

MINUTES OF THE MEETING
LOCAL GOVERNMENT COMMITTEE
MONTANA STATE SENATE

January 31, 1977

The meeting of the Local Government Committee was called to order by Chairman McCallum on January 31, 1977 at 9:30 A.M. in Room 410 of the State Capitol Building.

ROLL CALL: All members were present.

The following visitors were present: Darlene Grove, League of Women Voters; Mike Foster, Intern; Charles R. Swart, Group of 56 Registered Land Surveyors; Denis Vogt, Lewis & Clark, APO; Cliff Christian, Montana Association of Realtors; Joe Gerbase, Montana Association of Realtors; Bob Miller, Montana Homebuilders Association; Jim Hahn, Private Land Surveyor; Kenneth L. Siderius, Chairman, Planning Unit; Lex Blood, Flathead County Planning Board; Herb Koenig, Flathead Conservation District; Francis Van Rinsun, Flathead Conservation District; Jane Lopp, Flathead County Areawide Planning Organization; Glen Drake, League of Cities and Towns; Dean Zinnecker, Montana Association of Counties and Dave Wanzenried, State Commission on Local Government.

CONSIDERATION OF SENATE BILL 224: Senator Story, sponsor of Senate Bill 224, gave a brief resume of the bill. Joe Gerbase, Attorney, Billings, Lobbyist for the Montana Association of Realtors, proposed an amendment to Senate Bill 224 (attached). Mr. Gerbase submitted the Technical Publication Listing which covers specific planning projects in the Billings urban area (attached). Robert H. Miller, Montana Home Builders Association, stated that since 1971 the price of housing has increased 51%. There has been a 93% increase on developed lots. Mr. Miller feels this should be kept on the local level and streamline the process. Sonny Hanson, Montana Technical Council, supports Senate Bill 224 and proposed an amendment (attached). Charles Swart, Group of 56 Registered Land Surveyors, testified in favor of Senate Bill 224 (attached). Jim Hahn, Billings, testified in favor of Senate Bill 224 (attached).

Opponents: Herb Koenig, Flathead Conservation District, definitely opposed Senate Bill 224. A Master Plan does not cover everything in subdivisions. A Conservation District is responsible for conserving land and water. Mr. Koenig feels subdivisions and agriculture are not

compatible to one another. He would like to see better controls. Jane Lopp, Flathead County Areawide Planning Organization, stated a Master Plan does not have regulation and review in the current law. In conforming to a Master Plan, no subdivision would be reviewed in Flathead County. Francis Van Rinsun, Flathead Conservation District, Fire District and School District 5, opposed Senate Bill 224 stating there should be some kind of law to protect the people who buy units in subdivisions. Kenneth L. Siderius, Eastside Planning Unit, opposed Senate Bill 224. He stated a Master Plan is just a recommendation. Lex Blood, Flathead County Planning Board, opposed Senate Bill 224. Mr. Blood stated the law should provide for public input. Denis Vogt, Lewis & Clark Areawide Planning Organization, testified against Senate Bill 224 (attached).

CONSIDERATION OF SENATE BILL 225: Senator Story, sponsor of Senate Bill 225, asked Joe Gerbase, Montana Association of Realtors, to present the bill. Mr. Gerbase gave a brief resume of Senate Bill 225 and submitted an amendment (attached). Sonny Hanson, Montana Technical Council; Robert Miller, Montana Home Builders Association; and Denis Vogt, Lewis & Clark Areawide Planning Organization; testified in favor of Senate Bill 225.

Opponents were Herb Koenig, Flathead Conservation District; Lex Blood, Flathead County Planning Board; and Jane Lopp, Flathead County Areawide Planning Organization.

Senator Thiessen moved the (attached) amendment to Senate Bill 225. Senator Dunkle seconded the motion. Motion carried.

ADJOURN: The meeting adjourned at 11:25 A.M. with the next meeting to be 9:30 A.M. Wednesday, February 2, 1977 to consider Senate Bills 199 and 232.


