

S
333.38
E12p
1973

STATE DOCUMENTS

A Perspective on Subdivision Activity in Montana's Bitterroot Valley

PLEASE RETURN

by
Tina Torgrimson



Resources Development Internship Program
Western Interstate Commission for Higher Education

Montana Environmental Quality Council

MONTANA STATE LIBRARY
930 East Livingston Avenue
Helena, Montana 59601

Montana State Library



3 0864 1004 5854 9

MSE AUG 12 '81

NOV 2 1988

MAR 22 1999

A PERSPECTIVE
ON SUBDIVISION ACTIVITY
IN MONTANA'S BITTERROOT VALLEY

by
Tina Torgrimson
WICHE Intern
September 20, 1973

PLEASE RETURN

MONTANA
ENVIRONMENTAL
QUALITY
COUNCIL

Fletcher E. Newby
Executive Director

MONTANA STATE LIBRARY
930 East Lyndale Avenue
Helena, Montana 59601

THE BITTERROOT VALLEY

LEGEND

- ▲ Public Campgrounds
- Private Campgrounds
- △ Point of Interest



LOCATION MAP



Look back.....

Along the slopes of the Bitterroot Range, tributaries-- One Horse, Kootenai, Sweathouse, Sawtooth, Roaring Lion, Lost Horse, Tin Cup--roar and tumble to meet the meandering Bitterroot River. To the east, Threemile, Ambrose, Burnt Fork, Skalkaho tributaries wind their waters west to merge with the river. The waters move through thick forest, dry bench, lush meadow, rocky bottomland, fertile valley floor.

From craggy, snow-frosted peaks they fall, through ponderosa and lodgepole pine, larch and fir, juniper, aspen, cottonwood and willow. They sweep through the quiet land of the grizzly, mountain lion and goat, elk, deer, bison and moose, beaver, coyote and wolf. The water feeds elderberry, blackberry and huckleberry as well as camas and bitterroot and houses duck, goose and loon. Owl, eagle and hawk rule the skies in search of plentiful gopher, mouse, rabbit. Schools of trout and whitefish dart through the waters on their way to merge with the Clark's Fork of the Missouri River near Missoula.

But look again.....

1805. White man first enters the Bitterroot Valley when the Lewis and Clark expedition crosses the Salmon-Bitterroot Divide near Lost Trail Pass. In 1842, three priests and three lay brothers, summoned by the Salish Indians, build St. Mary's Mission in the Bitterroot Valley near what is to become Montana's first white settlement, Stevensville. Agriculture comes to Montana--land is cleared, posts split for fences, gardens planted. Soon Montana's first sawmill is built in Stevensville and cattle are introduced to the state. A few years later, 1850, the first land conveyance in Montana takes place when mission property is sold to Major John Owen for \$250. Two years later, the first water right is filed on Burnt Fork Creek near the site of Fort Owen.

More and more settlers move in, clearing land to farm, staking claims to mine, building businesses. By 1860, the first official list of settlers in what is now known as Ravalli County shows 258 people in 53 households. (Ravalli County at that time included the Bitterroot, Missoula, Jocko and Mission valleys.)

The 1862 Homestead Act brings in a flood of settlers though the valley is not officially opened for settlement for another ten years.

As the settlers move in, the natives move out. In 1871, the U.S. government arranges with the Salish (Flathead) for them to leave the Bitterroot Valley. This opens the way for homesteading in the valley. And as people flood in, the wildlife gradually retreats to the uplands. And some disappears--grizzly, bison and beaver. Timber stands on the valley bottom are steadily chewed back to the foothills of the Bitterroots and the Sapphires.

TURN-OF-THE-CENTURY LAND BOOM

The 20th century brought a series of events to the valley that changed its face and set land patterns for the future.

Some local people devised an ambitious land scheme that involved the building of the Bitter Root Valley Irrigation Canal and the planting of orchards that were to rival those of Washington State's Wenatchee Valley.

Though the idea was locally conceived, it spread to Chicago for development money and to the eastern United States for land buyers.

Work on the 75-mile canal started in 1905 and fruit trees soon were planted, even before water was delivered. By 1909, the zealous promoters had sold 14,000 acres of land and water had been delivered to this acreage. The canal was planned strictly for orchard irrigation--a half inch of water to the acre, barely sufficient for fruit trees, let alone any other kind of crop.

Land was bought from local farmers at \$2.50 to \$15 an acre and then resold for from \$400 to \$1,000 an acre. Easterners paid their money, but many never came west at all. Tenant farmers, teachers, professional people and white-collar workers gave up their jobs, invested in orchard land, much of it in 10-acre tracts, and moved in to make a living off the fruits of the land.

Most soon realized that the soil in many places in the valley was too thin to produce well year after year and that a half inch of water was not always sufficient for their orchards.

The speculators, according to some figures, sold more than 49,000 acres while the Bitterroot orchard boom lasted.

The orchard boom was essentially the birth of subdivision activity in the Bitterroot Valley, which is now one of the fastest-growing areas in Montana.

WHAT IS HAPPENING TO THE VALLEY?

When I drove through the Bitterroot Valley one October evening in 1972, I was amazed to see a gaudy motel-restaurant-bar complex being built on the land where I had spent time as a child. It was turquoise and metal, not even wood. And it would soon have neon signs and a golf course--where affluent Americans could buy a few hours of enjoyment under the captivating influence of the Bitterroot Range.

The Bitterroot had gradually changed since my childhood, but more recently I noticed more and more houses springing up on the roadsides and hillsides, more and more realty signs advertising small acreages for sale, more and more good pastureland and cropland turning into suburban tracts.

What was happening to the valley? Was the land being opened up or cut off from Montana people? Who could afford to buy a hunk of the Bitterroot Valley? What restrictions were being placed on buying and selling and how were they being enforced? What was rapid development doing to the county structure and the quality of life in the valley?

LAND GOES FROM AGRICULTURAL TO SUBURBAN

Virginia and John Hawker, longtime Bitterroot Valley residents, recently sold most of their Corvallis-area farmland to a Hamilton realtor.

The Hawker family had owned and farmed the land, some of the richest in the valley, since the early 1900s. Before they bought it, the land had been a homestead. The Hawkers used the land for diversified farming--crops and grazing.

In the recent past it became harder and harder for them to live on the land and stay ahead financially. Finally the struggle was too much and they had to sell their land.

They found a realtor through their bank and made a deal. Not being informed about land buying and selling, they took the realtor's word about the plans he had for the land. He assured them it would not be divided into smaller sections than five acres, according to Mrs. Hawker. Six months later, the woman discovered that the land was being sold in one-acre pieces. By this time, she had no control over what was happening.

