

JANUARY 16, 1978
PROCEEDINGS OF THE
LOCAL GOVERNMENT COMMITTEE
HOUSE OF REPRESENTATIVES

The meeting was called to order at 1:30 pm in Room 104 by Representative Hershel M. Robbins, Chairman. Roll was called by the secretary and a quorum was found present, with other members arriving during the meeting.

Due to the large number of people present, the Chairman announced those who had traveled a great distance would be heard first.

HOUSE BILL 46: Representative Earl Lory, Sponsor, of Dist. 99 in Missoula gave a background of the bill. Explanation was given that the interim committee on subdivisions had held many meetings, with two large public meetings in Billings and Missoula. Assistance had also been given by the Legislative Council. As a result of the study, 10 bills have now been submitted dealing with the subdivisions. A summary of the bill was presented together with a statement of legislative intent and are attached. He stated the committee has divided the process of subdividing into three main categories, being a Minor Subdivision of 5 parcels or less, and Subdivision within a Master Plan, and over 5 lots with no master plan. The process of public review were explained as well as the proposal that if a plat is not acted upon within 35 days, it would be considered approved. The time changes to 60 days within a master plan.

Senator Harold Dover of Lewistown also spoke for the interim committee and presented testimony to clarify the intent of the legislature. His statement is also attached to the official copy of the minutes. He stated that for larger subdivisions, provision is made for the master plan which would allow a developer to proceed without public hearing. He noted that the Supreme Court recently ruled all minor subdivisions would come under the public interest review and this would delay development and possibly encourage more use of the occasional sale and 20 Acre limitation.

Chairman Robbins then called for Proponents. Mr. Henry Flicker, Chairman of the Flathead County Planning Board at Kalispell spoke, stating they were in favor and felt the bill would be an improvement in planning.

Stephen Petrini of Kalispell also spoke in favor and presented members with a survey from the Flathead County Areawide Planning Organization, which is attached as #2 Proponents.

Bill Mackay of Roscoe, Carbon County spoke in favor and stated he felt the 40 acre subdivision should be handled as any other and suggested amending by deleting on p. 15, from line 19, Section 11.

Earl Wright of Hamilton, Chairman of the Ravalli County Planning Board spoke in opposition, and asked to have a change made so that all would conform with the minor subdivision provisions.

Wes Woodgerd of Stevensville from Ravalli County spoke, stating he was opposed as written and offered amendments. His proposed amendments included public notice with information provided by the developer, that the time limit for automatic approval should be changed or removed, and there should be review on the larger parcels. His proposed amendments are attached, Op. 2.

Peggy Munoz and Tonia Bloom of the Bitterroot Citizens for Sensible Growth from Ravalli County spoke, stating they had attended 2 of the interim committee meetings. They are in support of amending the bill so that the minor subdivisions will have public review, as well as other amendments that are presented and attached as Prop. #3. They also did not agree with the automatic approval provision.

Don Staples of the Surveyors Board and a former City-County Planning Board member spoke, stating he was from Silver Bow and that they were in favor, they would encourage the bill and hoped it would pass.

John Kellogg of the Missoula Planning Board Staff stated various problems they have had, noting that at present the county has little or nothing to say regarding roads to subdivisions and this would now cause it to fall ultimately to the taxpayers. They are in support of HB 46.

John Fine of the Billings-Yellowstone County Planning Board presented a prepared statement to the committee, offering several amendments. They had suggestions as to the acreage limit, and the limit on automatic approval. His proposed amendments are attached as Prop. 5.

Dick Ainsworth of the Missoula Association of Registered Land Surveyors spoke, stating they were in support of the bill and thought the law was needed. He stated there had been difficulty in interpretation of the law previously.

Holly Smith, of Beaverhead stated she had been on their planning board for 6 years and that she was in favor of the bill. She stated they do have a

county master plan which would be of benefit. She then explained various ways people in their area had gone around the present law, such as not recording Deeds until a later time.

David Erickson of the Lake County Planning Board of Polson spoke, stating his main concern was that the state is dependent upon the local governments to enforce the regulations and that he would encourage the committee to listen to the local elected officials with respect to their needs. He felt many of the developers were using the exemptions to avoid having public review. His comments and proposed amendments are attached as Prop #7.

