

Mr. Chairman and Members of the Committee:

SB 195 like SB 173 is one more attempt to force local governments to enact standards that they already have the ability to enact with local land use regulations. Current land use regulations allow counties and cities to designate areas where they want to grow. It is called a growth policy and county enacted Part 2 zoning and a city annexation policy. NO new regulations are required for local governments to enact this type of control. However, at the local level, it must have the support of the citizens, something that has been consistently defeated in most counties. Therefore as with the 300-foot setback, some groups are trying to legislate at the state level, what they cannot get passed at the local level.

SB 195 would require some counties to enact growth jurisdictions that are essentially a type of urban growth boundary such as that is used in Oregon. Is this the intent of this legislation, to limit the ability of counties to approve land use changes outside of areas that have been designated as "Growth Jurisdictions"?

This bill would only apply to nine counties(Yellowstone, Missoula, Cascade, Flathead, Gallatin, Lewis and Clark, Ravalli, Silver Bow and Lake) at this time; however, it requires those nine counties to coordinate with neighboring counties. Park, Meagher, Madison and Broadwater Counties surround Gallatin County, none of them are subject to the requirements of this bill. How is that going to work, does being adjacent to a growth jurisdiction make you subject to the requirements of this bill. This section of the bill also requires counties and cities to do things that are outside their jurisdictional area.

In addition, there are four counties, Park Glacier, Lincoln, and Big Horn who are right on the edge of meeting the standards to come under this bill. These counties do not have the resources, nor would there be public support for enacting this type of land use controls.

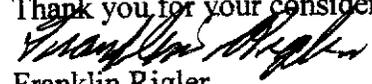
The approval of this bill could also have far reaching consequences on the agricultural community's ability to borrow money to continue operation. If their ranch or farm is in an area not designated for growth, then those development rights have essentially been taken away from them. This value is probably more important in high growth areas, that in areas that are not growing, however it may eventually affect all farmers and ranchers.

The old argument will be made that growth policies are not regulatory, however they are the basis for all land use regulations. Saying that a growth policy is not regulatory may be true in theory; the reality is different. While growth policies are not regulatory in and of themselves, they must be implemented in the subdivision regulations, and any other land use regulations must comply with the growth policy.

As we all know, Lawsuits relating land use regulations have become commonplace. Another unintended consequence of this bill may be to give different groups another issue to sue local governments on subdivision and zoning approvals.

Please leave land use decisions where they belong, with the people affected by them at the local level. Please table this bill in committee.

Thank you for your consideration.


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