary Written Testimony.

He informed the Secretary this morning that he had lost
his written testimony.

IN REFERENCE TO THE SECTION 11-3866 OF THE MONTANA SUBDIVISION AND PLATTING ACT, I WOULD LIKE TO COMMENT ON SOME OF THE EIGHT CRITERIA FOR DEPRIVING PUBLIC INTEREST.

a) the basis of the need for the subdivision....

1. MANY subdivisions do NOT QUALIFY FOR FEDERAL MORTGAGE PROGRAMS (FHA & VA) AND CONSEQUENTLY BECOME USELESS FOR THE MAJORITY OF HOMEBUYERS.
2. THE HOMEBUILDING INDUSTRY HAS HISTORICALLY CYCLED DRAMATICALLY BASED ON THE MORTGAGE MONEY AVAILABLE WITH THE SUBSTANTIAL "LEAD TIME" REQUIRED TO SUBDIVIDE LAND, I QUESTION WHETHER NEED FOR SUITABLE BUILDING SITES CAN BE IN ANY WAY ACCURATELY FORECAST. THE RESULT WILL, I BELIEVE, BE EITHER AN OVER-ABUNDANCE OR SEVERE LACK OF QUALIFIED SITES.

b) EXPRESSED public opinion...

1. I BELIEVE THIS CRITERIA CAN ONLY HAVE A NEGATIVE IMPACT ON THE DECISION AND AS SUCH SHOULD BE RECOGNIZED. IT IS HUMAN NATURE TO REMAIN UNINVOLVED SO LONG AS ONE DOES NOT FEEL HE WILL BE ADVERSELY AFFECTED. HAVE YOU EVER HEARD THE PUBLIC AT LARGE PRAISE A DEVELOPER? YET, THE MAJORITY OF PEOPLE DO BUY AND LIVE ON SUBDIVIDED LAND.

(ATTACHMENT #5)

TESTIMONY BEFORE THE SENATE NATURAL RESOURCES COMMITTEE
CONCERNING SB 110

Mr. Chairman and Members of the Committee:

My name is John Crowley. I am the Planning Director from Missoula.
I am appearing here today in opposition of Senate Bill 110.

My testimony today will be confined to several examples of how
Missoula County has used House Bill 666 to review several subdivisions
over the past two years.

HB 666 became law April 21, 1975.

#major subdivisions reviewed under 666 = 11

#total subdivisions reviewed (incl. summary) = 34

Examples Where 666 Used:

1. Grantland - Rankin (12/76) 45-lot residential

Action. Staff, MPB recommended denial on the basis that there was insufficient information to determine if the subdivision would not substantially degrade the natural environment or result in a threat to public health and safety because of potential groundwater pollution; agricultural land was also being taken out of production. DENIED 1/77

2. Bitterroot Mobile Home Park (5/76) 193 lot - MH Park

Action. Staff and MPB recommended denial based on several factors of 666:

- (1) need was questionable - based on extensive research of vacancy rates in Lolo and in Missoula area.
- (2) threat to public health and safety from potential groundwater pollution, particularly to the community well system.
- (3) demand on public services (especially the school) appeared to be far greater than the tax revenue generated.

* Note - this one subdivision proposal is primarily responsible for encouraging the Lolo community to examine their own facilities, need for improvements, and to begin to plan ahead for growth. Similarly large subdivisions had been approved in Lolo within the last two

MISSOULA PLANNING BOARD

STAFF REPORT

Orchard Acres - Preliminary Review

June 3, 1975

A. INTRODUCTION

The proposed Orchard Acres subdivision is located in the "south hills" area of Missoula, and is adjacent to the Country Club and Southside Homes subdivisions. The owner and developer of the subdivision, Mr. Joseph Smith, is proposing to subdivide the 7.4 acre parcel into 13 single-family lots, varying in size from 20,000 to 26,000 square feet. The subdivision will be serviced by Montana Power water, and sewage disposal will be provided by individual septic system. Although located in an urban area where smaller lots would be feasible, the Orchard Acres land falls within the boundaries of the Missoula Rural Fire District and cannot be annexed to the City and the municipal sewage system. Because individual septic systems are therefore required, the minimum lot size is 20,000 square feet.