Mrs. Hawker was distraught. "Some of the richest land in the valley is being sold in one-acre peices," she said. "The water table is so high here and easily contaminated--there will be 27-30 septic tanks in places where there was one before. The soil in one part is thick, neavy clay and just won't take that many septic tanks. The ditch running near the property floods an average of once every four or five years." She said their well filled up on these occasions and neighbors' basements flooded.

"It just seems too bad," she said. "Our farm was probably the best in the valley. To take it out of production and put it into subdivision property doesn't seem like a very smart thing to do."

Financially, it was a very smart and lucrative thing to do. The realtor, Martin Realty, paid the Hawkers about \$1,000 an acre (according to Mrs. Hawker) for land that was appraised at about between \$400 and \$500 an acre. The realty is now selling the land for \$6,000 an acre. And getting it.

Martin Realty has two approved subdivisions from the property--Hawker Lane Estates and Corvallis Estates. Hawker Lane Estates is a subdivision of 39 acres, divided into 27 lots, from .994 acre to 1.815 acres. The land is to be developed for mobile home use. Corvallis Estates totals about 28 acres and is divided into 20 lots, from 1.0 acre to 2.01 acres and is to be developed for single-family home use.

The subdivisions received final approval in early 1973. An environmental impact statement was filed in November 1972 by the State Department of Health, Water Quality Bureau, Environmental Sciences Division. The subdivision action was considered "not significant."

1. Environmental Impact

The transition of this acreage from seasonal pasture to residential will in no way affect the surrounding environment from a practical and aesthetic sense according to the local sanitarian. The land is under the jurisdiction of the Hamilton-Ravalli County City-County Planning Board who has recommended acceptance by the county commissioners.

2. Adverse Environmental Effects

There in all possibility will be no adverse effects from the project except for a slight increase in population density.

But a State Department of Fish and Game representative criticized the report as incomplete. Criticisms included:

- The assessment did not mention anything about topography or soils.
- There is no information about water table conditions even though the water table on the two tracts appears to be high; portions of the area are swampy. Also a major irrigation runoff ditch flows through both tracts of the subdivision.
- Since the 38-acre tract will be subdivided into 30 lots and the 27-acre tract into 21 lots, there is a possibility of contamination of ground water or waters of the ditch flowing into the Bitterroot River. There is a possibility that we could get additional pollution in the river which would have its effect on fish.
- Subdivisions of agricultural lands have a much greater effect on bird numbers than too much hunting. The type of vegetative cover in the area is not prime wildlife habitat but at one time supported some of the finest upland game bird hunting in Montana for pheasants and Hungarian partridge.
- The development of the Bitterroot Valley into a populated community has had an adverse effect on all fish and wildlife populations. Deer are located in the woody bottoms along the river. However we cannot expect deer populations to maintain themselves if their habitat is transformed into housing tracts.

According to the 1959 Soil Survey of the Bitterroot Valley Area, prepared by the Soil Conservation Service, the soil at Corvallis Estates is classified as Hamilton silt loam, level. This type of soil is listed as having slight limitations for septic tank use. The soil is responsive to management. It is suitable for all crops grown in the valley. Because of its favorable depth and good water-holding capacity, this soil will produce well under a wide range of irrigation practices.

The report also says the water table in the Hamilton soil series is rarely less than five feet below the surface at any time of the year.

According to sanitary restrictions in Ravalli County, there must be four feet of undisturbed earth between the

septic tank bottom and the groundwater level. And there must be ten feet between the bottom of the seepage pit and the groundwater level.

Twenty septic tanks in a small area of Hamilton silt loam seems like a risky proposition, especially considering the likelihood that the land will be flooded again in the near future.

The soil at Hawker Lane Estates is classified mostly as Chamokane gravelly loamy sand. The soil report shows there are severe limitations for building sites, roads and streets, parking areas, playgrounds and septic tanks. According to the subdivision plan, there will be 27 lots on this land, with as many septic tanks.

When asked why the Soil Conservation Service did not protest the subdivision plans, a representative gave the following reasons:

- They were not informed or contacted.
- The service exists only in an advisory capacity with regard to subdivision cases and will only comment when asked. The service has no regulatory powers in this respect.

The county commissioners said they gave the final approval for the subdivision because the environmental impact statement, the sanitarian and the city-county planning board gave their approval.

The city-county planning board, an advisory group, approved the subdivision because the environmental impact statement and the sanitarian approved the subdivision. Legally, they really could not do otherwise. Some members objected to good agricultural land being used for residential tracts, but their objections could not have stopped approval.

The county sanitarian initially put sanitary restrictions on the subdivision, but later lifted them. He said sanitary requirements were in order.

A new county sanitarian has since been hired. He has received complaints about the subdivisions because of concern about danger of groundwater contamination. He said a contractor who was installing gas lines on Hawker Estates reported the groundwater was only a foot and a half below the ground surface.

The sanitarian said he plans to investigate the complaints when he investigates each system when septic tank permits are requested.

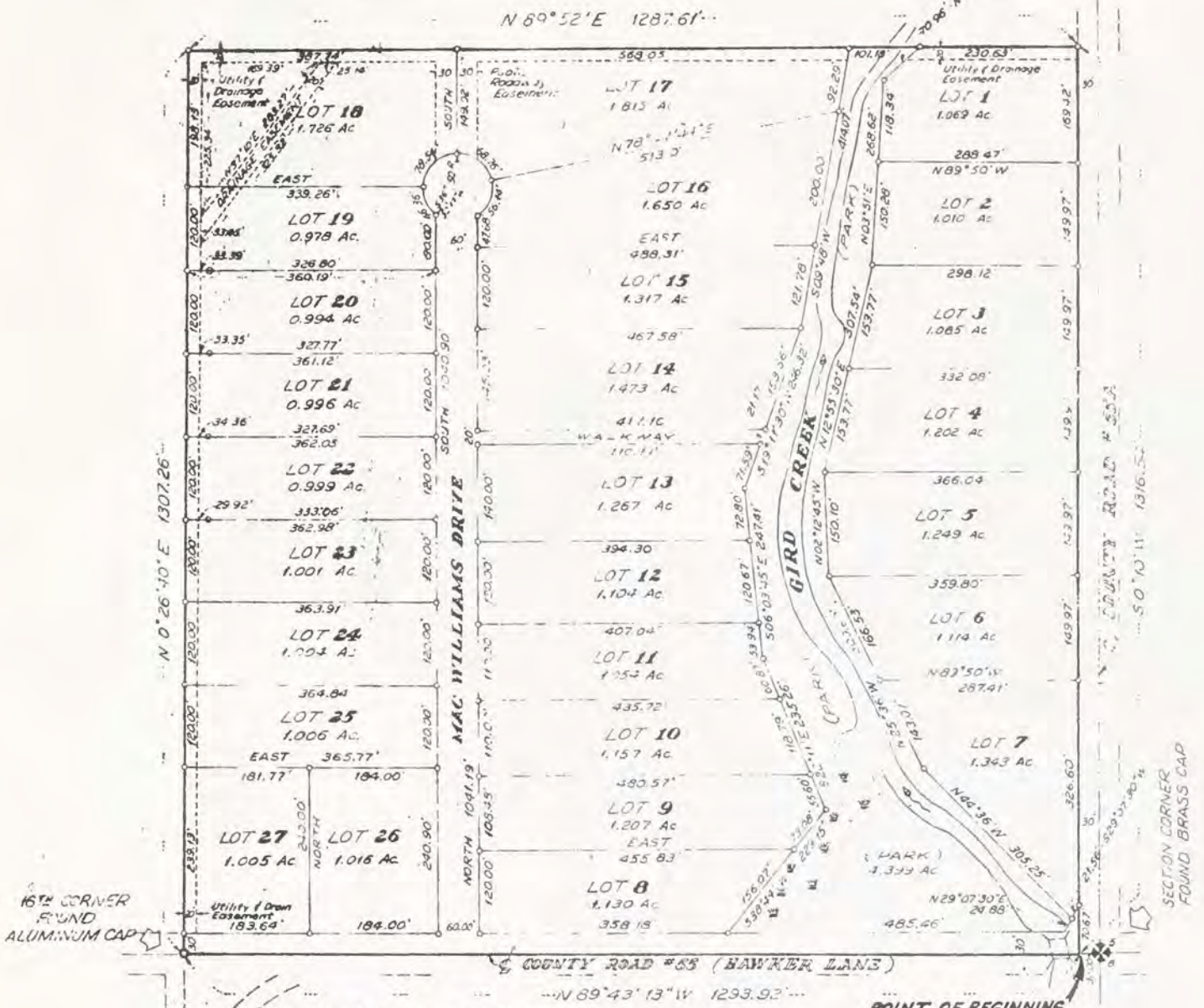
By that time, people will have invested in the land and probably have started building.