Senator George McCallum, Chairman

ROLL CALL

LOCAL GOVERNMENT COMMITTEE

45th LEGISLATIVE SESSION - - 1977

Date 1-31-77

NAME	PRESENT	ABSENT	EXCUSED
<u>George McCallum</u>	✓		
<u>Robert Watt</u>	✓		
<u>Pete Story</u>	✓		
<u>Frank Dunkle</u>	✓		
<u>Lloyd Lockrem</u>	✓		
<u>Bob Peterson</u>	✓		
<u>Cornie Thiessen</u>	✓		
<u>Bill Thomas</u>	✓		

Each day attach to minutes.

COMMITTEE

VISITORS' REGISTER

DATE _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY

S.B. 224

Amend Page 4, Line 20 to read:

(B) Subdivisions totally within an area with a master plan adopted pursuant to 11-3801 through 11-3856, a zoning regulation adopted pursuant to 11-2701 through 11-2709 or 16-4701 through 16-47 , and a capital improvements program adopted pursuant to _____ through _____ , are exempt from the following requirement of this act:

Amend Page 4, Line 24 and 25 - (Delete and ^{reinsert} ~~reinsert~~):

(b) the requirement of submission of a preliminary plat:

Amend S.B. 224 by deleting all material beginning on Page 4, Line 20 and ending on Page 5, Line 3. Insert therein, the following:

(8) Subdivisions totally within a master planning area adopted pursuant to section 11-3801 through 11-3856 are deemed to be in the public interest and are exempt from the following requirements of this act:

- (a) The requirement of an environmental assessment; and
- (b) The requirement of a public hearing.

Amend S.B. 225 by deleting all material beginning on Page 2, Line 9 and ending on Page 2, Line 18. Insert the following:

(3) Every final subdivision plat must be filed for record with the county clerk and recorder before title to the subdivided land can be sold or transferred in any manner or offered for sale or transfer. If illegal transfers or offers of any manner are made, the county attorney shall commence action to enjoin further sales, transfers, or offers of sale or transfer and compel compliance with all the provisions of this act. The cost of such action shall be imposed against the person transferring or offering to transfer the property.

(4) Contracts or offers for sale of land prior to the filing of a final subdivision plat of record with the county clerk and recorder shall be legal and are exempt from the provisions of paragraph (3), if the contract or offer for sale is in writing and contains the following language conspicuously set out therein: 'The real property which is the subject hereof has not been finally platted and until a final plat has been filed with the county clerk and recorder, title cannot be transferred in any manner.'

Amend S.B. 225 by deleting on Page 3, Lines 2 and 3 and substituting therein the following:

months, or by both fine and imprisonment. Each sale, lease or transfer, or offer for sale, lease, or transfer

JANUARY 30, 1977

FROM: JAMES L. HAHN, REGISTERED LAND SURVEYOR
3940 BECRAFT LANE, BILLINGS, MONTANA
SEC. AND GEN. MGR. PRIVATE FIRM
PAST PRES. MONT. ASSOC. REG. LAND SURVEYORS

TO: LOCAL GOVERNMENT COMMITTEE
OF THE MONTANA SENATE, 1977 SESSION
HELENA, MONTANA

RE: SENATE BILL NO. 224

COMMITTEE MEMBERS:

I RECOMMEND PASSAGE OF THE AMENDMENTS CONTEMPLATED BY SB 224 BECAUSE CERTAIN MECHANISMS FOR SAFEGUARDING PUBLIC INTEREST IN THE PLATTING ACT ARE DUPLICATIONS OF SAFEGUARDS PROVIDED IN THE IMPLEMENTATION OF A CITY AND COMMUNITY COMPREHENSIVE PLAN, SUBDIVISION REGULATIONS AND CITY-COUNTY ZONING ORDINANCES.

COMPREHENSIVE PLANS ENVISION THE USE OF LAND WITHIN THEIR JURISDICTION AND THE BASIS OF NEED FOR SUCH PLANS IS TO PROVIDE FOR THE ORDERLY DEVELOPMENT OF LIVING SPACE. RESIDENTIAL SUBDIVISIONS ARE THE CORE OF ESSENTIAL LIVING SPACE AND ARE INEVITABLE WITH GROWTH, THUS IT IS IMPORTANT THAT LAWS AND REGULATIONS COMPANION TO MASTER PLANS ADDRESS THE REAL PROBLEMS WHICH ATTEND THEIR IMPLEMENTATION. ONE OF THESE REAL PROBLEMS IS COST.

