Senate Local Govt. Comm.
Exhibit No. 7
Date 01-27-2005
Bill No. SB173

January 24, 2004

Senator Jeff Mangan, Chairman
Local Government Committee
VIA EMAIL

Sen. Mangan, Committee Members-

I am writing to you about S.B. 173. You will hear many reasons why this bill should be defeated. Instead of reiterating the list I would like to tell you a personal story.

Forty years ago a young couple bought a piece of ground to build a shop for their construction company. Their marriage ended in divorce, the construction company closed and the only asset the wife ended up with was the shop property.

The young mother struggled to support her three children by herself, but she always resisted selling the "shop property". It was her nest egg, her retirement.

As time went on, North Reserve Street evolved from an industrial area to prime commercial real estate. Her retirement looked secure. Her property has 300 feet of frontage on Reserve Street and 300 feet of frontage on Grant Creek, a small stream that dries up most summers.

Senate Bill 173 would make 90 feet of her property unusable. No buildings, no parking, no improvements. It would take all of the value away from the 90x300 foot strip along the creek. That's 27,000 square feet of property that presently is worth $10.00 a square foot, a total of $270,000.

The proponents will tell you they have taken care of this type of problem in Sections 7, 8 and 9. Unfortunately Sections 7, 8 and 9 offer no solutions that apply in this case.

Section 8a doesn't apply because the property is not located in an area where most of the lots are less than one acre.

Section 8b does not apply because the ninety feet strip does not completely eliminate a use for the property. It <u>only</u> reduces the value by $270,000.

Section 9c does not apply because it is not in an area that has a storm water system in place.

There is however, a happy ending to this story. There is presently a motel under construction on this property so the "nest egg" is safe from S.B. 173 and the stream is being protected by Missoula's Riparian Resource Zoning.

To: Senator Jeff Mangan, Chairman of Senate Local Government Committee

Dear Senator Mangan:

I am writing this letter regarding the proposed Senate Bill 173.

I am a commercial/residential realtor in Missoula. I am presently the listing agent on the Canyon River Golf Community. This development is located just east of East Missoula and directly north of I-90. The property is surrounded on three sides by the Clark Fork River. The project consists of 270 building sites in addition to a new 18-hole golf course. We have approximately 16 beautiful river front lots. Missoula has no property like this to offer a prospective home owner. If this bill were to be passed it would eliminate every one of these premium building sites. Additionally, we have a cul de sac on another portion of the development, which would again eliminate another approximately 10 building sites.

The developers of this project have invested 3.5 million dollars to develop this golf community. As you can imagine, the passage of this Senate Bill 173 would cause severe financial hardship on the developers.

It is very difficult to do good real estate developments. This development will produce millions of dollars in county tax revenue. The loss of this revenue would put added hardship on Missoula County.

