

BJ Grieve

From: Joe Unterreiner [joe@kalispellchamber.com]
Sent: Wednesday, April 04, 2012 12:59 PM
To: BJ Grieve
Subject: RE: 2.29.2012 Edits_Order 13 - Chapter 5.doc

My comment on unemployment was just related to final 2011 data. I would put it in the non-critical, but desirable category since the Feb 2012 stats still have us at 10.7% unemployment which is about what 2010 data showed.

My "trending" comment (below) was directed to where the industries where the unemployment is occurring. It is now including government employment that has been affected by the Stimulus burn-off.

Part 2: Employment, Page 61. Consider revising the last sentence of this paragraph which reads, "Only the government and the health care and social assistance sectors have continued to experience modest gains in employment numbers during the economic recession". More current, post-Stimulus, data indicates that government employment has declined because of reduced tax revenues. In research presented by Dr. Brad Eldredge of Flathead Valley Community College on January 25, the data showed declines in public sector employment between 3Q2010 and 3Q2012. The largest employment gains during this same period were in the Hospitality and Accommodations industry with a net gain of 486 jobs in Flathead County. These gains can be attributed to the steady increase of the tourism industry in Flathead County and to the growing tourism trade with Canada.

Whatever you can do shorthanded is good.

Joe Unterreiner, President and CEO

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Kalispell Area Chamber of Commerce

DISCOVER CUBA
9 Days October 4, 2012

From: BJ Grieve [mailto:bjgrieve@flathead.mt.gov]
Sent: Wednesday, April 04, 2012 12:41 PM
To: 'joe@kalispellchamber.com'
Subject: 2.29.2012 Edits_Order 13 - Chapter 5.doc

April 15, 2012
TO: Planning Board
FROM: Frank de Kort

*Comment received prior to
and distributed at 4/25/12 P.B. workshop.*

Since I will not be able to be present for the "final" growth policy workshop, I submit the following for your information and consideration. Good Luck

(1) From Update to Review to Rewrite

The Board has moved from "Updating outdated information" to "Changing regulatory verbs in policies" to "Eliminating policies".

I would caution against arbitrarily eliminating policies without engaging in the exhaustive public process that was used when these were instituted.

As the designated representative from the Flathead Conservation District, I ask that the board continue its policy of protecting our natural resources. That is why I do not understand the rationale for eliminating Policy 41.3 "greenbelts along streams and rivers". If people object to the verb "maintain", it might be changed to "encourage keeping an established greenbelt or developing a new greenbelt" along streams and rivers

And to eliminate a policy because we don't like the "scientific" idea seems to be quite arbitrary since there are quite a few policies that fit that label.

(2) The "Regulatory" Furor.

It seems the board gets lectured on this issue every time we get together.

Montana Courts have NOT determined that a Growth Policy is regulatory. What I find expressed by the courts is that a local Growth policy must be followed, and that any actions and decisions by local jurisdictions must be in substantial compliance with their growth policy.

An analogy (at a different level) based on the same principle:

The Montana Constitution is non-regulatory (i.e. contains no regulations). Laws and administrative rules (i.e. regulations) must follow the Montana Constitution. This does NOT make the Constitution regulatory.

So simple that it becomes a source of many court cases.

(3) The Individual Private Property Rights section.

Based on public comment and concerns I have some suggestions for this section:

(A) Change the middle paragraph as follows:

Individual Private Property Rights guarantee a property owner's Right to use his or her property as he or she wishes, limited only by a reasonable, lawful and compelling public need. The Montana Courts have determined that in the formulation and administration of land use regulations, a local jurisdiction's Growth Policy must be followed, and a local jurisdiction's actions must be in substantial compliance with its own Growth Policy.

Therefore, any regulations that apply to the use of private property using this growth policy must meet the following requirements: (list the 6 requirements as taken from the May 1994 Montana Dept of Commerce publication – and quoting it!)

(B) Eliminate the last sentence. This part cannot control the whole Growth Policy.

BJ Grieve

From: Plan Web Account
Sent: Wednesday, April 25, 2012 5:05 PM
To: BJ Grieve
Subject: FW: Contact Message

For tonight ☺

From: website@flathead.mt.gov [mailto:website@flathead.mt.gov]
Sent: Wednesday, April 25, 2012 3:09 PM
To: Plan Web Account
Subject: Contact Message

Contact Inquiry

The information below is being sent from your website.