WHEN A MASTER PLAN ENCOMPASSES UNPLATTED LAND AND ENVISIONS ITS FUTURE USE SO FAR AS TO DESIGNATE AREAS FOR ROADS & PARKS, RESIDENTIAL AREAS, INDUSTRIAL AREAS AND THE LIKES, IT IS NOT A PRACTICAL MATTER FOR A PLANNING BOARD OR GOVERNING BODY TO MAKE RANDOM CHANGES IN THE MASTER PLAN THROUGH THE SUBDIVIDING PROCESS UNLESS THE MASTER PLAN ITSELF SPELLS OUT THE GROUND RULES FOR SUCH CHANGES. FOR EXAMPLE: IF A RESIDENTIAL SUBDIVISION WERE PROPOSED AND THE EXPRESSED PUBLIC OPINION WAS AGAINST THE PROPOSAL, THE LAW GIVES NO CRITERIA WHEREBY THE GOVERNING BODY MAY DENY APPROVAL AND THEREBY EFFECTIVELY AMEND THE MASTER PLAN BY CHANGING THE USE OF AN AREA ALREADY DESIGNATED AS RESIDENTIAL.

IN THIS RESPECT, THE SUBDIVISION AND PLATTING ACT UNDER THE PROVISIONS OF HB 666, COMPLETELY DISREGARDS THE MASTER PLAN CONCEPT IN THAT ON A CASE BY CASE BASIS, IT ALLOWS PLANNING BOARDS AND GOVERNING BODIES TO DETERMINE THE MERIT OR LACK OF MERIT OF A PROPOSED SUBDIVISION ON A PURELY ARBITRARY BASIS. THE PROVISIONS OF HB 666 CONTAIN NO GUIDE LINES WHATSOEVER FOR ASSESSING MERIT.

THE RESPECTIVE NET EFFECTS OF HB 666 AND AN ENVIRONMENTAL ASSESSMENT ARE CONFUSION AND FRUSTRATION TO THOSE THAT MUST WORK WITH IT AND A REAL INCREASE IN COST TO THE HOME BUYER.

PRESENTLY AND INTO THE FORSEEABLE FUTURE, FOR EVERY DOLLAR ADDED TO THE COST OF A NEW HOME THERE WILL BE FEWER AND FEWER MIDDLE TO LOW INCOME FAMILIES THAT WILL BE ABLE TO QUALIFY FOR OWNERSHIP OF THE HOME OF THEIR CHOICE OR WORSE TO QUALIFY FOR HOME OWNERSHIP AT ALL.

DOES THE PRESENT LAW CONTRIBUTE UNNECESSARY COSTS TO HOUSING? (UNNECESSARY COSTS BEING THOSE THAT CONTRIBUTE LITTLE OR NOTHING IN THE WAY OF BENEFITS OR SAFEGUARDS TO THE PUBLIC OR THE CONSUMER.) THE ANSWER IS YES. THE AMENDMENT AT HAND DEALS WITH THE ELIMINATION OF AN ENVIRONMENTAL ASSESSMENT FOR SUBDIVISIONS IN A MASTER PLANNED AREA, WHICH FOR A SMALL SUBDIVISION MAY COST \$200 TO \$500 AND MUCH MORE FOR LARGER SUBDIVISIONS.

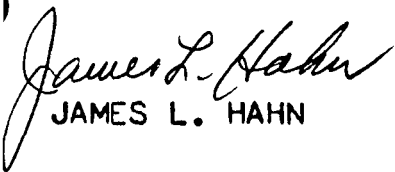
IF ONE PRESUMES THAT THE LAW ALLOWS A WAIVER BY A PLANNING BOARD FOR THE ENVIRONMENTAL ASSESSMENT IN A MASTER PLANNED AREA, HE IS WRONG BECAUSE WHAT THE LAW GIVES IN ONE PLACE IT TAKES AWAY IN ANOTHER, AS IS ILLUSTRATED ON THE ACCOMPANYING SHEET ENTITLED SEQUENTIAL STEPS FOR SUBDIVISIONS. HB 666 ENACTED IN THE LAST SESSION REQUIRES THAT THE SAME SUBJECTS AS AN ENVIRONMENTAL ASSESSMENT, AND MORE, BE ADDRESSED. STRICTEST ADHERENCE TO THE REQUIREMENTS OF HB 666 NOT ONLY ENCOMPASSES SUBDIVISIONS NOT ELIGIBLE FOR SUMMARY REVIEW BUT INCLUDES SUBDIVISIONS 5 LOTS AND SMALLER IN SIZE WHICH ARE ELIGIBLE FOR SUMMARY REVIEW AND ALSO INCLUDES RE-SUBDIVISIONS INVOLVING ONLY TWO LOTS OR ONE LOT AND A REMAINING PARCEL.

