



SENATE LOCAL GOVERNMENT  
EXHIBIT NO. 5  
DATE 1-16-13  
BILL NO. SB 41

## MONTANA AUDUBON

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Testimony on SB 41  
Senate Local Government  
January 16, 2013

Mr. Chairman and Members of the Committee,

My name is Janet Ellis and I'm here today representing Montana Audubon. We oppose this bill for the following reasons:

- It requires subdivisions to be reviewed in a vacuum. Consequently, this bill flies in the face of good planning by prohibiting local governments from considering the impacts from future anticipated subdivisions. Many good development proposals plan to 'build out' with future subdivisions. SB 41 will greatly complicate a local governments' ability to develop long-term infrastructure agreements related to anticipated future subdivisions under consideration in the same area.
- Local officials are best suited to decide whether impacts to future developments in their areas should be considered—rather than taking that ability away from them.
- In addition to impacting long-term infrastructure needs, this bill would prohibit consideration of the cumulative effects of a proposed subdivision on the natural environment, wildlife, wildlife habitat, and public health and safety. This would require, for example, the evaluation of the adequacy of law enforcement or fire protection for the proposed subdivision without considering existing demands on such public services. It would preclude consideration of the effects of development upstream or downstream on the potential for flooding the site in question. This would endanger public safety and undermine the purpose of the Subdivision and Platting Act. To require evaluation of impacts without in some way considering cumulative impacts does not make sense.

For these reasons, we ask that you vote against SB 41.