Name: Steve Gniadek

Email: grayjaybro@yahoo.com

Subject: Growth Policy

Message: Thank you for the opportunity to express my thoughts and concerns about the Flathead County Growth Policy. It appears the growth policy emphasizes property rights with less emphasis on our collective, public rights. I'm concerned that public rights are being further eroded during the update process. In addition to our right to "a clean and healthful environment", as provided in the Montana Constitution, ownership of wildlife is a public not a private right. This is called the Public Trust Doctrine and is the legal basis of wildlife management in the U.S. This needs to be made clear in the growth policy; it is the foundation for protecting and maintaining wildlife in the county for the benefit of all residents. Wildlife on private land does not belong to the landowner but to all members of the public, and is managed in the public trust by the Montana Fish, Wildlife and Parks Department, in cooperation with other agencies. There must be a balance between private property rights and public rights, but private landowners have an obligation to protect wildlife for public benefit, and this is not adequately reflected in the current draft. In the first paragraph under the heading Wildlife Species in the Natural Resource Chapter, only wildlife on public lands and federally protected species are discussed. We urge you to clarify that wildlife are not confined to public lands, but utilize both public and private lands in the county. Add a statement to reflect that distinction, e.g. "Wildlife habitat is found on both public and private lands in the county." Modify the next sentence to be more inclusive of wildlife species, e.g. "These public and private lands are home to a wide range of wildlife including forest carnivores, big game species, raptors such as osprey, bald and golden eagles, upland game birds, migratory waterfowl, songbirds, amphibians and reptiles." This section implies that wildlife occurs only on federal and state lands, and that we can rely on those lands to protect and maintain all wildlife populations in the county. In reality, all the land in the county, both public and private, provide important wildlife habitat. This is acknowledged in the Forestry Section, but should be included here to emphasize that all private lands, whether forested or not, provide wildlife habitat. At the beginning of the Forestry Section, it states, "Proactive forest management creates healthy forest ecosystems. . ." This statement is ambiguous because the term "healthy forest ecosystems" conveys different meanings, is not defined in the document, and the statement is not consistent with a scientific understanding of forest ecology. It should be stricken from the document. The term is also used in the introduction to the Natural Resource Chapter, "Private timberlands generate positive contributions to Flathead County's economy through timber production as well as the maintenance of healthy forests, watershed protection, wildlife habitat and other aspects of public value." This statement may be more accurate, as some private timberlands may contribute to maintaining healthy forests, depending on the meaning of the term "healthy forests", but since the

map, or at least reference to a future map, depicting wildlife habitat stratified by relative wildlife value. Montana FWP is developing such a map; update wildlife maps as additional information becomes available from Montana FWP. General wildlife maps are informational maps important for guiding growth to minimize loss of the highest value wildlife habitat in the county. I'm unsure if I've found all the previous drafts on the county website, so I don't know if I've found all the deletions and changes that have been made by the planning board. At the workshop on March 28, wildlife-related provisions were deleted by the board, based on a lack of understanding or misunderstanding. Please restore them because they serve a useful purpose. For example, a policy statement (41.3) referring to maintenance of a greenbelt and wildlife corridors was deleted after a member of the planning board asserted that it would prevent anyone from building a dock on their property. Building a dock would not necessarily preclude maintaining a greenbelt or wildlife corridor, depending on the size and location of the dock, among other considerations. The provision, like other policy statements, simply provides guidance. Maintaining wildlife corridors is not only a reasonable, but a necessary, goal of the county. In most cases this can be accomplished with minimal impact to landowners, with major cumulative benefits to everyone in the county. Another statement was removed that referred to priority songbird species, developed by Montana Partners in Flight. This list is currently maintained, and updated, by the Montana Bird Conservation Partnership and the Montana Natural Heritage Program. We urge that it be retained in the document, because it provides important guidance for protecting songbirds and other species of birds of benefit to all people in the county. All wildlife has value, and nearly every acre in the county provides habitat for wildlife, but some species and some lands are of higher priority for maintaining wildlife. Therefore, there is a need for priority lists to help guide conservation efforts. Any information, including priority species lists and wildlife value maps, that helps guide growth to minimize loss of valuable wildlife habitat is essential for the planning process. Do not fear information because it might be restrictive, when in fact it can help minimize future conflict over growth. In the introduction to the Natural Resource Chapter 8, the growth policy affirms our collective entitlement to clean air and water, consistent with the state constitution. Entitlement to our shared wildlife resources, as established by federal law, must also be affirmed. Steve Gniadek Columbia Falls April 25, 2012