HAWKER LANE ESTATES

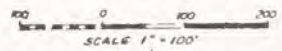
LOCATED IN THE $5\frac{1}{2}$, $5E\frac{1}{4}$, SECTION 6

T.6N., R.20W., P.M.M.

RAVALLI COUNTY, MONTANA



Basis of Bearing = South Boundary,
Section 6 = $\frac{1}{4}$ County Road #55.
(See Ravalli County Records.)



Net Lotted Area = 31.971 Acres
Park = 4.399 "
Roads = 2.503 "

NOTE:
East $\frac{1}{4}$ Corner of Section 6 was not re-established by this survey because of discrepancies between official records, evidence and occupation lines. The most conservative position for the East $\frac{1}{4}$ Corner would place the North Boundary of $5E\frac{1}{4}$, $5E\frac{1}{4}$, Section 6 North of the Northernmost Boundary of this survey. Reminders or overlaps are to be resolved by other Legal Means.

LEGEND

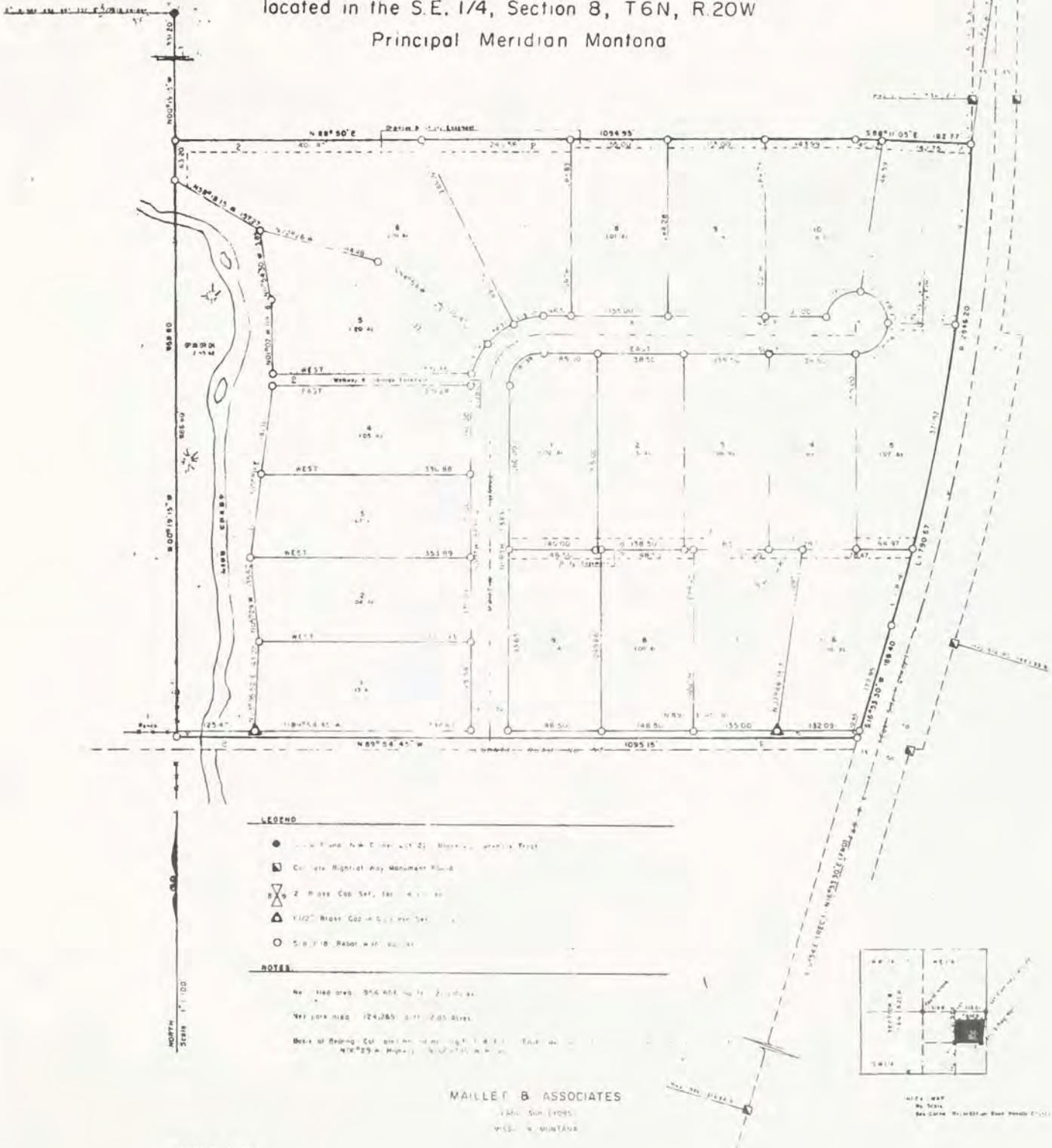
o = $\frac{3}{8}$ " Rebar, w/ YELLOW CAP, Set

