



2016 State Legislator Candidate Questionnaire

The Missoula Organization of REALTORS® is the voice of the Missoula real estate industry. Our members would like to know your thoughts on priority REALTOR® issues. We thank you for being specific in your responses.

MOR has endorsed candidates in past elections, and may do so in these elections. If we consider an endorsement in your race, we will ask you and your opponent(s) to each meet with us for candidate interviews.

Please return the questionnaire by Friday, September 23 to Sam Sill at ssill@missoularealestate.com.

BACKGROUND

Name: Rep. David Doc Moore

Office You Are Seeking: HD 100

Mailing Address: 3919 Paxson St.

City & Zip Code: Missoula, MT 59801

Phone: 406-239-3499

Email: mooreformontana@Gmail.com

CAMPAIGN ORGANIZATION

Treasurer's Name, Address and Phone Number: David Moore 3919 Paxson St., Missoula, MT 59801 406-239-3499

Will you accept PAC contributions? Yes

ISSUES

The year to date median home sales price in Missoula County has risen to \$250,000. This is an all-time high, and well beyond what a median income family can afford. In a September 4, 2016 article in the *Missoulian*, UM chief economist Pat Barkey was quoted as saying that the housing supply was low because of restrictions on development, and that for prices to go down, developers need to be able to build large subdivisions for a relatively low cost. In 2014 and 2015, only two subdivisions were approved in Missoula County. This session, the legislature will consider policies that affect the ability of working families to afford a home.

1. Missoula County is treated as a closed basin, meaning that no new appropriations of water are allowed without first acquiring an existing water right for mitigation through

the DNRC permitting process. This process is unpredictable, lengthy, and often cost prohibitive. As a result, exempt wells had long been used to provide water for new homes, businesses, and industry outside of Mountain Water's service area. As long as the wells were not physically connected, they were exempt from the mitigation requirement. Exempt wells have a priority date and are subject to calls from senior water users. They account for less than 0.5 percent of the water appropriated in Montana each year.

A 2014 district court decision has severely limited their use by requiring DNRC to treat unconnected exempt wells as a "combined appropriation," requiring an existing water right for mitigation in Missoula County. This has drastically limited the ability of developers to build subdivisions with homes that working families can afford. **Should the legislature codify this new definition of combined appropriation from the court decision, or should the legislature codify the previous definition that was in place for over 20 years? The legislature needs to address the most recent court ruling that will continue to hamper development outside of city limits. Exempt wells certainly are no threat the long-term health of the aquifer if properly managed. The court rulings go against Montanans ability to get the best use out of their land and thus is a direct conflict with property rights. There's no need to put landowners and builders through unnecessary expense that raises the cost of construction of homes. It is my opinion that most people don't want to live in small housing units and would prefer short commute into town to have the ability to enjoy a higher quality of life.**

2. Governing bodies are required by state case law to take a "hard look" when examining certain subdivision review criteria. Experience has shown that it is difficult for local governing bodies to know when they have applied the hard look standard. As the standard is currently interpreted by the courts, someone can always claim the governing body didn't look hard enough. This can result in an unfortunate situation where a governing body's conscientious review is overturned based on a distortion of the record or insignificant factors. **If elected, would you support legislation that makes it easier for governing bodies to meet the hard look standard? We definitely need to change the law because of legislation from the bench. We should create a level easy-to-understand playing field for subdivision review. It's unfortunate Missoula County that people have fought against so many subdivisions the last two decades which would've increased the number of housing units and created more affordable housing. It is unfortunate that neighbors feel like they should be able to tell landowners what they can do on their own property. This idea that you are disturbing my view shed by building homes is ridiculous. I wasn't thrilled when I found out that they were building new homes behind my current house, but I planted a few trees and a couple years I won't even see the buildings. And the owner is constructing some nice units, but I think will encourage other neighbors on that side of the block to improve their dwellings. It shouldn't take years for the permitting process of subdivision to be approved, not only does more housing improve the quality of life because family more choices of where to live.**

3. The Legacy Ranch court decision from Ravalli County is spurring changes to local subdivision phasing and extension rules in Missoula County and other jurisdictions. In Missoula County, the rules will be changed to shorten the approval period, restrict extensions, and require additional public hearings for extensions. This will add uncertainty and increased costs to an already expensive development process. It will also bring about lesser quality neighborhoods by denying developers the ability to plan for street grid connectivity, large interior parks, sidewalks, and other infrastructure. This session, the legislature may consider clarifying subdivision law to provide governing bodies a better framework for handling phased developments. **If elected, would you support legislation that extends the approval period, clarifies that phased developments are allowed, and provides a more streamlined process for governing bodies to review extensions? We definitely need to clarify subdivision on the next session, we need one process that is uniform throughout the state to encourage construction for both commercial ventures and residential housing. The recent fiasco over the Missoula Merc. Demonstrates how poorly so are laws are written leaving them open to interpretation. Regardless of the history of the building, when a building is been derelict in empty for a number of years it is not an asset to the community. To allow endless litigation against construction of new buildings or subdivisions goes against basic Montana principles. It inhibits opportunity for new businesses that want to move to an area and for their employees to find suitable affordable housing. Too much NIMBY, is time to put an end to endless input after the initial hearings and approvals are made. And to limit those who can legally try to stop the project or subdivision.**