Adjacent development is single-family residential, and the area is located within County Zoning District Two (which allows for one and two-family dwellings).

B. HOUSE BILL 666

The Orchard Acres plat is under the jurisdiction of House Bill 666, and must be evaluated, along with the Bella Vista Addition, in reference to the "public interest" and the following eight criteria:

1. The basis of the need for the subdivision;
2. Expressed public opinion;
3. Effects on agriculture;
4. Effects on local services;
5. Effects on taxation;
6. Effects on the natural environment;
7. Effects on wildlife and wildlife habitat; and,
8. Effects on the public health and safety.

MISSOULA PLANNING BOARD

STAFF REPORT

Kellogg Estates - Preliminary Review

July 1, 1975

A. INTRODUCTION

The proposed Kellogg Estates subdivision is a six-lot replat of Lot 11 of the Cobban Camp Sites, a platted subdivision in Missoula County. Located along Duncan Drive in the Rattlesnake Creek drainage, Kellogg Estates is in County Zoning District #1. Single family dwellings are planned for the six lots, which are approximately 20,000 square feet in size. The Missoula Planning Board staff has examined Kellogg Estates in relation to the eight criteria of House Bill 666, and finds that the subdivision, if developed, will be in the public interest.

B. HOUSE BILL 666

1. Need -

The Missoula Planning Board staff wishes to emphasize that residential development should be encouraged in those areas within the urban perimeter. Kellogg Estates is contiguous to Missoula's urban area, and will be a logical extension of the housing developments found in the Rattlesnake vicinity. The rapid growth experienced in the Rattlesnake Creek area indicates that this is one of Missoula's high-demand neighborhoods. This apparent demand dictates a need, a need which Kellogg Estates will help fulfill.

Restrictive covenants submitted with the preliminary plat state, "only single family dwellings" are permitted, and these shall have a minimal size of 1,300 square feet (exclusive of garage, carport, patio, or porches) and a minimum value of not less than \$45,000 (including the value of the lot). With these restrictions placed on the lots in Kellogg Estates, housing constructed in the subdivision will most likely serve the needs of upper-middle and upper income families. High-income housing such as this is needed in a community, and Kellogg Estates will meet this need. Hopefully, a housing filtering process will take place as this type of housing is built, and as the upper income individuals move out of their present homes, this housing will become available to those in the lower income brackets.

The postal vacancy survey conducted in Missoula in May 1975, indicates that the availability of housing in Missoula has decreased to some degree in the past year. The single family vacancy rate was 0.8%, while a vacancy rate of one percent for single family dwellings is considered an acceptable vacancy level to maintain a competitive and flexible housing market. The need for single family dwellings in Missoula is increasing. According to the

MISSOULA PLANNING BOARD

STAFF REPORT

Martin's Mobile Home Court - Preliminary Review

August 5, 1975

A. INTRODUCTION

Martin's Mobile Home Court, a proposed extension of an existing mobile home park in the Frenchtown area, is 6.3 acres in size and includes 23 lots. Mobile home parks are not required to meet the surveying and filing requirements of the Montana Subdivision and Platting Act. However, the Missoula County Subdivision Regulations require that such developments be reviewed and approved by the Planning Board and the County Commissioners. Plans for mobile home parks, which are submitted in the preliminary plat form, are reviewed by the Planning Board and the County Commissioners once (a public hearing is held at the Planning Board meeting). When granted approval, the plans will be put on file in the Missoula Planning Board Office.

B. HOUSE BILL 666

Because the plans for mobile home parks are submitted in the form of a preliminary plat, the staff will discuss Martin's Mobile Home Court in relation to H.B. 666.