INDEX MAP
(See Note)



CORVALLIS ESTATES

A Subdivision of Ravalli County, Montana,
 A Portion of Lots 2, 3 & 4, Block 2, Corvallis Tract, further
 located in the S.E. 1/4, Section 8, T6N, R.20W
 Principal Meridian Montana



- LEGEND**
- Corner Point from Corvallis Tract 2, Block 2, Corvallis Tract
 - ⊠ Center Right-of-Way Monument Round
 - ⊗ 2" Brass Cap Set, 10" x 4" x 3"
 - ⊙ 1 1/2" Brass Cap Set, 5 1/2" x 3" x 2"
 - 5/8" Pipe, Brass, 3" x 12" x 1"
- NOTES**

No. 1188 sub. 354 404 No. 12 21 100 sq.
 No. 1074 sub. 1188 124,285 sq. ft. 2.85 Acres.
 Book of Binding Cor. and Am. to Plat. 1 & 2. East of
 416' 29" N. 100' 00" W. 100' 00" N. 100' 00" W.

MAILLET & ASSOCIATES
 1301 S. 10th St.
 HELENA, MONTANA



THE BOOM IS ON AGAIN

After the abortive turn-of-the-century land boom, land development in the Bitterroot Valley was slow until 1966-67, when land sales and subdivision activity started multiplying.

Ravalli County holds ninth place with regard to subdivision activity in Montana. The ten counties with the most extensive subdivision activity are Missoula, Lake, Flathead, Lincoln, Yellowstone, Gallatin, Lewis and Clark, Park, Ravalli and Cascade, in order of magnitude, according to "Environmental and Legal Problems of Land Development in Montana, a 1972 WICHE report by Bill Tomlinson.

Most lands being subdivided in Ravalli County were previously in agricultural use, according to the Ravalli County Subdivision Inventory, published in 1973 by the Department of Intergovernmental Relations, Division of Planning and Economic Development.

The study defines subdivision as "any land which is divided into three or more parcels (two segregations from the original tract) for the purpose of disposition, whether immediate or future."

The study points out:

- The total subdivided acreage is 37,923 acres, of which 29,341 (77%) is in parcels 40 acres or larger and 8,582 acres (23%) is in parcels under 40 acres.
- Montanans own 31,268 acres (83% of total). Of this acreage, 72% was owned by residents of Ravalli County, 22% was owned by residents of Missoula County and 6% was owned by residents of other counties.
- Approximately 80% of the subdivided parcels are less than 20 acres in size.
- Of parcels less than 40 acres, 75% are Montana-owned. Of this acreage, 55% was owned by residents of Ravalli County and 17% was owned by residents of Missoula County.
- Californians own 10% of the subdivided acreage and are the largest group of out-of-state purchasers.
- From 1957 to October 1972, 47 plats for subdivisions were filed, totalling 977 lots, with a total acreage of 2,115.45 acres. The average lot was 2.2 acres.

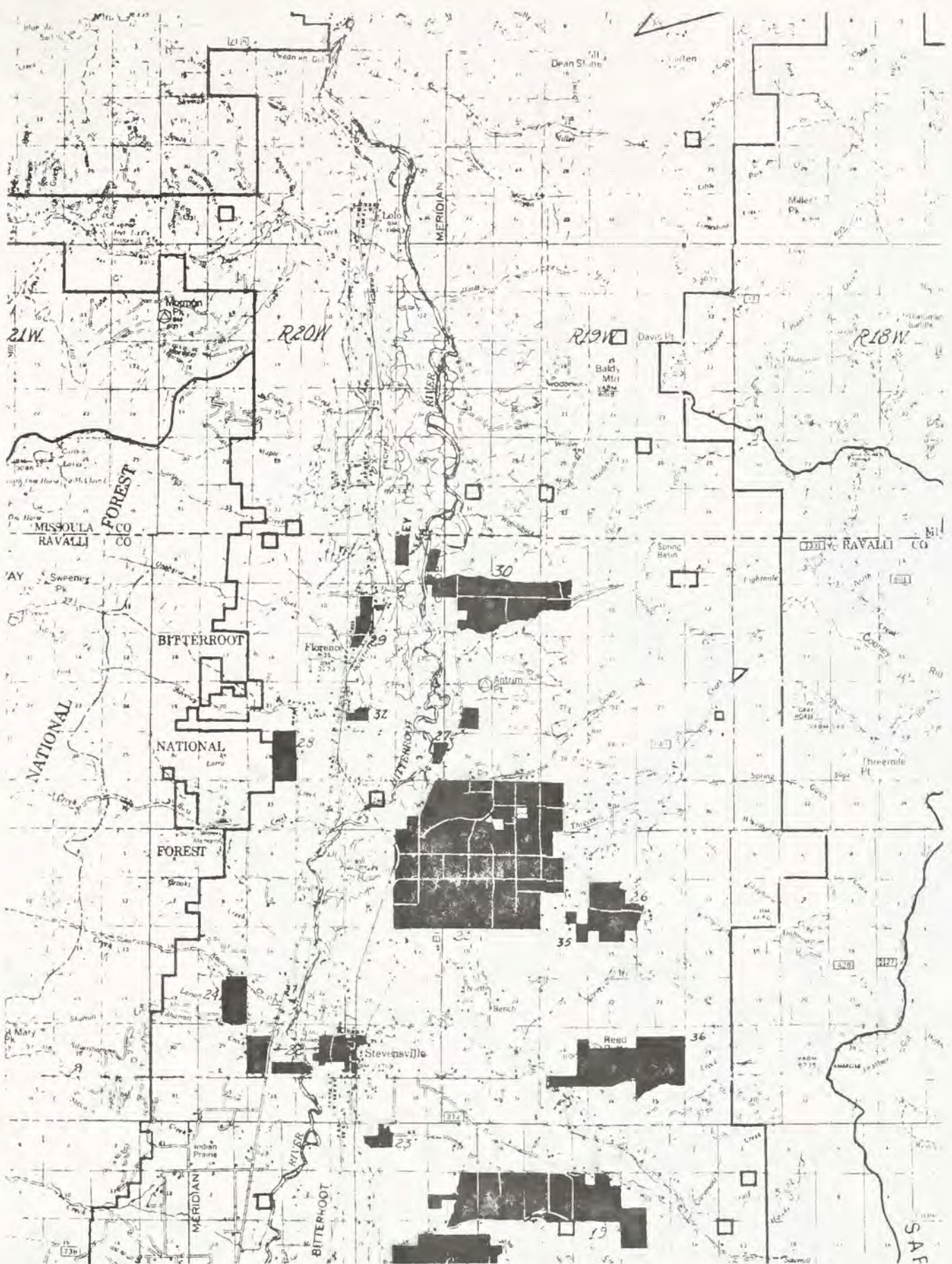
The study also notes that only 25% of the parcels and 24% of the acreage have been improved by some type of structure,

most likely residential, according to the Ravalli County Classification Office. It reports that it is unlikely that parcels under 40 acres in size would be economically viable agricultural units, so the lack of improvements may indicate the land is being held for speculative reasons or that the purchaser is waiting for a particular condition to exist before building. Non-resident landowners commonly plan to retire in Montana and build a residence on their lot at that time, the study explains. And many Missoula County residents have purchased Ravalli County property on which they plan to build a weekend or summer retreat.

