EXHIBIT # 8
DATE 3/21/2013
SB 147

Montana Association of Counties
Serving Montana Counties

2715A SKYWAY DR. HELENA, MT 59602

(406) 449-4360
Fax (406) 442-5238
www.mtcounties.org

March 14, 2013

Chair Bangerter and Members of House Local Government

The Montana Association of Counties supports SB 147.

Under 76-3-608(3)(a) there are eight primary review criteria that must be evaluated when reviewing a subdivision. The process used by counties in evaluating the primary review criteria involves making findings of fact as to whether there is an impact by a subdivision as it relates to the criteria.

If there is a finding of fact that there is an impact, then the governing body can impose a condition of approval on the subdivision that mitigates that impact. For example, if there is a finding that the subdivision is in a high fire hazard area, the county may impose conditions that mitigate that high fire hazard by requiring ample water on sight for firefighting purposes and fire-wise landscaping practices.

Currently most counties when evaluating the impact on agriculture do make a finding of fact that agriculture property is being removed from agriculture production but they do not place any conditions on that subdivision to mitigate the impact of removing agriculture property from agriculture uses.

The reason most counties do not place any conditions on the subdivision for removal of agricultural property from agricultural uses is that almost all subdivisions are on agricultural property; it is the reality of our state that most of the land that can be subdivided is agricultural. What counties do currently in evaluating the impact on agriculture is to look at the impact the subdivision will have on adjacent agricultural properties and impose conditions to mitigate that impact.

For example, a condition may be imposed on the subdivision that the subdivision covenants must advise lot purchasers that they are adjacent to agricultural lands and agricultural practices may start early in the morning, go late into the evening, and create dust, noise and smells.

The change in the language from "impact on agriculture" to "the impact of the proposed subdivision on adjacent agricultural operations" retains the status quo of how most counties currently evaluate the impact to agriculture in subdivisions.

L Harold Blattie

L Harold Blattie, Executive Director