1. Basis of Need

Martin's Mobile Home Court is an extension of an existing four-lot mobile home park which is located adjacent to the gravel pit areas along the Frenchtown frontage road. This area is already developed for industrial and residential uses, and a mobile home park will be an appropriate use for this land. Further, the Missoula County Comprehensive Plan suggests that existing mobile home park areas be expanded in size before new parks are established in the County. Reasoning for this suggestion is based on the facts that show a greater efficiency level in the larger (ten acres or greater in size) mobile home parks.

Because of the close proximity of Martin's Mobile Home Court to the Hoerner-Waldorf plant, this development can provide housing space, with minimal commuting distance, for Hoerner-Waldorf employees.

The existing portion of Martin's Mobile Home Park is a well-kept area, and if continued development is consistent in quality with this area, the park will be an asset to the Frenchtown community.

MISSOULA PLANNING BOARD - STAFF REPORT

Mission Park Subdivision
Preliminary Review
February 3, 1976

A. INTRODUCTION

The proposed Mission Park subdivision, an eight-lot, 2.08-acre residential development, is located within the Missoula City limits at the intersection of Russell Street and 39th Street. Duplexes are planned for the subdivision, which will be serviced by the City municipal sewer and water systems. The Mission Park Subdivision conforms to both the present City RII zoning and the Comprehensive Plan designation for the area (medium density, multi-family residential, allowing a density of up to 16 dwelling units per acre). Adjacent land uses include single-family, duplex, and multi-family dwellings, and a City fire station. The 10,750-square foot common area will be maintained by a Homeowners' Association, as outlined in the proposed restrictive covenants. These covenants also specify that only residential uses are allowed within this subdivision, the density shall not exceed two-family dwellings, and an Architectural Control Committee shall be established for design and site plan review.

B. PUBLIC INTEREST

A need for new residential development within the urban area has been determined, and such development is encouraged by the Missoula Planning staff. Development within the City limits is particularly desirable, as public services such as municipal sewer and water facilities are then available.

A subdivision within the urban area is in the public interest, as this is where orderly subdivision development should take place. No agricultural lands are affected by urban development, nor is the natural environment, wildlife, or wildlife habitat infringed upon. With the option of a public sewer and water system, the land can be developed to a maximum density and can therefore be utilized to its fullest capability.

C. TAXATION REPORT

The Missoula County Assessor's office, in cooperation with the Missoula Planning Board staff, anticipates the following fair market values and resulting tax revenues from the Mission Park Subdivision:

1. Fair Market Value of Subdivided Land

\$5000/lot X 8 lots	= \$40,000
1st year after subdivision, assuming all lot unimproved	= \$ 603.88

MISSOULA PLANNING BOARD -- STAFF REPORT

Missoula's Highland Estates
Preliminary Approval
March 2, 1976

A. INTRODUCTION

The Missoula's Highland Estates Subdivision proposes to resubdivide the vacated Mosby's Leisure Highlands Additions #13, which was platted, filed, and subsequently vacated, and Addition #14, which was approved, but never filed. The first of two or three phases, this plat contains 11.08 acres and 31 single-family residential lots. Adjacent land uses include one- and two-family dwellings and the Leisure Highlands Golf Course. Park dedication requirements were fulfilled with the platting of the original Mosby's Leisure Highlands Subdivision. Proposed restrictive covenants, which provide for an Architectural Control Committee, have been submitted for review with the plat (see attached rough draft of protective covenants for Missoula's Highland Estates).

B. ANNEXATION

Presently located in the County, the Missoula's Highland Estates area is not in the Rural Fire District. Annexation to the adjacent City limits is proposed, and the subdivision will be serviced by the City municipal sewer and water systems. Although the intent of the developer to annex this subdivision to the City limits has been indicated, annexation and zoning should take place before the submittal of the final plat. The boundaries of the area to be annexed to the City should be clarified.

