

Comments on Swan Planning Area Land Use Plan from Harry Blazer April 9, 2018.

1) Through our constitution, the role of government is limited by design to protecting the rights of the individual from infringement. It is not the job of government to act on behalf of the collective – a mythical entity – which ultimately leads to fascism. The welfare of the collective is derived from the welfare of the individual, secured by that individual's right as a free human to live a life of liberty and pursue happiness as the individual sees fit – as long as it does not interfere with another individual's right to do so.

Governments always use the excuse of the collective and improving life for the collective as a way of centralizing control and whittling away at the rights of the individual. Our county government is no different. A primary trend of centralized government is to turn rights into privileges that they can then tax and regulate.

2) The broad categories that define “uses of land” for the purposes of taxation (assessment) are the same ones used for land planning. Why? There is no logical link between the two and by conflating the two, confusion is created and the illusion is perpetuated that land planning has the same force under the law as taxation.

3) At its core, zoning is about defining land use. Land use designation most often depicted through maps is a form of zoning, because it seeks to define what uses may and may not occur on a piece of land. It is the matrix upon which another level of regulation that we commonly call *zoning* is built.

4) There is no relationship between the planning required or desired for the urban areas of Missoula County and the rural areas in the county. And the Swan is in a category by itself with the lowest density of resident population in the county, the oldest average age of residents by far, and with 95% of the land having its use constrained already by state and federal regulatory agencies and by individuals or entities through deed or homeowners' association restrictions.

5) There are already unilateral constraints on an individual's right to use his land as that individual sees fit by the state, through as examples: a) a definition of the minimum size of a parcel that is not subject to subdivision regulation; b) limitations on the number of residential sites that might be built on a parcel; c) the issuance of sanitation permits; d) state building codes; e) remediation protocols – and by the county through: a) land use designation and zoning; b) various permitting processes; c) subdivision regulation.

6) The majority of the citizens of the Swan are not in favor of many of the restrictions that are already on the books and most certainly do not want to see any additional restrictions, imposed by the county and state in any form or through any mechanism, on how the owners of the remaining privately owned land not restricted by covenants can use their land. Furthermore, we feel that the county's subdivision regulatory process is

overly complex, burdensome, and resource consuming and needs to be reengineered; but in addition, that any attempt to apply unilaterally an urban-centric regulatory process to the Swan in particular is inherently discriminatory, unfair, insulting and intrusive.

7) While the state mandates that each county produce a master plan following specified protocols, and the county looks to communities within designated planning areas for input to be considered for inclusion in their master planning process at their discretion, it is also clearly stated that the county can decide which of the protocols they find relevant for inclusion in their master plan. The majority of the citizens of the Swan want to be exempted from all of those protocols. Our position is simple – there are sufficient regulations on the books to deal with any development scenario that could occur in the Swan under any reasonable scenario for the foreseeable future. We do not want any further restrictions on how individual land owners can use their land, thus eliminating the need for any formal growth, land use or development plan or planning process.

8) The Swan Valley Community Council has been overseeing the scripting of the SPA's Land Use Plan document that has been under construction for a decade now! Since the Council has no independent authority or legal standing to speak for the community and is beholden to the Board of County Commissioners, its recommendations can be totally ignored – as have the recommendations of individuals such as myself in the past. The county has made it clear that any community plans must be in conformance with the county plan. Thus, in the following pages, I will address the ways in which most of the goals, objectives and actions explicated in the county plan have no relevance for the Swan Planning Area (SPA).

Goal #1 Conserve vital natural resources including surface and ground water, air quality, agricultural resources, iconic landscapes, fish and wildlife species and their habitats, and native plant communities

1.1 Develop and implement regulatory and non-regulatory strategies to conserve vital natural resources and environmental functions.

Public land comprises 91% of the Swan Planning Area (SPA) and those public lands comprise a significant portion of the total public lands in Missoula County. State wide, only 1/3 of the land is public land.

In the SPA, there are only approximately three sections over which the State has jurisdiction and they are part of the DNRC school trust. Federal Agencies have jurisdiction over the remaining public lands. There are no public lands or waterways over which the county or the local SPA community have jurisdiction or control.

Owner occupied primary residences in the SPA stand at 213. Total residences are about double that. Total resident population is around 400 (down from a peak of 600 in the late 1990's). This represents a primary residence to total acreage ratio of .00089 to 1 (or 1,117 acres/household) and a total resident population to acres ratio of .0017 to 1 (595 acres per person). These are some of the lowest resident-household and population density ratios in the United States.

