Missoula Organization of REALTORS®
Re-imagining Home and Community
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7/26/16

Dear Missoula County Commissioners,

I am writing on behalf of the Missoula Organization of REALTORS® regarding proposed amendments to Chapter 3 of the Missoula County Subdivision Regulations. We are grateful for the opportunity to provide feedback, and to the county staff for providing information and answering questions throughout the process.

Planning Board amendment to 3.1.4.2 *Agricultural Mitigation Standards*

Agriculture is an important part of Missoula County's historical and cultural fabric, and we believe promoting agriculture is a worthy goal. However, we must reiterate our long held stance that subdivision is neither an effective nor appropriate tool for protecting agricultural land. Though the amendment is no doubt well intended, it is based on the same faulty approach as the proposed subdivision regulations the commissioners rightfully voted down earlier this year.

It is worth noting that the commissioners' decision to ultimately vote down those proposed regulations was informed by years of public participation. Diverse individuals and agencies representing conservation, agriculture, business, and development interests weighed in. In the case of this amendment, not a single member of the public commented at the planning board hearing.

It is clear to MOR that the amendment is problematic as policy and was not arrived at with adequate public participation. As such, we encourage the commissioners to not accept the amendment. We believe a more appropriate next step would be for the county to publicly review the Voluntary Agriculture working groups' policy recommendations once they are released.

3.2.4.2 *Common Area, No Build*

MOR understands and respects the need for protecting riparian resource areas. However, we are concerned that requiring riparian resource areas within major subdivisions to be common areas could unduly harm property owners. Some parcels contain a large portion of riparian resource area. These parcels are likely to be made significantly less valuable because land that must be owned in common is worth less than land that may be privately owned.

A better approach for major subdivisions might be to require common ownership only in cases where the riparian resource area makes up a certain, small percentage of the parcel to be subdivided. We encourage the

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county to investigate a solution along these lines, rather than adopt a one size fits all regulation that could unduly harm property owners.

3.2.5.4 *Perpendicular Crossing*

The language in this provision is vague and could lead to unpredictable interpretation. We encourage the county to clarify by including guidelines for when a bridge would be considered feasible and when a culvert would be considered necessary.

As always, thank you for your service to Missoula County and for taking our comments into consideration.

Sincerely,

DJ Smith

Chair, MOR Government Affairs Committee