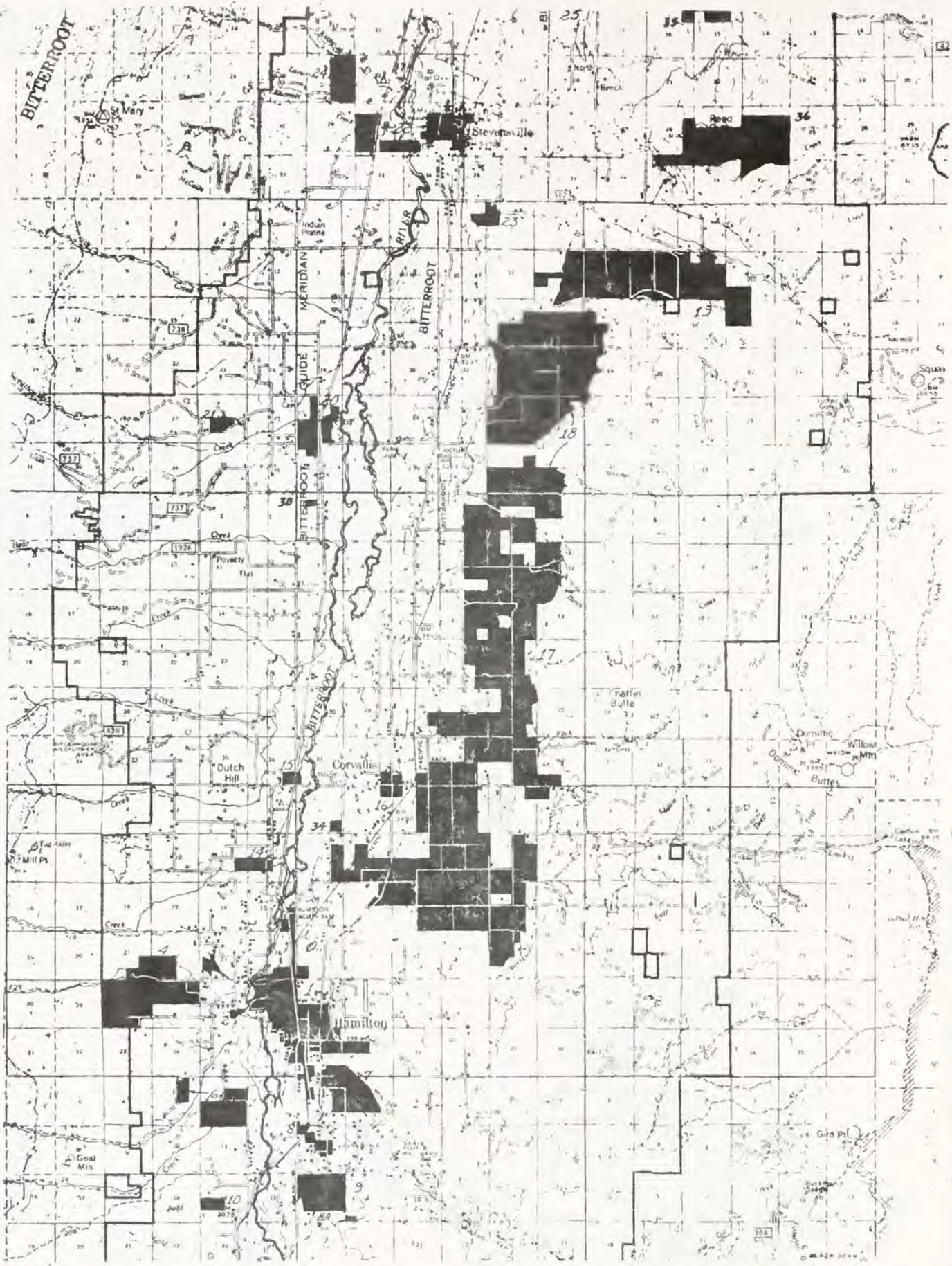
The study concludes:

- The rural land subdivision is encouraged by suburban pressures of Missoula in the northern portion of the county and by retirement and recreational stimuli in the southern area.
- A significant problem revealed was that a major portion of rural subdivision wholly escapes public review and control. This often results in undesirable land use, environmental degradation, poor or no provisions for adequate sanitation and excessive costs to the public for maintenance of public services. In Ravalli County, of the subdivided parcels under 40 acres, only 35 per cent of the parcels (16% of the acreage) had been platted and filed.
- Almost two-thirds of all subdivision transactions are being handled on a contract-for-deed basis and 73% of these are unrecorded.
- Subdivided land is assessed at a much higher rate than agricultural land, and it is possible for developers to subdivide and sell their agricultural land without notifying the county assessor of the change in land use. They continue to pay taxes on the land at the agricultural rate and prorate the taxes among their purchasers. Purchasers also benefit from the reduced rate and are disinclined to record their interest in the land because this might result in reclassification and an increased assessment. To compensate for revenue lost through this subterfuge, other property owners must pay more than their fair share of taxes. The recording of the purchaser's interest would overcome this problem by putting county assessors on notice of changing land use.