“Federal land management and State wildlife agencies do not have management authority over private lands and these agencies do not have the ability to mitigate for private land development through management actions on their lands.” (Page 80 of NCDE Grizzly Bear Conservation Strategy, April 2013) The county is in effect exercising jurisdiction over these resources through their habitat mitigation requirements under the subdivision process. But unless a development qualifies for subdivision review, there should be no reason for county intervention.

We do not feel there is any need or justification for additional regulations or intervention through county agencies regarding natural resources and environmental functions for development by landowners on their private property that does not require subdivision review and therefore there is no need for this type of strategic analysis for the SPA.

1.1.1 Identify priority resource areas based on agricultural soils, wildlife habitat, water, scenic viewsheds, and the functions of the natural environment.

a) Agricultural Soils: The total amount of acres that have been designated by NRCS as agriculture soils of interest in SPA is approximately 550 acres. About 88% is on public lands. This leaves about 60 acres on private lands. The total acreage in the SPA is 238,000. We feel that no special provisions should be made for what amounts to .02% of the total acreage in the SPA.

b) Wildlife Habitat: 91% of the land in the SPA is on Federal Land (national forest and national wilderness). There is an additional 3%, which is protected by conservation easements. This means that only 6% of the land in the SPA is developable. Grizzly Bear welfare has been a key indicator of habitat availability and health. It has now been confirmed that Grizzly populations have recovered better than expected in the 13.2 million acres that have been defined as its primary habitat of which the SPA is a part (https://www.fws.gov/mountain-prairie/es/species/mammals/grizzly/2017-10-05_SIGNED_DRAFT_HBRC_RP_Supplement_for_NCDE_Grizzly_Bear.pdf). We believe that there are no special provisions that are required to be applied to private landowners for development on their private property that does not require subdivision review to insure the viability of habitat.

c) Water: The quality of water in the lakes and streams in the SPA are exemplary, by any standard. Ground water is generally of equal quality. As in any area, some attempts to hit ground water through drilling for wells have been unsuccessful. This represents a small portion of the total wells in the SPA. And where wells cannot be used to access ground water, this becomes a natural limit to growth.

d) Viewsheds: There is one road that passes through the SPA. It is Hwy 83 and is a state hwy. This highway provides exceptional and iconic views of the Mission and Swan ranges that surround the valley to the west and east and which are 100% on public land. There are no additional provisions required for the protection of these viewsheds nor can we contemplate any development on private land that could practically occur in the SPA that would compromise these viewsheds

1.1.2 Update or develop land use designation maps, area and issue plans, zoning and other projects using priority resource areas. This could include the use of overlays.

We feel that none of this activity is warranted or productive given what has been said in 1.1.1. We have attached a map defining all developable private property, which comprises only 6% of the total acreage in the SPA.

1.1.3 Conserve the highest priority lands and waters while allowing other public benefits such as public access utilizing open space bond funding and other public funding sources.

This has no practical application for the SPA, given that 94% of the land in the SPA is on public land or protected by conservation easement and is in turn protected open space. We also are not in favor of being burdened with the costs associated with improvements designed to serve the more densely populated areas of the county, which are not conveniently accessible by residents of SPA or provide no additional value compared to what we have at our disposal already.

1.1.4 Cooperate with private land trusts and landowners to facilitate voluntary conservation projects with private funding.

40% of the private land in the SPA is under conservation easements initiated by private landowners. The last thing the SPA needs is more land that is out of the control of the remaining private land owners.

1.1.5 Update subdivision regulations to provide standards that minimize and mitigate impacts to natural resources.

We will address the counties approach to subdivision regulation as it applies to SPA in a separate section.

1.1.6 Improve air quality through road dust abatement, wood stove change outs, energy efficiency, etc.

Road dust abatement can only be relevant for about 6 months a year given snow cover and then for only a portion of the remaining months during times when naturally occurring moisture, predominantly from rain, does not provide abatement. So one could argue that dust generated by vehicular traffic on dirt roads could only be a problem for about 90 to 100 days a year. We would suggest that this is not an issue of significant enough concern to warrant any significant investment by the county – and in no case should the county impose any further restrictions or regulation regarding this issue. Furthermore, individual land owners can choose to apply dust abatement applications on roads that front their property and such actions should be left to the discretion of those landowners.

Wood stoves are a significant source of heat for residents of the SPA. Given the number of permanent residents in

the SPA, wood stoves are not a significant contributor to air pollution and we would be against any efforts at any level to pass further restrictions on the use of wood as a fuel or wood stoves.