C. WALKWAYS, ROADS, AND EASEMENTS

A walkway from the Eastwood Place cul-de-sac onto the surrounding golf course is delineated on the preliminary plat. An easement should also be indicated to provide access from Rolling Green Drive onto the golf course. These walkways should not be paved. However, the plat shows the walkway in Block 2 as an extension of the Eastwood Place cul-de-sac.

Highland Park Drive, which provides access to the two cul-de-sac streets in the Missoula's Highland Estates Subdivision, has not been constructed to County standards or maintained by the County. Because of the increased use of this road from the proposed adjacent residential subdivisions (Missoula's Highland Estates and Crestmoor Estates) it is essential that this road is constructed to City standards, including paving. The developers of the Missoula's Highland Estates Subdivision and the Crestmoor Estates Subdivision should work closely with the City Engineer in devising road plans for Highland Park Drive. These plans should be submitted for review with the final plat (see attached letter from Richard Colvill, County Surveyor).

MISSOULA PLANNING BOARD -- STAFF REPORT

Crestmoor Estates
Preliminary Review
March 2, 1976

A. INTRODUCTION

Crestmoor Estates is a replatting of the previously vacated Mosby's Leisure Highlands #4. Eighteen lots for single-family dwellings are proposed for the 6.61-acre tract. The park dedication requirement was satisfied when Mosby's Leisure Highlands was originally platted, and the original Mosby's Leisure Highlands covenants and restrictions will be adopted for this development. Adjacent land uses include single-family residences, open space land, and the Leisure Highlands golf course.

B. ANNEXATION

The developer of Crestmoor Estates has proposed that the subdivision be annexed to the adjacent Missoula City limits. Crestmoor Estates is not in the Rural Fire District, and the Missoula City Council has indicated its intent to annex the parcel (see attached letter from Fred C. Root, City Attorney). Upon annexation, the subdivision will be served by the Missoula City sewer and water systems. Approval of the Crestmoor Estates plat should be based on the condition of annexation and zoning of the parcel by the City.

C. ROADS

Highland Park Drive, the street adjacent to the proposed Crestmoor Estates Subdivision, has not been built to County standards or accepted for County maintenance, although it is presently located in the County. Plans to upgrade Highland Park Drive to meet City standards, including pavement, should be submitted for approval by the developers of Crestmoor Estates and Missoula's Highland Estates (see attached letter from Richard Colvill, County Surveyor). The developers should work closely with the City Engineer in drawing up these plans.

At the request of the Missoula Fire Chief, fire hydrants should be installed prior to the paving of the streets.

D. PUBLIC INTEREST

The Crestmoor Estates development is consistent with the Urban Comprehensive Plan single-family designation for the area. The subdivision will also be consistent with adjacent residential uses, and will provide needed single-family lots within the urban area.

The Missoula Planning Board staff encourages residential development within the immediate urban area, where municipal services are available and where there are no adverse effects on agriculture, the natural

w/11

(ATTACHMENT #11)

MISSOULA PLANNING BOARD -- STAFF REPORT

Greenland Park No. 2
Mobile Home Park
Preliminary Review
April 6, 1976

A. INTRODUCTION

Greenland Park No. 2 is a proposed extension of an existing mobile home park in the West Riverside community. Twenty-six mobile home spaces are planned for the ten-acre parcel, with 1.27 acres set aside for common area, and 2.86 acres designated as open space land. Septic tanks and wells will provide sewage disposal and water supply for the mobile homes. A buffer strip comprised of a hedge and a fence is proposed for the southern and eastern boundaries of the plat which front on Flagler Road and adjacent properties. Greenland Park No. 2 is an owner-occupied mobile home park, and the park rules have been submitted for review with the plan.

B. VARIANCE REQUESTS

Two variance requests have been submitted to the Planning Board for consideration.