THE COST OF AN ENVIRONMENTAL ASSESSMENT AND/OR THE DOCUMENTATION TO PROVIDE "A FINDING OF PUBLIC INTEREST" ALONG WITH THE UNNECESSARY COSTS ATTENDING CERTAIN OTHER STATE AND LOCAL REQUIREMENTS WHEN APPLIED TO SMALL SUBDIVISIONS VIRTUALLY PRESENTS AN UNBEARABLE LOAD FOR CITIZENS OF MODEST MEANS AND, WHEN APPLIED TO LARGER SUBDIVISION DEVELOPMENT PROJECTS, ADDS UNJUSTIFIABLE COSTS TO THE PRICING OF THE AVERAGE NEW HOME. IF WE TAKE THE ACCOMPANYING CHECK LIST AND ASSIGN REALISTIC DOLLAR VALUES TO THOSE ITEMS WHICH APPLY TO SMALL SUBDIVISIONS,

(THE ITEMS NOT CROSSED OUT), WE IMMEDIATELY SEE THAT SELLING "ONE LOT AND THE WEST HALF OF ANOTHER" AS A SINGLE TRACT, OR CREATING SEVERAL NEW LOTS IS NOT AN INEXPENSIVE PROPOSITION.

ONE CANNOT POINT TO THE ENVIRONMENTAL ASSESSMENT OR HB 666 AS THE PROVERBIAL STRAW THAT BROKE THE CAMEL'S BACK. HOWEVER, ONE CAN WITHOUT FEAR OF CONTRADICTION SAY THAT THEY ARE PART OF THE LOAD. EVERY OPPORTUNITY THAT IS PRESENTED WHEREBY THE PROCESS CAN BE STREAMLINED AND WHEREBY UNNECESSARY COSTS CAN BE REMOVED, THE CLOSER WE COME TO PROVIDING REASONABLE ORDERLY DEVELOPMENT IN THE INEVITABLE GROWTH OF OUR COMMUNITIES. ONE SHOULD KEEP IN MIND, HOWEVER, THAT A PROPOSED SUBDIVISION OUTSIDE A MASTER PLANNED AREA WHICH DOES REQUIRE AN ENVIRONMENTAL ASSESSMENT OFTEN TIMES HAS VERY LITTLE TO DO WITH HOUSING AS ENVISIONED IN NATIONAL, STATE, AND COMMUNITY OBJECTIVES.