Rick Graetz of the Montana Magazine stated his position was in support of the bill, that the economy of Montana is at stake as far as agricultural land being taken at an alarming rate to be used for subdivisions. He felt this should be stopped, however there should be provision for ranchers to sell their land for further agricultural use rather than development. He felt all subdivisions should come under review, no matter what size and all loopholes should be closed. His statement is attached as Prop. #8, together with a copy of articles appearing in the Montana Magazine, Nov-Dec. issue, which was presented to members of the committee.

Bette Hostad, representing the League of Women Voters also spoke in support of strengthening the subdivision law. She asked to have people made aware of the fact that local review could be obtained by local citizens in certain areas. Her statement is attached as Prop. #9.

Gary Locke representing Bitterroot Citizens for Sensible Growth spoke, stating they were in favor of HB 46 if it would be amended as Wes Woodgerd suggested, stating they are opposed to the 60 day automatic approval, the 40 acre exemption and the striking of the "no less stringent portion.

Charlotte Easter of Missoula stated she was in favor, especially closing the family conveyance provision and the occasional sale. She also felt review should be held on all subdivisions and that there should be no time limit for automatic approval. Her statement is attached, Prop. 11.

Pete Jackson of Helena representing WETA stated their position was in favor, and particularly the 35 day approval period. He stated he realized people would like to go into more detail, however this was a good beginning.

Cliff Christian representing the Montana Association of Realtors stated the law of supply and demand for existing housing created the need for further development. He then cited examples of everyone needing to pay for some services, such as everyone being taxed for school children, even though they do not have children in school. He went on to say they are proponents of HB 46 due to the provisions for the 35 day review and 60 day review time limits. He stated they do know there have been some abuses of the occasional sales, however felt the bill was good as it now was presented.

Sonny Hanson of the Montana Technological Council of Land Surveyors and Planners was also a proponent, stating the present law doesn't deal with the surveyors process and he hoped this would improve.

Michael Stephen of the Montana Association of Counties also spoke in favor, stating he felt this was a step in the right direction as it brings an orderly review of the laws, and would provide initiative for local government to use more adequate planning.

Leonard Sargent stated he was in support and was representing the Park County Planning Board and the Environmental Information Center. He felt many things he had to say had already been said, but would also like to say it would be good legislation if passed as it was. He stated he would like to have appropriate access defined, and that the 40 acre provision could lead to abuses. He also felt the time limit was not long enough for many communities and this could lead to delay of action to cause automatic approval.

Jim Richard of the Dept. of Community Affairs Planning Division spoke briefly in support of the bill.

Representative Art Shelden spoke as a member of the interim committee, stating the bill should encourage local governments to adopt comprehensive planning and accept the responsibility for their communities. He felt the law would work for most localities.

Janelle Fallen then spoke briefly representing the Mont. Chamber of Commerce, and stated they were in support.

Dennis Lopach of Montana Power spoke as a proponent and stated they were in support and particularly Sec. 13 which would repeal portions of the existing act.

Bob Champion of the Department of Highways spoke for amending, particularly with respect to the requirements for survey. He felt this would delay and cause additional work for their department. His proposed amendments are attached as Prop. 19.

Jan. 16, 1979

-5-

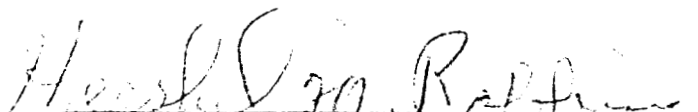
Representative Lory was then asked to close, noting that a great deal of testimony had been heard, and he would not make any long statement.

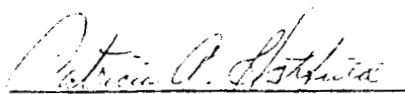
Chairman Robbins then called for questions from the Committee. Members felt their questions had been answered during the course of testimony.

Chairman Robbins then closed hearings on House Bill 46. He announced the committee would not take action at this time, that the bill would be assigned to Sub-Committee for review and the testimony to be considered, and after their report executive session would be held. Members of the Sub-Committee are Representatives: Kessler, Chairman and McBride, Hurwitz, Bertelsen and Azzara.

Chairman Robbins then announced that due to the length of the hearing, Committee Members had been excused from House Session this day, and are requested to sign a form for the record.

The meeting then duly adjourned at 4:35 p.m.


HERSHEL M. ROBBINS, Chairman
LOCAL GOVERNMENT COMMITTEE


Patricia A. Hatfield
Committee Secretary