1. Request for variance from 60-foot frontage requirement in the Missoula County Subdivision Regulations.

The Planning Board staff believes that this request is reasonable, and recommends that the variance be granted. The mobile home spaces, as proposed, are of adequate size, and the developer has stipulated that a 30-foot separation between mobile homes shall be maintained.

2. Request for variance from the County road pavement requirement.

Although the roads in the existing Greenland Park development are not paved, the Missoula Planning Board staff recommends that this variance request be denied, and the roads in Greenland Park No. 2 be paved. When inspecting the property, the staff observed that this area north of Flagler Road appears to have a drainage problem. Without pavement the roadways will be difficult to maintain in an acceptable manner. Without paved off-street parking areas, there will be no definition between the individual mobile home spaces nor between the spaces and the roadways. Even if the roads are paved, the potential drainage problem should be addressed in the engineering plans.

(ATTACHMENT #12)

MISSOULA PLANNING BOARD -- STAFF REPORT

Besse Subdivision
Preliminary Review
May 4, 1976

FACTS

The Besse Subdivision is a proposed 28-lot resubdivision of Tracts 13 and 14 of the Massey McCullough Acres Subdivision (platted in 1960) in the South Hills area of Missoula. As proposed, the Besse Subdivision conforms with the Urban Comprehensive Plan. Adjacent to the Linda Vista and Ravenwood Subdivisions, this development would be consistent with neighboring uses and residential densities. There is no zoning in this area of the County.

Sewage disposal will be handled by individual septic systems and drainfields, and a central water system is planned for the subdivision. The Missoula City-County Health Department finds the area suitable for septic systems, but questions the availability of water (see attached letter from Joseph Aldergarie, Sanitary Engineer). Although slopes in the subdivision range from 10% to 25%, all drainfield slopes are 12% or less. All building sites are on slopes of less than 25%. All utilities will be underground, and there will be no street lighting. Fire protection will be provided by the Missoula Rural Fire Department.

Covenants submitted with the subdivision plat provide for a Homeowners' Association, an Architectural Control Committee, and for the maintenance of the central water system and common area. The covenants limit each lot to one single-family residence. The staff has reviewed these covenants and finds them acceptable, with a few changes which will be listed in the recommendation.

According to the Missoula County Assessor's Office, lots in the Besse Subdivision will have a fair market value of \$4,500. The average single-family home constructed on these sites will be valued at approximately \$36,000. Based on these assumptions; the following property tax revenue estimates were generated.

Current Annual Revenue: Unsubdivided Land	=	\$ 249.75
<u>Estimated Revenue: Subdivided Land Without Improvements</u>		

28 lots, fair market value of \$4,500
(mill levy = \$204.58)

1st year after subdivision, all lots unimproved	=	\$ 773.31
2nd year after subdivision, all lots unimproved	=	\$1,546.62
3rd year after subdivision, all lots unimproved	=	\$2,319.94
4th and subsequent years after subdivision, all lots unimproved	=	\$2,783.92

*reviewed and
found the
proposed plat
this subdivision
has one of the
best drainage
systems in the
county*

MISSOULA PLANNING BOARD -- STAFF REPORT

Grantland Eleven
Final Review
May 4, 1976

FACTS

The Missoula County Commissioners gave preliminary approval to the Grantland Eleven subdivision on June 30, 1975. The final plat differs slightly from the preliminary plans approved by the County Commissioners. To compensate for problems relating to topography and vegetation, one lot has been eliminated, and some lot lines and the road have been realigned. The common area has been increased significantly in size (see attached letters on approval of new common area location), and that portion of the dedication which exceeds the 1/9th requirement of the subdivision law will apply towards dedications in future Grantland subdivisions within the immediate area of Grantland Eleven. A utility lot, which will be owned and maintained by the Homeowners' Association for the community water system, has been added to the plat design. The Planning Board staff approves of these changes, and feels that they improve the design of the subdivision.

Covenants forming a Homeowners' Association and a Planning Control Committee, and providing for the maintenance of the community water system and the common areas have been submitted with the final plat. The staff has reviewed these covenants and finds them satisfactory.