SINCERELY,


JAMES L. HAHN

ATLAS ENGINEERS INC., BILLINGS, MONTANA

CHECK LIST--SUBDIVISION PLAT ~~INCLUDING ZONE CHANGE~~
REQUIRING EXTENSION OF SEWER & WATER MAINS
JANUARY 1977

1. PLANNING BOARD BUILDING PERMIT CHECK LIST
- ~~2. WORK ORDER & ROUGH ESTIMATE OF COST~~
- ~~3. ENGINEER/SURVEYOR/OWNER AGREEMENT~~
4. 5 SIGNED COPIES (IN BLANK) OF PRELIMINARY PLAT APPROVAL APPLICATION
5. TOPOGRAPHIC MAP
6. LETTER REGARDING STORM WATER & DRAINAGE REQUIREMENTS LOCAL & SBH
7. PRELIMINARY SUBDIVISION DESIGNS
8. ENVIRONMENTAL ASSESSMENT WAIVER
9. LETTER REGARDING WATER & SEWER SERVICE PRELIMINARY APPROVAL
- ~~10. APPLICATION FOR EXTENSION OF SEWER AND/OR WATER SERVICE AREA TO PUB~~
- ~~11. PUB MEETING REGARDING REQUEST FOR EXTENSION OF SERVICE AREA BOUNDARIES~~
- ~~12. REQUEST FOR EXTENSION OF SERVICE AREA PUB TO COUNCIL~~
- ~~13. CITY COUNCIL MEETING APPROVING AREA EXTENSION~~
- ~~14. REQUEST FOR SEWER & WATER SERVICE AREA EXTENSION PUB TO PSC~~
15. APPLICATION FOR EXTENSION OF SEWER & WATER LINES-SUBDIVIDER TO PUB
16. PUB MEETING TO CONSIDER EXTENSION REQUEST
17. CITY COUNCIL MEETING ACTING ON SEWER AND/OR WATER LINE EXTENSIONS PER PUB RECOMMENDATION
- ~~18. ZONE CHANGE - VARIANCE REQUEST~~
- ~~19. ZONE COMMISSION HEARING & APPEALS~~
20. PRELIMINARY PLAT
21. PROPOSED DEED RESTRICTIONS - PROPOSED SID PROTEST WAIVER - PROPOSED IMPROVEMENTS AGREEMENT
22. ~~ENVIRONMENTAL ASSESSMENT~~ *OR HB 666 REQUIREMENTS*
23. PRELIMINARY PLAT APPROVAL APPLICATION
24. DEPARTMENT HEAD'S PLAT REVIEW MEETING
25. PLAT REVIEW COMMITTEE HEARING
26. PUBLIC HEARING PRESENTATION BY OWNER OR SURVEYOR
27. PRELIMINARY PLAT APPROVAL
28. OWNERSHIP REPORT (PRELIMINARY)
29. BOUNDARY SURVEY
- ~~30. PERCOLATION TESTS - SOILS TEST PIT & CLASSIFICATION~~
31. SOILS TESTS FOR IMPROVEMENTS DESIGN - DWELLINGS AND STREET IMPROVEMENTS
- ~~32. WATER & SEWER SYSTEM DESIGN (INDIVIDUAL SYSTEMS)~~

(CONTINUED ON BACK SIDE)

~~33. ES-91 (INDIVIDUAL SYSTEMS)~~

34. FINAL BOUNDARY & PLAT CALCULATIONS - FINAL DESIGN
35. PREPARE WATER & SEWER IMPROVEMENTS PLANS (PRELIMINARY)
36. SUBDIVISION IMPROVEMENTS AGREEMENT
37. SPECIAL IMPROVEMENT DISTRICT CREATION WAIVER OF PROTEST
38. RESTRICTIVE COVENANTS
39. PREPARATION OF FINAL PLAT
40. SUBMITTAL OF PRELIMINARY IMPROVEMENTS PLANS TO PUB ENGINEER AND/OR CITY ENGINEER
41. FINAL PLAT & DOCUMENT SUBMITTAL
42. LETTER OF PRELIMINARY IMPROVEMENTS PLANS APPROVAL
43. FINAL PLAT APPROVAL BY PLANNING STAFF
44. SUBMITTAL OF ES-91 (PUBLIC OR COMMUNITY WATER AND/OR SEWER SYSTEM)
45. SIGNATURES ON DOCUMENTS FOR FINAL APPROVAL
46. SANITARY RESTRICTION REMOVAL
47. CORNER MONUMENTATION
48. FIELD SURVEYS FOR IMPROVEMENTS DESIGN
49. DESIGN OF IMPROVEMENTS
50. SUBMITTAL OF FINAL IMPROVEMENTS PLANS & SPECIFICATIONS TO PUB ENGINEER & CITY ENGINEER (~~3 SETS PLANS & SPECS FOR WATER - 3 SETS OF PLANS & SPECS FOR SEWER - 5 SETS PLANS & SPECS FOR SEWER & WATER~~)
51. APPROVAL OF IMPROVEMENTS DESIGN BY GOVERNING BODIES
52. SUBMITTAL OF FINAL SEWER & WATER PLANS & SPECS TO STATE BOARD OF HEALTH
53. LETTER OF FINAL WATER AND/OR SEWER PLANS & SPECS APPROVAL FROM STATE BOARD OF HEALTH
54. CONSTRUCTION OF IMPROVEMENTS OR IMPLEMENTATION OF SECURITY AGREEMENT
55. "TV" INSPECTION OF SEWERS
56. ACCEPTANCE OF IMPROVEMENTS BY GOVERNING BODY
57. CERTIFICATION OF IMPROVEMENTS MEETING MINIMUM STANDARDS BY ENGINEER
58. AS-BUILT DRAWINGS INCLUDING ITEMIZED FINAL COST
59. BILL OF SALE FOR SEWER & WATER SYSTEMS
60. WARRANTY OF WATER & SEWER IMPROVEMENTS
61. FINAL OWNERSHIP REPORT
62. GOVERNING BODY'S ATTORNEY'S OPINION
63. SUBMITTAL OF FINAL PLAT COPIES TO GOVERNING BODY FOR OFFICIAL ACCEPTANCE
64. FILING OF FINAL PLAT - PROTEST WAIVER - IMPROVEMENTS AGREEMENT - SANITARY RESTRICTION REMOVAL

