



**STILLWATER COUNTY**  
PLANNING DEPARTMENT

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March 2, 2012

Water Policy Interim Committee  
PO Box 201706  
Helena, MT 59620-1706

RE: WATER POLICY INTERIM COMMITTEE PROPOSED LEGISLATION

Dear Members of the Water Policy Interim Committee:

The purpose of this letter is to comment on the proposed legislation drafted by the Water Policy Interim Committee (WPIC). Please find my comments as follows:

**LC 8000:** On page 16 of the draft bill, the proposed addition of 85-2-506(6), MCA, seems to apply to entire counties if certain criteria are met, even parts of the county that do not lie within closed basins. I believe this would unreasonably give the State Department of Natural Resources and Conservation (DNRC) additional regulatory authority over local matters at the expense of local government.

**LC 8001:** On pages seven and eight of the draft bill, the proposed addition of 76-3-504(2), MCA, stating that subdivisions of 30 or more lots with an average lot size of less than three acres must install a public water and sewer system unless an alternative is approved by the local governing body, is problematic. The requirement that local government hold a public hearing on proposed alternatives to a public water and sewer system will increase the cost to local governments. Also, the proposed language is unclear on the process and timing of such a public hearing. It is unclear whether it must be heard prior to the required public hearing on the subdivision application as required in 76-3-605, MCA, if it should be heard after the subdivision has been reviewed as part of a conditional approval, or if the public hearings can be conducted simultaneously. This ambiguity will result in a lack of uniformity between jurisdictions.

**LC 8002:** On page two of the draft bill, in the proposed changes to 85-2-306(3), It is unclear how consumption will be measured.

**LC 8003:** No comments.

WPIC  
March 6, 2012  
Exhibit 11

LC 8004: On pages five and 14 of the draft bill, the proposed amendments to 76-3-504(1) and 76-3-622(1), MCA, requiring that proposed subdivisions receive confirmation from DNRC that the development will use less than 10 acre-feet of water per year prior to preliminary plat, will negatively affect the ability of local governments to review proposed subdivisions. DNRC review may necessitate a certain subdivision design not compatible with local zoning, subdivision regulations, or adopted growth policies. The ability of the local governing body to work with developers on subdivision design should be protected. Requiring DNRC approval prior to final plat approval instead of preliminary plat submittal would be preferable. Also, it is unclear how this proposed requirement would affect phased subdivisions.

Thank you for your consideration,

A handwritten signature in cursive script, appearing to read "Forrest J. Mandeville". The signature is written in dark ink and is positioned above the printed name.

Forrest J. Mandeville  
Planner 1