Increasing energy efficiency comes down to a simple return on investment analysis – is money spent on increasing efficiency going to provide an appropriate return on investment (an analysis which should include externalized costs). We believe that this is an analysis and decision that should be left to individual landowners in the SPA and no governmental body or agency should impose further requirements or regulations.

1.1.7 Increase the percentage of the population that is served by public or community water and wastewater systems.

We believe that the water and wastewater needs of the SPA can be met through wells and septic systems that comply with state requirements for the foreseeable future and any attempt to extend public water and wastewater systems to serve this area is not economically practical or feasible – and could end up doing more environmental harm than good.

Goal #2 Promote the responsible use and enjoyment of publicly-owned lands and waters

2.1 Maximize opportunities for access to publicly-owned lands and waters when consistent with resource management objectives.

This implies that at anytime access to public lands conflicts with management objectives of any of the regulatory agencies that can claim jurisdiction over the SPA, that the management objectives should take precedence. Since all publicly-owned lands in the SPA are federal lands and access in the SPA to public lands is controlled by Federal agencies (in particular US Forest Service under USDA), we do not see how this goal is relevant for the SPA. There is nothing that the county can do or should do to effect any access that exists or might exist in the future. But it also

demonstrates where its priorities lay.

By the same token, we have constantly seen over time how federal agencies have used various mechanisms and justifications for reducing access into public owned lands. So we believe over time, the balance between access and resource management has been badly skewed against access. The SPA is against any further restrictions on access and would urge all the relevant agencies to review their policies and rationale for any such restrictions and remove any such restrictions unless access would cause imminent and substantial danger to humans, forests or wildlife.

2.1.1 Plan for and develop accesses to rivers, lakes and public lands where needed and appropriate, while concurrently protecting resources for future generations.

See above

2.1.2 Build trails to connect communities with public lands and to create linkages between public lands and waters, while concurrently protecting resources for future generations

See Above

Goal #3 Protect and enhance the historic and cultural structures and sites that are part of Missoula County’s history and heritage

Objectives	Actions	Timeframe	Lead Partners
3.1 Protect and, where appropriate, restore and make use of key historic and cultural resources and sites.	3.1.1 Work with partners to protect, restore, and reuse historic resources, sites, and structures, where appropriate.	Ongoing	CAPS, PTOL, community councils, community groups, MT Historic Preservation Office
3.2 Respect cultural resources identified by the Confederated Salish and Kootenai Tribes and other Tribal entities.	3.2.1 Support Tribal efforts to protect and conserve cultural resources, when invited.	Ongoing	CAPS, PTOL, CSKT
	3.2.2 Include the Tribes on agency review lists for development, conservation, and parks and trails projects.	Ongoing	CAPS, PTOL
	3.2.3 Notify contractors that should Native remains or artifacts be uncovered during land development, work would need to cease and Tribal cultural resource experts need to be contacted immediately.	Immediate/ Ongoing	CAPS, PW, EHD, other development review agencies

Members of the community, at times in cooperation with other entities, have ongoing efforts to memorialize, protect and enhance sites, ideas, memories and persons that are foundational to the valley’s culture and history. The SPA feels that members of the community are in the best position to determine how to allocate their time

and resources to this endeavor.

Goal #4 Reduce Missoula County’s contribution to climate change while promoting resiliency and adapting to its impact on the natural environment and communities.

Objectives	Actions	Timeframe	Lead Partners
4.1 Reduce Missoula County’s contribution to climate change.	4.1.1 Use green building principles and consider energy efficiency and waste reduction when siting, upgrading, and constructing public facilities.	Ongoing	BCC, Facilities Management, PW
	4.1.2 Adopt a green-building incentive program for qualifying private sector development projects focusing on siting, energy efficiency, waste reduction and other measures.	Mid-term	CAPS, PW
	4.1.3 Encourage alternative energy development and use in county facilities and land use plans and policies.	Ongoing	CAPS
	4.1.4 Work with Mountain Line, MRTMA and/or other transportation providers to expand service to rural areas and/or promote ridesharing.	Long-term	CAPS, Mountain Line MRTMA
	4.1.5 Ensure land use plans and regulations accommodate home-based businesses where appropriate to reduce vehicle miles traveled	Ongoing	CAPS
	4.1.6 Develop county policy to reduce energy use and waste generation at the county level and encourage recycling efforts. Find and use renewable energy sources where possible.	Mid-term	BCC, Facilities Management

