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Gallatin County Testimony on House Bill 542

March 14, 2011

Senator Jon Sonju, Chairman
Senate Local Government Committee

Mr. Chairman and Distinguished Senators:

On behalf of the Gallatin County Commission we would ask your opposition of House Bill 542 by Representative Esp.

The Gallatin County Commission has reviewed the proposed legislative changes to the Subdivision Regulation statutes. Two of our commissioners are opposed to the current language and one has not taken a position at this time.

Our concerns are as follows:

1. **The Amendment to Section 1 (b), Page 2, lines 1-7.** The changes in this section that start the 5 day review period on the date the application is delivered has us concerned. As currently written an applicant could deliver an application at 4:59 pm and that day would still count as one day in the 5 day review period.

When faced with high volumes of applications, or in reduced staffing because of lower volumes of applications, not having a full 5 days review to determine if all of the elements have been properly included in the subdivision application has the potential to cause applications to move forward through the subdivision process without having all of the necessary information.

We would ask that the current language be amended to be consistent with the language in Section 1 (a), page 1, line 27, and require completion of the element review "five working days after the date of submittal."

2. **The Amendment to Section 2 (8), Page 5, Lines 18 – 23.** The additional language that requires a written comment, information, or opinion by a government entity regarding a subdivision application be documented with "scientific, peer-reviewed information" is problematic.

A. On an issue of fairness and accuracy of information why does it only require a government entity to document with peer-reviewed information but comments from the applicant, industry, adjacent landowners, not for profit groups, etc. have no requirement to document their comments, information, or opinions?

B. It appears that the governing body would then have to review and confirm that the information provided by a government entity was properly supported by the peer-reviewed data. With the clock already ticking on reviewing the subdivision having to research comments will drag out the subdivision review process and increase the cost of reviewing a subdivision. We believe both of these to be detrimental to the applicant.

C. It places the burden on the governing body to research individual comments by a governmental agency to determine if they have been involved in an effort to acquire or assist others in acquiring an interest in the real property identified in the application. How is a governing body going to determine if the governmental entity submitting comment has been involved in "an effort to acquire" an interest in the property? Having to research this background will again only add cost and length to the review process which will be detrimental to the applicant.

While we recognize what this section is trying to accomplish we are concerned that as written it only makes the process more cumbersome, confusing and costly to the taxpayers and the applicant.

If you have any questions or comments, please feel free to contact: Michael Harris, Gallatin County Legislative Liaison, 311 West Main, Room 304, Bozeman, MT 59715, Phone: 406/582-3178, Cell: 406/580-3029, Email: mike.harris@gallatin.mt.gov.

Again, thank you for your assistance in this important matter.