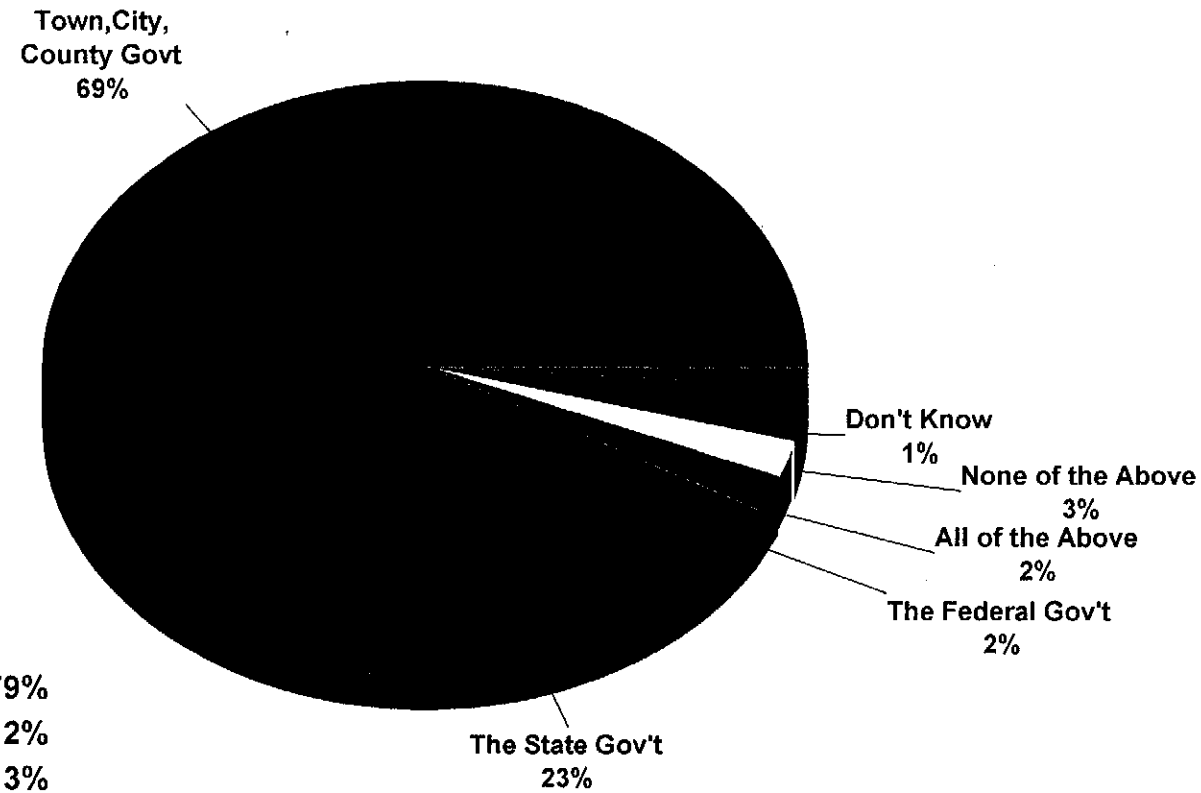
I am asking that you consider the above information and vote against Senate Bill 173.

Thank you.

Bill Wyckman, CCIM
Lambros Real Estate
Office: 406-532-9207
Cell: 406-544-7592
Fax: 406-532-9330
E-mail: billwyckman@montana.com
Home Address: 5113 Elk Hills Court, Missoula, Mt 59803

Voters clearly want local authority on land use decisions.

And thinking more generally about land use issues, who do you think should have power to make decisions concerning these issues?



National	
Town/City	79%
State Govt.	12%
Federal Govt.	3%

Bozeman Daily Chronicle

Wednesday, January 26, 2005

Greater stream protection part of proposed regulations

By NICK GEVOCK, Chronicle Staff Writer

Gallatin County commissioners are considering tightening rules to keep development away from the area's rivers and streams.

The county's revised subdivision regulations propose, among other things, increasing the streamside setback from 100 feet to 300 feet along the East Gallatin, West Gallatin, Madison, Jefferson and Missouri rivers. It would boost the setback from 35 feet to 150 feet on all other streams.

"I just can't envision Gallatin County doing less than other counties," Commissioner John Vincent said Tuesday during a public hearing on the proposal.

Vincent cited a compilation of other counties' setbacks provided by the Greater Yellowstone Coalition, which revealed that most counties have bigger setbacks than Gallatin County does, including Madison County's 400-foot setback rule.