*Note: Items 54, 55, 56, 57, 58, 59, 60, 31, 48, 49, 50, 51, 52, and 53
May follow Item 64 provided a security agreement is reached
between Subdivider and governing body.*

SEQUENTIAL STEPS FOR SUBDIVISIONS

11 LOTS OR MORE	ENVIRON. ASSESSMENT WAIVER	PLANNING BOARD REVIEW	H.B. 666	PUBLIC HEARING	PRELIMINARY PLAT APPROVAL	ST. BOARD OF HEALTH APPROVAL	FINAL APPROVAL	FILING FOR RECORD
10 LOTS NON-CFRM MST.PLAN	ENVIRON. ASSESSMENT WAIVER	PLANNING BOARD REVIEW	H.B. 666	PUBLIC HEARING	PRELIMINARY PLAT APPROVAL	ST. BOARD OF HEALTH APPROVAL	FINAL APPROVAL	FILING FOR RECORD
5 LOTS OR LESS SUMMARY REVIEW		PLANNING BOARD REVIEW	H.B. 666			ST. BOARD OF HEALTH APPROVAL	FINAL APPROVAL	FILING FOR RECORD
1 LOT & REMAIND. SUBDIVN		PLANNING BOARD REVIEW	H.B. 666			ST. BOARD OF HEALTH APPROVAL	FINAL APPROVAL	FILING FOR RECORD
1 LOT & REMAIND. EXEMPT.						ST. BOARD OF HEALTH APPROVAL		FILING FOR RECORD

NAME: CHARLES R. SWART DATE: 31 JAN 1977

ADDRESS: 324 S. GRAND AVE. BOZEMAN, MT.

PHONE: 587-3280

REPRESENTING WHOM? A GROUP OF 56 REGISTERED LAND SURVEYORS

APPEARING ON WHICH PROPOSAL: S.B. # 224

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: SEE ATTACHED STATEMENT.

For submission in support of S.B. #224, before the
Local Government Committee of the Senate

We feel that as surveyors we should make every attempt to insure that a completed subdivision will present no problems to the residents, the surrounding inhabited areas, or the municipal entity charged with providing the necessary services. The adoption of a master plan allows us to do this efficiently; such an approach is far superior to the piece-meal development, in which the lot size, layout, and access of future developments remain a mystery to all, including the developer, until such time as the pressure of the buying public makes additional platting economically feasible. The competent and experienced surveyor has used this approach for years, even though the master plan which he used was known to no one outside of his office. Although the use of the master plan has only recently received widespread notice, it has been a valuable and profitable technique for a long while.

Once the master plan has been carefully prepared, repetitious reviews and reassessments serve no purpose. These are costly and time consuming, and do nothing to improve the quality of the original design. An important point in the design of any product is the ability to know when to freeze the design, and proceed with the actual product development. A design cannot be endlessly reworked. The review which takes place beyond the freeze point, and which adds nothing to the quality of the product, adds considerably to the cost, which by necessity must be passed to the consumer.

NAME: Neil Keesing DATE: Jan 31, 1977

ADDRESS: 430 Church Drive

PHONE: 752-1734

REPRESENTING WHOM? Lutheran Conservation Dept.

APPEARING ON WHICH PROPOSAL: SB 224 & SB 225

DO YOU: SUPPORT? AMEND? OPPOSE? ✓

COMMENTS: Present Bill is working

well in our area. - These new Bill

Certainly would leave some bad

law of holes - less protection for buyers -

Could really cut up agriculture more. -

in general. Streamline is not the

solution.