RECOMMENDATION

The Planning Board staff recommends the final approval of Grantland Eleven, subject to the following conditions:

1. The "green area" shall be renamed "common area," to be consistent with other like dedications in the County;
2. A clause shall be attached to the face of the plat stating that the utility lot shall never be developed for residential purposes;
3. That the purpose and dedication of the utility easement extending to the west of Grant Creek Road be clarified by the developer;
4. That locations of the fire hydrants are specified by the developer;
5. The final road plans for Colorado Gulch and St. Vrain Way shall be approved by the Missoula County Surveyor prior to filing the final plat; and,
6. Prior to filing, the sanitary restrictions on the area shall be removed by the local and state health departments.

MISSOULA PLANNING BOARD -- STAFF REPORT

Bitterroot Mobile Home Park
Preliminary Review
May 4, 1976

FACTS

The Bitterroot Mobile Home Park is a proposed mobile home park in the community of Lolo, to be developed in phases. Submitted for the review of the Planning Board and the governing body is a master plan for the entire development (a total of 193 lots on a 45.9-acre parcel), and a detailed plan for Phase 1, which would be developed immediately and proposes 73 lots in a 16.03-acre area. The proposed park rules have also been submitted with the plans, and are enclosed for your review. Bitterroot Park is actually a resubdivision of six lots in the Allomont Orchards Subdivision, a large tract development filed in 1910, and is adjacent to the Lakeview Addition, a single-family residential subdivision. Present use of the land is agricultural. There is currently no zoning in Lolo.

Two requests for variances on Phase 1 from the requirements of the Missoula County Subdivision Regulations have been submitted to the Planning Board staff:

1. Request for variance from 60-foot frontage requirement. The Planning Board staff recommends that this variance be granted on Phase 1, as most of the lots have 50-foot frontages and all have adequate access. Many of the lots shown on the master plan, however, have inadequate frontages which would not receive approval from the Planning Board staff. The master plan should be revised to include reasonable frontage widths for all lots.
2. Request for variance from off-street parking requirement on Grizzly Drive in Phase 1. The Planning Board staff has agreed to recommend that this variance be granted, on Grizzly Drive in Phase 1 only. This variance would be granted on an experimental basis, and the staff would monitor its success before granting such a variance in future phases.

Although Lolo has a public sewer system, it is not available for extension to new subdivisions. The developers have therefore proposed that sewage disposal in Bitterroot Park be provided by individual septic systems. A central water system, owned by the developers, will be provided. The Missoula City-County Health Department has indicated that further information on the method of sewage disposal will be needed for them to fully evaluate this subdivision, and due to the large size of the mobile home park, the State Department of Health and Environmental Sciences will require a detailed impact statement and feasibility for a central sewer system (see attached letter from Cliff Foy, Sanitarian with the City-County Health Department). The correspondence from Arial Anderson, Soil Scientist with the Soil Conservation Service, indicates that the Bitterroot Park area soils have slight limitations for septic tank sewage disposal, and severe limitations for sewage lagoon disposal (see attached letter).

MISSOULA PLANNING BOARD

Subdivision Staff Report

December 7, 1976

GRANTLAND-RANKIN SUBDIVISION - PRELIMINARY PLAT

INTRODUCTION

Grantland-Rankin is a proposed 45-lot subdivision of an area known as the Rankin Meadow, located along Grant Creek Road and east of Grant Creek. The 130-acre meadow is presently a hay pasture which is part of the 4,000-acre Grant Creek Ranch. A small portion of the Ranch has been divided into eleven subdivisions, known as the Grantland Subdivisions, over the last ten years. With the exception of Grantland 11, these residential lots are generally located upstream from the meadow in a forested area. Grantland Eleven, which is located east of the Rankin Meadow, is the most recent of these subdivisions and was the only plat to be reviewed under the eight criteria determining public interest listed in the subdivision law.