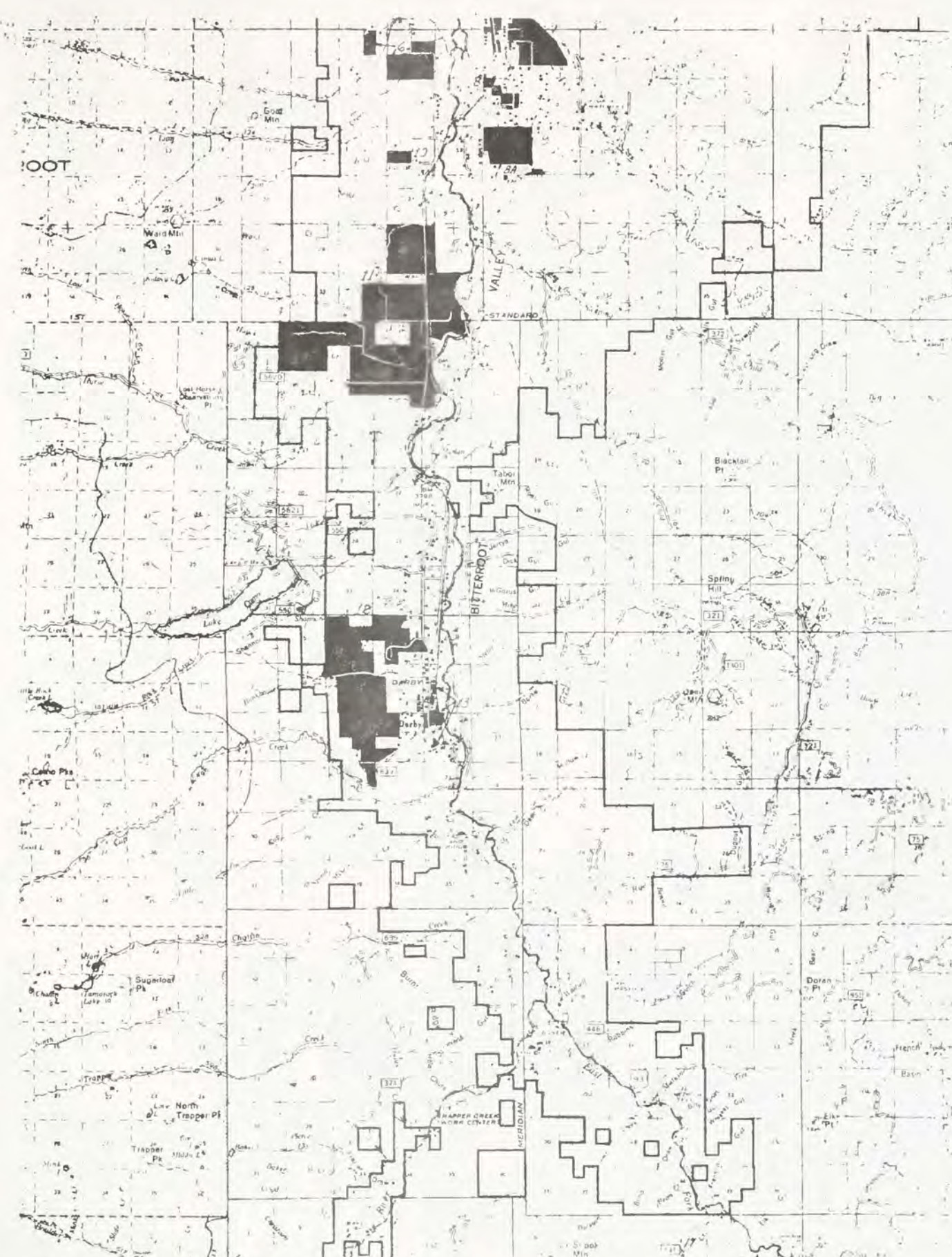
The Ravalli County Subdivision Inventory assesses the amount and type of subdivision activity in the valley and some of the technical problems resulting when land turns from agricultural to suburban. But why are people so interested in buying land and moving to the valley?



Subdivisions in Ravalli County (black areas), Map courtesy of Hamilton-Ravalli County City-County Planning Board. Map includes all subdivisions up to July 1973.



Ravalli County subdivisions. (Black areas.)



Ravalli County subdivisions. (Black areas.)

THE ATTRACTION

The towering peaks and steep canyons and mountain streams of the Bitterroots and the lower slopes of the Sapphires and their drainages offer a multitude of outdoor pleasures: scenic beauty, hunting (grouse, pheasant, duck, goose, deer, elk, goat, moose, bear), trapping (beaver, muskrat, mink, martin), fishing (rainbow, eastern brook trout, Dolly Varden, mountain whitefish), hiking, climbing, cross-country and downhill skiing, camping. Two wilderness areas, the Anaconda-Pintlar and the Selway-Bitterroot, are easily accessible from the area.

The entire valley is about 75 miles long and 15 miles wide at its widest point. Weather is mild--moderate winters, warm summers, slight wind, less than 13 inches of rainfall averaged a year. Most places in the valley offer abundant scenic beauty for homesite building.

Missoula is easily accessible to the Bitterroot, and as the trade center for western Montana is an attraction for growth in the valley. Many Missoulians live in the valley and commute to work. Others retire in the valley. It is estimated that one out of six people in the valley is 65 or older.

Other reasons for interest include:

- Population increases in urban areas are driving people out. They want space. Bitterroot towns are small--Hamilton, with a population of about 3,500, is the largest.
- Urban environments are deteriorating and people want some freedom from crime and congestion.
- Modern conveniences, especially transportation and communication, make a life-style similar to that possible in a rural area.
- The nature of the American economy is such that more urban people can afford to buy a small chunk of land.
- Small chunks of land are being made more available as farmers find it harder to live off their land. When the time comes to sell, it is most profitable to sell small chunks because hordes of hungry buyers are waiting for their own small chunk.
- Speculators see that land prices will most likely keep inflating like everything else. And there's a profit to be made in holding onto land to sell later.

THE COUNTY SUFFERS FROM TOO MUCH GROWTH

Ravalli County officials have differing perspectives about what is really happening to the county as a result of rapid growth. The following comments are the results of personal interviews with the officials about the effects of accelerated subdivision activity.

COUNTY COMMISSIONERS:

The job of county commissioner in Ravalli County is becoming more and more pressured. Their jobs are complicated and time-consuming--they must be involved with roads, welfare, finances, subdivision, health problems, procedural problems, weed control, etc. More office help is needed. This July, they were able to hire a secretary, the first they have had. They hope in a year or two to get an administrative aid. Though they are supposed to be a policy-making group, they find that a good percentage of their time is being spent in the administration of the office, rather than implementing of ideas and effecting good changes. A large amount of their time in the past six months has been devoted to subdivision activity. Subdivision statutes for the county have passed the last legal barrier and are now in effect, as also is a new city-county zoning law.

Planning:

A professional planner and staff has been hired for the county and will begin work in September. The commissioners foresee that the planner will take part of the subdivision load off them, but also expect that more problems will come to light when the planner starts work.

A city-county planning board was established in 1966 and has published a comprehensive study report of the city-county area. In April of this year a county planning board was established.

Welfare:

The county is classified as a high unemployment area. The major increase in welfare aid and expenses was attributed to aid to dependent children.

Law Enforcement:

The incidence of crime has increased considerably. This was attributed to the shift of lifestyles from agricultural to suburban, mobility, youth (drugs, runaways, thievery) and the lowering of the legal age.

Sanitation:

None of the towns in the county has an adequate sanitation system. This was attributed to the tightening of state restrictions, a flood of building permits and a lack of funds.

The first county sanitarian started work two years ago. He had to try to educate the people about the need for quality sanitation as well as set up a policy and program. The county has difficult sanitation problems. Irrigation changes the height of the groundwater. For example, in May the groundwater may be low enough to allow the building of septic tanks. In July, when the water level is up because of irrigation, the groundwater is too high for many septic tanks and pollution results.