NAME: Jane Lopp DATE: 1/30/77

ADDRESS: 215 Rosewood Drive, Kalispell

PHONE: _____

REPRESENTING WHOM? Flathead Countywide Planning Organization

APPEARING ON WHICH PROPOSAL: SB 224 - 225

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? X

COMMENTS: Do not pass. - existing Subdivision
& Platting statutes are working very well.

NAME: Lorenzo Van Rensen DATE: 1/30/77

ADDRESS: 595 Somers Rd, Somers Mont

PHONE: 857-3777

REPRESENTING WHOM? Flathead Conservation dist, Fire Dist
Schools dist 5

APPEARING ON WHICH PROPOSAL: 724-725

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? ☒

COMMENTS: Like to see it left alone

NAME: Kenneth L. Siderius DATE: Jan 31, 77

ADDRESS: 1020 Middle Road, Columbia Falls, MT

PHONE: 752-1496

REPRESENTING WHOM? Private group (Eastside Planning Unit) Flathead Co.

APPEARING ON WHICH PROPOSAL: SB. 224 + 225

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? ☒

COMMENTS: Current laws are fine.

NAME: LEY BLOOD DATE: Jan 31, 1977

ADDRESS: 880 Blackmer Lane, Col. Falls, NY 12012

PHONE: 755-2018

REPRESENTING WHOM? Flathead County Planning Board.

APPEARING ON WHICH PROPOSAL: 224, 225

DO YOU: SUPPORT? AMEND? OPPOSE? X

COMMENTS: Present laws are working well and bring
about citizen input on issues of local concern.
The new bills would greatly reduce input

NAME: Dennis W. Heath DATE: 1-31-77

ADDRESS: 38 South Last Chance Helena

PHONE: 442-5000

REPRESENTING WHOM? Learn & Clerk Association

APPEARING ON WHICH PROPOSAL: 772-104

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? ☒

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

My name is Denis Vogt, I am Director of Planning of the Areawide Planning Organization, and I do represent the posture of my Board.

My Board is opposed to Senate Bill #224 which essentially provides that any subdivision totally within an area in which a general development plan has been adopted, any subdivision is exempt from the local government's role: in assessing the proposed development on natural and manmade environments; of accepting a preliminary plat as an application which includes a variety of documents; of holding a public hearing to allow citizen input and not determining that the development will be in the public interest.

A "master" or general development plan is a policy statement adopted by a local government intended to provide assistance in the formulation of programs and projects on a long range basis. Often general development plans concern themselves with a policy statement of intended growth of 20 years hence. The most recognized means of implementing a general development plan is through adopted capital improvements programming, zoning and subdivision regulations.

The purpose of the Subdivision Act is to promote public health, safety and general welfare by regulating the subdivision of land; to prevent overcrowding of land; to lessen congestion in the streets and highways; to provide for adequate light, air, water supply, sewage disposal, parks and recreations areas, ingress and egress and other public requirements, such as schools, library, etc.; to require development in harmony with the natural environment; to require that approval of any subdivision be contingent upon a written finding of public interest by the governing body.

To pass Senate Bill #224 would be to ask the City of Helena Commissioners to convey the responsibility of the foregoing to the person or persons involved in the development of land. We would also ask the County Commissioners to

give up their right of review for land development of 94 square miles of the Helena Valley at a time when many issues are coming to bear that can only be solved by our local legislative authorities.

My policy Board believes this legislation to be an emasculation of the role and authority of local government.

TECHNICAL PUBLICATION LISTING

In addition to general research books, manuals and Highway Research Board publications covering urban transportation planning, the following list of technical publications cover specific planning projects in the Billings urban area.

<u>YEAR</u>	<u>TITLE</u>	<u>AUTHOR</u>
.954	Urban Area Traffic Survey, Billings, MT	Montana Highway Commission, FHWA
.957	Street Improvement Study	Morrison-Marierle, Inc.
.958	Master Development Plan	City-County Planning Board
.960	<u>Railroad</u> Grade Crossing Study	DeLeuw, Cather & Co.
.961	Transportation Plan for the Billings Metropolitan Area	DeLeuw, Cather & Co.
.961	Airport Master Plan	Lee Fisher
.962	Northern Pacific Railway Report	Northern Pacific Railroad
.967	Economic and Population Study for Billings, Montana	Harstad Associates & City-County Planning Board
.968 -	{ Comprehensive Plan of the Billings Planning Area	Clark, Coleman & Rupeiks, Inc.
.968	Water and Sewer Development Plan for Yellowstone County	City-County Planning Board
.968	Parks, Recreation and Open Space Study	Theodore J. Wirth & Associates & City-County Planning Board
.968	Five Year Study Design	City-County Planning Board
.968	Highway Safety Program Analysis	National Safety Council
.968	Airport Master Plan	Robert Corllum
.968	Water and Sewer Plan for Billings, MT	Black & Veatch, Inc.
.968	Annual Review	City-County Planning Board