The subdivision plat now under review, proposes to divide the Rankin Meadow and an adjacent portion of Grant Creek into 44 single-family residential lots comprising 94.8 acres, a 24.7-acre recreation lot, and a 21.7-acre common green area. The residential lots range in size from 0.694 acres to 4.960 acres and will have access from five new cul-de-sacs using three entrances from Grant Creek Road. Each lot will have its own septic system and will be served by the Grantland-Colorado Gulch Water System, a central well system which also serves Grantland Eleven. The water system, built to serve 60 residences, was approved in May, 1976, and is now under construction. A maximum of two horses for twenty-one of the larger lots will be allowed, as specified in the covenants. In addition, homeowners will have the option of buying into a sprinkler irrigation system controlled by the Grantland-Colorado Gulch Association for the purpose of maintaining individual horse pastures and lawn areas. The covenants specify that the domestic water supply may not be used to water a lawn area larger than 8,000 square feet.

The recreation lot is intended for conveyance to a private recreation organization for the construction of indoor or outdoor facilities which can be used by Grantland-Rankin residents as stated in the covenants.

Covenants, similar to those filed with the Grantland Eleven subdivision, have been submitted along with the preliminary plat. In brief, the covenants provide for use and maintenance of the Common Green, the right of the declarant (Grant Creek Ranch Corporation) to drill water wells on the common green, the installation and maintenance of an irrigation water system and distribution of irrigation water by the Association, an assessment based on square-footage for the Missoula County weed control fund, maintenance and capital improvement assessments, and restrictions on the use of the lots. Only specified lots will be allowed to have horses. (See attached covenants).

(ATTACHMENT #16)

MONTANA STATE DEPARTMENT OF HEALTH
AND
ENVIRONMENTAL SCIENCES

STATEMENT OF INFORMATION REGARDING
WATER SUPPLY, SEWAGE DISPOSAL AND SOLID WASTE DISPOSAL
FOR REALTY SUBDIVISIONS

Form E.S. 91

The following statement is made and submitted with the plat of a proposed realty subdivision in the state of Montana under provisions of Section 69-5001 through 69-5005, R.C.M. 1947 as amended by Chapter No. 509, Montana Session Laws, 1973, House Bill No. 465; MAC 16-2.14(10)-S14340; and the Montana Environmental Policy Act, Section 69-6504 (b) (3), Revised Codes of Montana, 1947.

A. DESCRIPTION OF PROJECT.

1. Name of subdivision GRANTLAND - RANKIN

Location (City or County) Missoula, Montana

Legal description: Section 21 Township 14 Range 19

2. Owner (State name of person, company, corporation or association owning the proposed subdivision. If organized, give name of officers.)

GRANT CREEK RANCH, a Partnership

Charlotte R. Marbut, A. Reed Marbut, Gary R. Marbut

Address 7700 Old Grant Creek Road

<u>Missoula</u>	<u>Montana</u>	<u>59801</u>
City or Town	State	Zip Code

3. Area of subdivision (Total size in acres) 130.405 acres

Number of lots 45

Area of lots 94.622 acres

Minimum lot area 30,245.33 sq. ft.

Does this meet minimum standards? (One acre for lots with individual water and sewer systems and 20,000 square feet for lots with either individual water or sewer systems.)

Yes

H.B. 666 AND THE IMPACT OF FUTURE DEVELOPMENT
ON TAXATION AND COMMUNITY SERVICE COSTS

Since the passage of H.B. 666, the Missoula Planning Board staff has been working on a methodology for evaluating the effects of land subdivision on taxation and local services. While researching these problems, it has become apparent that the complexities of public finance of local services, particularly for elementary and high schools purposes, cannot be totally resolved at this time. School finance involves mandatory mill levies, state equalization aid, additional contributions from the state derived from income and taxes other than the property tax, school district permissive levies, and additional mill levies which are imposed by district voters. Although it is simple to determine the per student costs for education, the sources of revenue to meet these costs are not readily discernable, particularly in terms of local property tax revenues as a percentage of total educational costs.

