

EXHIBIT 15
DATE 3/29/05
SB 456



Lewis & Clark C O U N T Y



BOARD OF COUNTY COMMISSIONERS

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February 15, 2005

RE: SB 456

Dear Senator *Cobb*

Lewis and Clark County strongly opposes SB 456.

This violates the Building Code Statutes - they can certify this is fee BASE -

76-3-504(1) MCA currently states: "The subdivision regulations adopted under this chapter must, at a minimum:"

76-3-504(1)(d) provide for the identification of areas that, because of natural or human-caused hazards, are unsuitable for subdivision development and prohibit subdivisions in these areas unless the hazards can be eliminated or overcome by approved construction techniques; (emphasis added.)

The proposed amendment to 76-3-504 (Senator Laible's bill) contradicts the existing language in the statute.

Under the current statute, it is incumbent upon Lewis and Clark County to provide for mitigation against the effects of wildfire, earthquakes, radon etc. Lewis and Clark County does so with conditions of approval and restrictive covenants on subdivisions that have a minimal impact upon residential and commercial development, but do provide for mitigation against such hazards.

Without the existing statute, Lewis and Clark County would not be able to adequately provide for the mitigation of potential hazards such as wildfire, earthquakes, radon gas etc. Our County cannot afford to establish "city type" building codes and/or hire building inspectors to provide mitigation against hazards. Passage of this legislation may inhibit our ability to, for example:

- Require asbestos shingles in the wildland/urban interface
- Require spark arresters on wood burning devices
- Prohibit basements in high groundwater table areas
- Require geotechnical engineering standards for building on unstable slopes.

In conclusion, we urge you to vote no on this proposed legislation.

Sincerely,

Ed Tinsley
Ed Tinsley, Chairman