Schools:

The Florence school district has the second highest levee in the state. The school, because of its proximity to Missoula and subjection to outward growth from that area, has had to begin double shifts. This school has a particular problem because many of its students come from Missoula County, while school levees come from Ravalli County.

The Darby school at present is at its maximum debt load. It could not expand. The commissioners denied a subdivision on the grounds that it could have doubled the size of the school in two years. It would have taken much longer to build up the revenue to accommodate the growth.

Roads:

Most of the costs of highways and county roads are not on the individual taxpayer because of other sources of tax revenues. County roads are in fairly good shape, yet snow removal, cleaning and upkeep are going to be an increasing burden, mostly because of labor and equipment costs.

Housing:

Housing, especially rental property, is scarce in the county. Solution? Wait for additional building.

Irrigation:

The problem of distribution of water is becoming almost insurmountable. When a subdivision divides 235 inches of water, for example, between 22 lots, confusion results. Developers who fail to inform people about irrigation and water rights were criticized.

SANITARIAN:

Two sanitarians were interviewed. The first had resigned early in the summer after two hard years on the job. He was the county's first sanitarian. The second is recently out of college.

1: The sanitarian has the power of life or death over subdivisions because he can deny the septic tank permit, which subjects him at times to considerable pressure.

When he first started working, his office was the back of his station wagon. He had to push hard to get office space and finally was granted two rooms in the old county courthouse.

Ravalli County has the highest well contamination in the state. An October 1972 study reported in the Missoulian, Nov. 4, 1972, indicated fecal material from humans or animals was entering the water supply. Darby had 73 per cent of its wells contaminated, with 26 wells tested.

Five cases of typhoid and hepatitis have recently been reported in the valley. Luckily they were controlled.

A bacteria count of the Bitterroot River (class B) showed a coliform count in excess of 16,000. Count limit is supposed to be 100. He attributed this to treatment plants running into the river and a high water table incompatible with septic tanks.

Subdivision laws for the past 11 years have been adequate but largely unenforced.

He had good cooperation with the Montana Department of Fish and Game, as well as the U.S. Forest Service and the Rocky Mountain Laboratory.

Subdivision at times denies the highest and best use of land. Subdivision activity in the valley should be restricted to the foothills because much of the other land is so productive. Agricultural people are being forced out because they cannot afford to live off the land. Older people are trapped--they are forced to subdivide for their very survival.

2: The sanitarian is licensed by the state to practice and is hired by the county. He works with both planning boards.

Under the law, a person has the right to have some form of disposal, but the sanitarian can determine the type. Some states will not allow septic tanks.

The Stevensville water system is inadequate; the Corvallis water system is too close to their sewage system. Victor needs a water system.

He does not have enough time to do everything. The state does have supervisory sanitarians who pass through, which helps. He spends most of the summer examining septic tanks and issues about 8 to 10 a week. He turns down few requests.

COUNTY ATTORNEY:

There have been no subdivision prosecutions since he has been in office. Shortly before he started work, he warned he was going to be tough on subdividers. He sees a strong need for investigatory help. He has no time or manpower to check out possible violations. More enforcement is needed at the state level.

ASSESSOR:

Pressure is building--too many changes and not enough manpower and money to handle them. Subdivisions are causing a multiplied workload. In 1966, the office handled about 200-300 subdivision lots a year. Now it is handling 60-70 a week.

THE NEW SUBDIVISION BILL

The 1973 legislature passed a new law (SB 208) regarding subdivisions, which requires the platting, filing and public review of all subdivisions. County officials' duties are greatly affected by the new statute. Some of their comments and criticisms include:

- County commissioners would like to see the definition of acreage changed. The definition of a subdivision as "ten acres or less" is too small. The ten-acre requirement is causing developers to go to acreages like 10.1 to avoid the law. They also believe that ten acres is an uneconomical use of land.
- The county attorney complained that the definition of what constitutes a subdivision is confusing.
- His strongest criticism of the law is that it provides no detection mechanism for violations. He would like to see the Department of Intergovernmental Relations responsible for prosecuting SB 208 violations.

The county attorney said penalties in SB 208 are not tough enough to discourage bad realty practices.

- The clerk and recorder said the law is not definite enough. She suggested that a standard statewide.

form be set up for every clerk and recorder to use so that the law would be equally applied and understood.

The bill is confusing. As it reads, for example, someone could take off a 5-acre tract of a 500-acre property and have to file a subdivision plat. This would require costly surveying. She calls SB 208 the "Surveyor's Retirement Act."

- The sanitarian also suggested that the acreage required to constitute a subdivision be more than ten acres. The present requirement allows too many ways to get out of being classified as a subdivision.
- The assessor said the new law is putting so many manpower and money pressures on county government that it ought to provide for some revenue to alleviate the burden.
- The chairman of the county's city-county planning board fears the law may not be effective because of bad enforcement, although it is a good bill.
He said the law puts more duties on county officials who are not experts, yet are expected to deal with a difficult law with expertise.

RECOMMENDATIONS

This study necessitates the following recommendations:

- More definite enforcement is needed for subdivision regulation and violations. An investigatory agency is needed to ensure that laws are being followed. A roving investigatory team could choose random subdivisions throughout the state and determine if they are within the law.
- More specific sanitary requirements and enforcement are necessary, especially in the Bitterroot Valley, where groundwater levels vary so much. Violations must not be tolerated.
- A clear definition is needed about the decision-making process for approving subdivisions. Efforts could be more coordinated.
- Manpower and funding for county sanitarians should be expanded. The job is vitally important and too many-faceted to receive the slighted importance and attention it now has.
- SB 208 should be clarified, especially with respect to the confusion definition of what constitutes a subdivision.

- Other forms of sewage disposal than the septic tank should be required in the Bitterroot Valley and other areas with similar problems.
- Turning agricultural land into suburban use must be discouraged, and if possible, stopped. Government subsidy to farmers would be one way of alleviating the problem. Land better-suited for subdivisions should be used instead of agricultural land.
- Neighbors should be given more consideration. What happens to the quality of someone's life when a massive trailer development moves in next to his/her pasture?

FURTHER CONSIDERATIONS

The historical background and present reality of land development in the Bitterroot Valley are related here. But it was possible to study only some of the reasons for and effects of booming subdivision activity in this study. To more fully analyze subdivision effects, the following should be further analyzed:

- How are deer and elk winter range being affected?
- How are bird populations being influenced by massive land subdividing?
- Is land being bought off to close off hunting and fishing access?
- To what extent are river and stream frontages being purchased?
- How much building is progressing on within the floodplain and when will it be controlled?
- What will utility corridors do to the valley?
- How does rural subdividing affect neighbors?
- How is the development affecting public lands, especially with regard to increased recreation demands?
- Is noise increasing? (Mowers, chain saws, cycles, snowmobiles.)
- To what extent are realtors misleading buyers?
- Are buyers being informed about sanitary and water facilities?
- How much does it cost to go through the subdivision filing process? Is this inflating land prices?
- To what extent is design (roads, location, colors, building materials) being considered in building?