There also has been a great deal of discussion related to subdivisions creating enough property tax revenue to cover the costs of public services they will require. Many statements have been issued that new subdivisions do not pay their own way and therefore should not be approved. These statements are valid. In fact, it is likely no subdivision of land in Missoula actually pays its own way, with the exception of improved property valued in excess of \$80,000, which generates approximately \$2,200 in tax revenues --- an amount sufficient to cover the cost of educating two high school students for one year. It should be noted, however, that even in this instance it is assumed that 100 percent of the revenue generated is allocated to education, excluding the costs of fire and police protection, parks and recreation and other publically financed services. It is quite unlikely that future or existing subdivisions will ever pay their own way unless substantial changes are made in property assessment practices or the financing of education and public services. At this time, commercial and industrial properties within Missoula County carry the burden of financial support for our local educational systems and local services.

Another problem with local service and taxation impact evaluation is that some services actually benefit from additional residential development. For instance, the construction of housing within a particular rural fire district does not require additional fire station personnel, equipment or facilities to provide an adequate level of service. However, the additional revenue generated by improved properties will lower the per unit cost of fire protection, and as a result lower the mill levy within the district. The question which cannot be answered at this time is, just how many houses can be built within a district before the provision of a particular service becomes uneconomical and requires substantial capital outlay to meet the new demand? If we expand this example to include schools, parks and recreation, police protection and general governmental administrative costs, the formula for evaluation of future subdivisions becomes virtually incomprehensible, given the

'SUBDIVISION REVIEW FORMAT'

STAFF REPORT
TITLE

A Report for Public Hearing/Summary Review - (Date)
For: (Appropriate Planning Board)

I. GENERAL CONSIDERATIONS

A. Specifications

1. Date of Preliminary Plat Application:
2. Owner/Developer : Name, address, phone.
3. Surveyor : Name, address, phone.
4. Planner : Name, address, phone.
5. Engineer : Name, address, phone.
6. Location : Legal and local orientation.
7. Size : ___ Acres/ ___ Lots/ ___ Min. Lot Size.

B. Intended Use(s)

1. Utilities :
 - a.) Water
 - b.) Sewer
 - c.) Electricity
 - d.) Gas
 - e.) Telephone

2. Covenants/Zoning :

- C. Relation to Established Planning : Comprehensive plan, zoning, advisory group, existing usage.

II. STAFF INVESTIGATION AND REMARKS

A. Effects on Public Health and Safety

1. Natural Hazards
 - a.) Flooding
 - b.) Fault Zones
 - c.) High Water Table

(ATTACHMENT #19)

TESTIMONY BEFORE
SENATE NATURAL RESOURCES COMMITTEE

SB 110

January 27, 1977

By
James A. Posewitz
Montana Department of Fish and Game

The Montana Department of Fish and Game opposes SB 110 and favors retention of provisions now in law to require that subdivisions be developed with consideration of their effects on "wildlife and wildlife habitat."

In support of that position, I would like to bring to your attention information that supports the need to consider Montana's wildlife resource and point out the impact subdivisions are having on that resource.

Between 1969 and 1972 our department conducted an inventory of the wildlife habitat in the Smith River drainage, and I would like to quote from that report: "The majority of the low country is private land; consequently, approximately 81 percent of the elk, deer and antelope winter range in the Smith River drainage is on private land. The major federal land managers, the Forest Service and Bureau of Land Management, control only 12 percent of the winter ranges. There is so much critical big game winter range under private ownership the wildlife outlook is not bright. Many of the Smith River winter ranges are being utilized to the maximum. In some big game wintering areas the protecting timber is being logged, the brush is being destroyed, the native grassland is being cultivated - people are also building homes or cabins on winter ranges. Once the winter range is destroyed or reduced in size, the dependent animal population must follow suit."