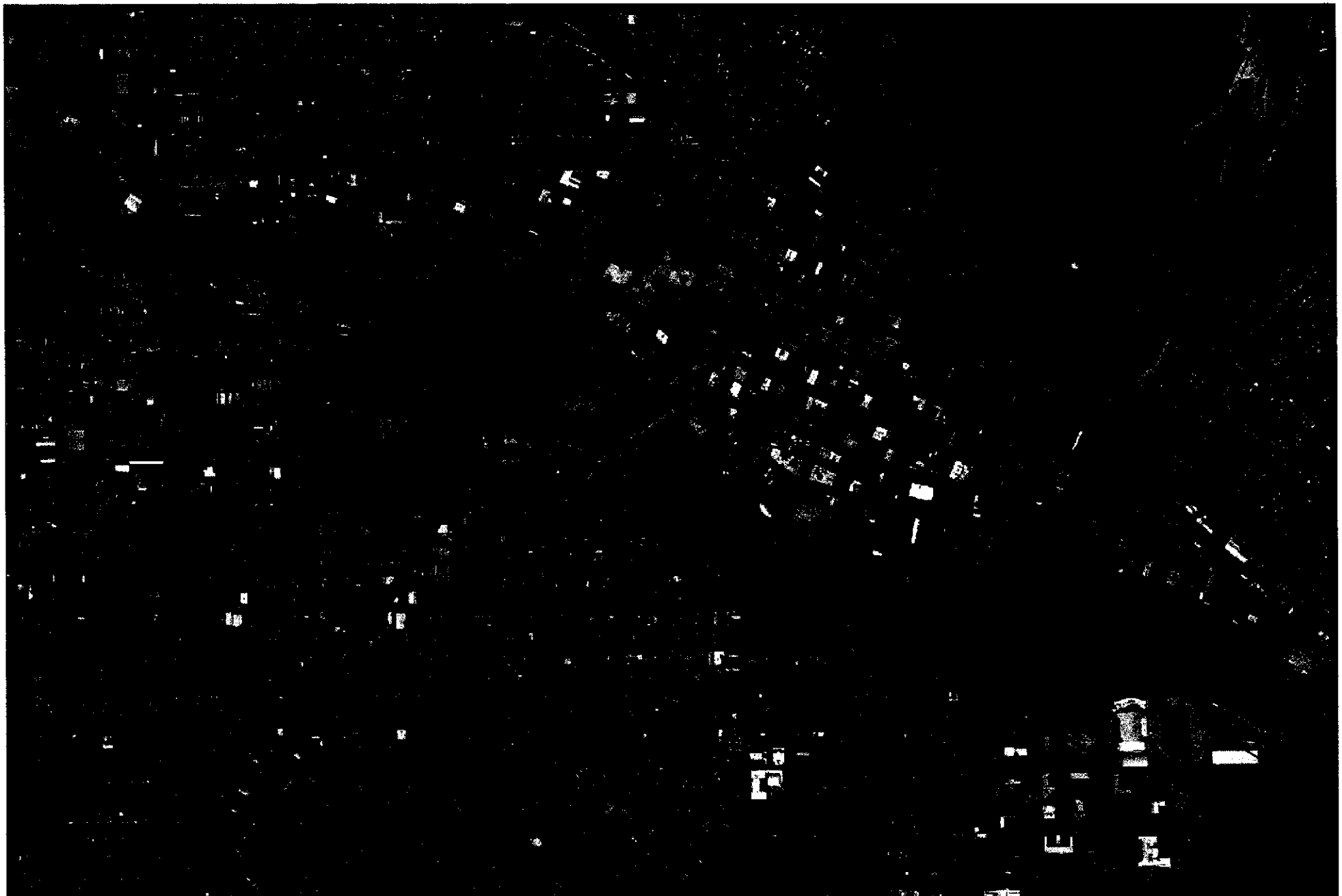
Another proposed change to the subdivision regulations would ban creation of any new lots in the 100-year floodplain.

Vincent and Commissioner Bill Murdock voted in favor of the more stringent setbacks and the rule barring development within the floodplain.

But Commissioner Joe Skinner voted against and said the distances of the setbacks weren't justified.

"I'm just hesitant to change the setbacks based only on GYC's recommendation," Skinner said.

The changes to the subdivision regulations are intended to ensure that they mesh with the growth policy, which guides growth in unzoned parts of the county, County Planner Randy Johnson said. State law requires the county's regulations match the goals of its growth policy.



N

0 300 600 1800
Feet

Missoula Redevelopment Agency
Date: January 28, 2005
Prepared By: Tod Gass

Area Map For:

SB173 - EFFECT ON CLARK FORK RIVER IN MISSOULA URBAN CORE

City of Missoula Redevelopment Agency 123 West Spruce Missoula Montana 59802

Note: Aerial photo 2002. The information on this map has not been field verified.

MRA
Missoula Redevelopment Agency

MISSOULA