



**CITY OF BOZEMAN
DEPARTMENT OF COMMUNITY DEVELOPMENT**

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EXHIBIT 4
DATE 2/12/15
HB 385

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February 12, 2015

Rep. Edward Greef
Rep. Steve Fitzpatrick
Rep. Kathy Swanson
Rep. Tom Berry
Rep. Geraldine Custer
Rep. Moffie Funk
Rep. Frank Garner
Rep. Denise Hayman
Rep. Kathy Kelker
Rep. Debra Lamm

Rep. Steve Lavin
Rep. Forrest Mandeville
Rep. Nate McConnell
Rep. Christopher Pope
Rep. Vince Ricci
Rep. Tom Richmond
Rep. Nicholas Schwaderer
Rep. Tom Steenberg
Rep. Nancy Wilson
Rep. Daniel Zolnikov

RE: Comments offered in support of HB 385

Dear Members of the House Local Government Committee:

The City of Bozeman supports HB 385. The placement and development of parks has a substantial influence on subdivision design and community character. Park dedication and development have a long term impact on community and neighborhoods. Impacts from new development remain whether park land is dedicated or not. This impact, if not correctly compensated for, reduces the services available to the remainder of the community.

A new subdivision must mitigate its effects on public parks by provision of additional parkland or an equivalent. 76-3-102(4) and 76-3-621(1) and (2), MCA

A payment of cash-in-lieu of land is one option to meet this requirement. However, the character of the land used to set the value is in an unsubdivided and unimproved condition. 76-3-621(10)(a). Any mitigation required of development must be connected both logically and in scope to its impact.

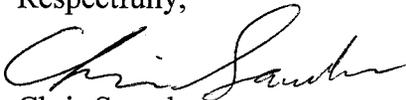
The current cash-in-lieu value creates fairness problems between developers. There is a disproportionate advantage to the subdivider who pays cash in lieu. Not only do they get to develop the land which would have otherwise been set aside for park, but they also avoid any expenses from the state required park.

Being able to include in cash-in-lieu valuations the cost of forgone minimum improvements increases fairness and more accurately reflect real impacts on the rest of the recreational system.

This is an option for local communities to use, not a requirement. The difference with the bill is that the value received in place of the land is a more accurate reflection of development impact.

Cash-in-lieu of land dedication can be beneficial to both the governing body and developer if the value is fairly and accurately established.

Respectfully,


Chris Saunders
Policy and Planning Manager