<u>YEAR</u>	<u>TITLE</u>	<u>AUTHOR</u>
1969	Billings, Mont. Urban Transportation Plan	Clark, Coleman & Rupieks, Inc. & DeLeuw Cather & Co.
1969	Transit Study for Billings, MT	Clark, Coleman & Rupieks, & Co.
1969	Signalization Study for Billings, MT Part A-B	Clark, Coleman & Rupieks, Inc. & City-County Planning Board
1969	Housing Plan Metropolitan Urban Area	City-County Planning Board
1969	Annual Review	City-County Planning Board
1970	Planning Your Community	City-County Planning Board
1970-71	Billings TOPICS Study	Montana Dept. of Highways
1971	Housing Market Analysis	City-County Planning Board
1971	Employment Survey Inventory	City-County Planning Board
1971	Land Use Inventory Procedures Manual Land Use Index Classification Manual	City-County Planning Board
1971	Billings, Montana Central Area Study	Gruen Associates, Planning Board & Staff
1972	Billings Urban Area Base Mapping	City-County Planning Board
1972	Billings, Montana Urban Area Housing Plan	City-County Planning Board
1972	Billings, Montana Manpower Resources Study	City-County Planning Board
1972	Billings Urban Area Capital Improvements Plan	Stevens, Thompson Runyan, Inc., Board Staff
1973	Urban Area Parks and Open Space	City-County Planning Board
1973	Billings Heights and Lockwood Policies Plan	City-County Planning Board

<u>YEAR</u>	<u>TITLE</u>	<u>AUTHOR</u>
1973	Comprehensive Water and Sewer Plan: Laurel, Montana	Stevens, Thompson & Runyan, Inc., Board & Staff
1973	Annual Review	City-County Planning Board
1974	Urban Area Housing Element	City-County Planning Board
1974	Billings Urban Transportation & Functional Planning Study Area: Overall Operations Planning Sequence	City-County Planning Board
1974	Storm Sewer Plan, Laurel, Montana	Stevens, Thompson & Runyan, Inc., Board & Staff
1974	Arterial Circulations Plan, Laurel, Montana	Stevens, Thompson & Runyan, Inc., Board & Staff
1974	Capital Improvements Plan: Laurel, Montana	City-County Planning Board
1974	Urban Atlas	City-County Planning Board
1974	Annual Review	City-County Planning Board
1975	Newsletter	City-County Planning Board
1975	Annual Report for Transportation	City-County Planning Board
1975	Annual Report for 701	City-County Planning Board
1975	Unified Work Program	City-County Planning Board
1975	Housing Plan and Element	City-County Planning Board
1975	Economic Report	City-County Planning Board
1975	Financial Report	City-County Planning Board
1975	Capital Improvements Program	City-County Planning Board

<u>YEAR</u>	<u>TITLE</u>	<u>AUTHOR</u>
1975	Zoning & Subdivision Procedures	City-County Planning Board
1975	Annexation Study	City-County Planning Board
1975	Subdivision Update (City)	City-County Planning Board
1975	Land Use Inventory	City-County Planning Board
1975	P.U.D. Report	City-County Planning Board
1975	Data Processing Report	City-County Planning Board
1975	County Park and Recreation Plan	City-County Planning Board
1975	Population Report	City-County Planning Board
1975	Operations Plan	City-County Planning Board
1975	Annual Report on the County Board of Adjustment and Zoning Commission	City-County Planning Board
1975	County Subdivision Regulations	City-County Planning Board
1975	City Subdivision Regulations	City-County Planning Board
1975	Bikeways Plan	Theodore J. Wirth Associates & City- County Planning Bo
1975	Transit Development Program	City-County Planning Board