EXHIBIT # 13
DATE 3/14/2013
SB 147

MONTANA ASSOCIATION OF PLANNERS
Legislative Committee
2013 Legislative Session

Summary comments regarding: SB 147, A BILL FOR AN ACT ENTITLED: "AN ACT REVISING CRITERIA FOR LOCAL GOVERNMENT REVIEW OF A SUBDIVISION APPLICATION WITH REGARD TO IMPACT ON SURROUNDING AGRICULTURAL OPERATIONS; AMENDING SECTION 76-3-608, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

Senate Local Government Committee; January 23, 2013

Title 76, Chapter 3, sets out provisions for the local review of subdivisions. Sub-section 608(3)(a) of that chapter identifies the general criteria for said local review. Those general criteria are: agriculture, agricultural water user facilities, local services, the natural environment, wildlife, wildlife habitat, and public health and safety.

Senate Bill 147 would amend *one* of those criteria by adding a qualifier "surrounding" and changing the concept of agriculture.

Some questions arise from this proposal:

1. What is the definition of "agricultural operation"?
2. Is "surrounding" intended to apply to the remaining 6 criteria?
    a. If not, why single out agriculture?

MAP's arguments *against* this legislation:

- This legislation represents another imposition on local control.
- The wording of the proposed amendment suggests that a local government may consider impacts to agriculture as it relates to everything *except* the property being developed – this is contrary to the ~~general~~ BASIC principles of reviewing a subdivision.
- While it is important to consider the impact to surrounding agriculture operations, it may also be important to local governments to consider the impact to the agriculture economy and resources *specifically* associated with the property being proposed for subdivision.
- Local communities are *required* to define the impacts to the criteria in 76-3-608(3)(a) through their adopted Growth Policy [MCA 76-1-601(3)(h)] as well as describe how they will evaluate and make decisions on subdivisions with respect to said criteria.
- The varying degree to which agriculture plays a role in different communities across the state demands that local governments maintain the flexibility to evaluate impacts of agriculture based on the unique circumstances of their community and how they have proposed to address such impacts in their growth policies.