EXHIBIT 3
DATE 1-20-2009
HB HB 183

MISSOULA OFFICE OF THE MAYOR
435 RYMAN MISSOULA, MONTANA 59802-4297

January 20, 2009

Chair Elsie Arntzen
And Members of the House Local Government Committee
Montana House of Representatives
PO Box 200400
Helena, MT 59620-0400

Sent via email and FAX to (406) 444-4825

Dear Chair Arntzen and Honorable Members of the Local Government Committee:

The City of Missoula would like to go on record in opposition of HB 183, *Restrict Land Use Requirements from Being Placed and Enacted on Final Plat*. We are concerned that the proposed changes would limit the City's ability to review subdivisions and eliminate an important means by which purchasers of subdivision lots learn of any limitations imposed by the City on the use of the lot in question.

As proposed, 76-3-504 (1) (q) (iv) would require local government to identify the information to be required on a subdivision plat prior to submittal of the subdivision application. Careful staff review and thorough agency and public comment are needed prior to a local government determination of any conditions of subdivision approval. Providing a list of requirements prior to staff, agency and public review or even possession of the subdivision application is clearly problematic.

We already have a problem with important information making it from the surveyor/developer representative to the developer/landowner to the purchasers of individual lots in subdivisions. Removing "land use" information from the plat as is proposed in 76-3-611 (1) (d) and releasing the professional surveyor from responsibility for the accuracy and completeness of the information is going to make an already serious problem worse.

Limiting the items to be shown on the final plat by eliminating "land use" would mean that significant features and conditions of approval such as "no-build" zones, riparian areas, areas with steep slopes, wildlife corridors, fire protection requirements, etc. would no longer be shown on the plat. If they are not on the plat the public health, safety and welfare may be placed at risk and/or unnecessary expense to the land owner and/or the City may result before the information no longer on the plat is discovered.

While we understand the surveying community's concerns about professional liability, we believe that public health, safety and welfare come first. Thus we recommend that the changes proposed in HB 183 not be adopted. If the Committee desires to proceed with the bill, we strongly encourage that the draft be amended to provide for land use documentation that is recorded with the plat, to make reference on the

plat to accompanying land use documents mandatory, and to require a professional surveyor or a professional engineer to sign and seal all documents that accompany the plat.

Sincerely,

John Engen
Mayor

cc: Missoula Delegation
Alec Hanson, Montana League of Cities and Towns
Gallatin Public Affairs