CONCLUSIONS

The Bitterroot Valley, like most other mountain valleys in the United States, is experiencing and suffering from the effects of rapid, mostly uncontrolled land development.

It is painful to imagine what the valley could be like in five or ten more years if the present rate and quality of growth continues.

What is happening to the quality of land in this valley only reflects what is happening to the quality of life in this society. We must stop seeing the world as a commodity.

The typical subdivision is not planned to meet the needs of the people, rather it is planned to generate the maximum economic benefit for the developer. And the typical buyer is concerned with himself, not the quality of the environment which surrounds him, not the quality of his neighbor's life.

The dilemma of the farmer is particularly disheartening. People who have tilled the land for years trying to make a peaceful living just cannot afford to do that anymore. So they sell their land in bits and pieces to people, most likely from the city, who can afford to buy the land for \$5,000 an acre and live on it. The farmer, without the benefits of social security or retirement, is forced into the dirty, noisy city to make a living. And the city people can choose to escape the city they helped mess up. Now they can have their peaceful retreat in the country. But it won't be peaceful and it won't be a retreat for long. Because people are building and living in the country with the same ignorance that is rotting the cities.

Good legislation is important in controlling subdivision activity. Stringent enforcement is even more important. But legislation and enforcement will not be enough. A basic change in the way we live our lives, the way we see ourselves and our society, is absolutely necessary.

SOURCES

1. Bitterroot Development Project Guildelines for Action. U.S. Department of Agriculture. 1973.
2. Comprehensive Study Report. Hamilton City-County Planning Board; Morrison-Mairle, Inc., consulting engineers and planners. 1973.
3. Design With Nature. Ian L. McHarg. 1969.
4. Engineering Properties and Soil Interpretations For Use In Resource Planning and Development. (Special soil interpretations report to complement published Soil Survey of the Bitterroot Valley Area, Montana, May 1959.) U.S. Department of Agriculture and Soil Conservation Service, in cooperation with the Montana State Agricultural Experimental Station. November 1972.
5. Environmental and Legal Problems of Land Developmmt in Montana. William D. Tomlinson. October 25, 1972.
6. Environmental Impacts of Residential Mountain Development in Colorado.
7. Montana Genesis. Stevensville Historical Society. 1971.
8. People Before Property--A Real Estate Primer and Research Guide. Community Research and Publications Group, Urban Planning Aid, Inc., Massachusetts. 1972.
9. Ravalli County Fact File. U.S. Department of Agriculture.
10. Ravalli County Subdivision Inventory. Department of Intergovernmental Relations, Division of Planning and Economic Development. 1972=73.
11. Shifting Land and Water Use in the Bitterroot Valley, Montana. Montana State University Joint Water Resources Research Center, Charles Hash, Helmer Holje.
12. Soil Survey of the Bitterroot Valley Area, Montana. U.S. Department of Agriculture in cooperation with the Montana State Agricultural Experimental Station. May 1959.
13. Work Plan, Bitterroot Valley. Resource Conservation and Development, U.S. Department of Agriculture. 1966.

I would like to thank:

- Ed Shepherd, former Ravalli County sanitarian;
- Frank Gessaman, Ravalli County sanitarian;
- Jim McKinley, Ravalli County commissioner;
- Howard Hammer, Ravalli County commissioner;
- Darlene Hughes, Ravalli County clerk and recorder;
- Nora Weber, Ravalli County assessor;
- Doug Hartkin, Ravalli County attorney;
- L.M. Powell, former chairman, city-county planning board;
- Miles Romney, publisher, Western News;
- Virginia Hawker, former landowner;
- Allen Bjergo, Bitterroot Resource Conservation and Development;
- and other persons I interviewed in the course of the study, especially in the Soil Conservation Service, the Department of Agriculture and the city government of Hamilton.

THE RESOURCES DEVELOPMENT INTERNSHIP PROGRAM

The preceding report was completed by a WICHE intern during the summer of 1973. This intern's project was part of the Resources Development Internship Program administered by the Western Interstate Commission for Higher Education (WICHE).

The purpose of the internship program is to bring organizations involved in community and economic development, environmental problems and the humanities together with institutions of higher education and their students in the West for the benefit of all.

For these organizations, the intern program provides the problem-solving talents of student manpower while making the resources of universities and colleges more available. For institutions of higher education, the program provides relevant field education for their students while building their capacity for problem-solving.

WICHE is an organization in the West uniquely suited for sponsoring such a program. It is an interstate agency formed by the thirteen western states for the specific purpose of relating the resources of higher education to the needs of western citizens. WICHE has been concerned with a broad range of community needs in the West for some time, insofar as they bear directly on the well-being of western peoples and the future of higher education in the West. WICHE feels that the internship program is one method for meeting its obligations within the thirteen western states. In its efforts to achieve these objectives, WICHE appreciates having received the generous support and assistance of the Economic Development Administration, the Jessie Smith Noyes Foundation, the National Endowment for the Humanities, the National Science Foundation, and of innumerable local leaders and community organizations, including the agency that sponsored this intern project.

For further information, write Bob Hullinghorst, Director, Resources Development Internship Program, WICHE, Drawer "P", Boulder, Colorado, 80302, (303) 443-6144.

The ideas and opinions expressed
in this report
are those of the author.
They do not necessarily reflect
the views of the
WICHE Commissioners or WICHE staff.

The Resources Development Internship Program
has been financed during 1973 by grants
from the
Economic Development Administration,
Jessie Smith Noyes Foundation,
National Endowment for the Humanities,
National Science Foundation
and by more than one hundred community
agencies throughout the West.

WICHE is an Equal Opportunity Employer

In the interest of resource conservation
and environmental improvement, this report
has been printed on recycled paper.

The preceding intern report was completed by the following intern:

Name: Christine (Tina) B. Torgrimson
Address: 2408 Wylie Street
Missoula, Montana 59801

Immediately prior to this internship, the intern was a student at:

College: University of Montana
Major Field: Journalism
Year in School: B.A. Summer 1973

The preceding intern report was read and approved by:

Name: Fletcher E. Newby
Title: Executive Director
Address: Montana Environmental Quality Council
Box 215, Capitol Station
Helena, Montana 59601

If you have further comments about this intern report, please write or phone:

Bob Hullinghorst, Director
Resources Development Internship Program
Western Interstate Commission for Higher Education
P.O. Drawer "P"
Boulder, Colorado 80302
Phone: (303) 449-3333

2507-6821452000045500:
IC:1073:GD:CCraft:2H52