4.2 Develop and implement strategies to adapt to climate change.	4.2.1 Convene a working group to investigate the current level of greenhouse gas emissions generated from county facilities and develop a climate change monitoring, mitigation and adaptation plan for Missoula County or participate in other local working groups.	Immediate	BCC, CAPS
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Objectives	Actions	Timeframe	Lead Partners
4.3 Encourage legislative action on alternative energy.	4.3.1 Support the continuation of tax breaks for alternative energy.	Immediate	BCC
	4.3.2 Lobby for tax breaks for community solar.	Immediate	BCC

This section primarily deals with:

- a) guidelines for how the county should construct facilities that are dedicated to county governance functions**
- b) activities and incentives to encourage green building standards and alternative energy use**

A significant number of residents of the SPA do not accept the current perspective on climate change namely that there is a warming trend caused by man-made CO2 emissions. Many believe that one of the main purposes behind the “climate change rhetoric” is to promote an agenda, whose primary purpose is to extend centralized control over individuals and undermine the sovereignty of nations, states and communities and their desire for self-determination.

Furthermore, we maintain, that any discussion about “climate change” that does not include a full disclosure of the various geo-engineering and climate manipulation initiatives that have been going on for decades, often on a global scale, without the knowledge or consent of the citizenry of the nations, states and communities effected, is totally disingenuous and provides further justification for the belief that there is something else far more nefarious going on. Definitive proof of these activities and the ramifications for our health and freedom can be found in the seminal book by Elana Freeland entitled “Under An Ionized Sky”.

In turn, residents of the SPA would be totally against any further regulations over any aspect of their lives that are rationalized under the current “climate change” gestalt.

Goal #5 Promote economic development that creates opportunities throughout Missoula County including people living and working in rural communities and across wage levels

Objectives	Actions	Timeframe	Lead Partners
1 Support local businesses.	5.1.1 Develop a buy-local program for county government and invite other governments, non-profits and businesses to participate.	Mid-term	BCC
	5.1.2 Provide grant writing and other technical support to qualifying companies seeking to add value to local products and create jobs in rural areas.	Ongoing	BREDD, MEP, GCP
	5.1.3 Support business location, retention and expansion efforts as opportunities arise.	Ongoing	BREDD, BCC, MEP
	5.1.4 Work with business community to improve permitting systems and streamline development review.	Ongoing	
2 Expand economic opportunities in rural areas of the county.	5.2.1 Work with local economic development agencies to create a targeted plan(s) for rural communities.	Mid-term	MEP, BREDD, BCC, and private partners

Objectives	Actions	Timeframe	Lead Partners
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<p>5.3 Facilitate well-designed commercial and industrial development that is located appropriately, served by necessary infrastructure, conducive to public health and the environment, and reduces buyer and developer financial and legal risks.</p>	<p>5.3.1 Create an industrial site readiness and certification program based on the results of the Industrial Lands Study.</p>	<p>Mid-term</p>	<p>BCC, MDA</p>
	<p>5.3.2 Modernize the county zoning resolution to reflect current and anticipated industries and businesses and to encourage clean technology firms.</p>	<p>Mid-term</p>	<p>CAPS</p>
	<p>5.3.3 Support efforts of business groups in Missoula County communities to improve the appearance and function of the business districts.</p>	<p>Ongoing</p>	<p>CAPS, BCC, MDT, PW, GC</p>
<p>5.4 Facilitate the re-use of former industrial sites and previously developed, under-utilized parcels of land to revitalize blighted and infrastructure deficient areas and spur private investment.</p>	<p>5.4.1 Use brownfield programs, tax increment finance, targeted economic development districts and other tools to assist with redevelopment efforts.</p>	<p>Ongoing</p>	<p>GCP, MDA, BCC</p>

Objectives	Actions	Timeframe	Lead Partners
5.5 Support workforce training.	5.5.1 Develop a county internship program to provide training to local students.	Immediate	BCC, county depts, UM, Missoula College
	5.5.2 Partner with educational institutions and economic development agencies to create opportunities to retain college and university graduates by matching skills with local industries, especially emerging industries.	Ongoing	UM, Missoula College, BREDD, MEP

Our concerns here are as follows: That no initiative with the goal of increasing economic activity should:

- a) increase cost relative to revenue and thus increase taxes**
- b) increase debt**
- c) increase cost of capital**
- d) increase regulation**
- e) increase government’s intrusion into the life of the individual**
- f) increase reliance on government or NGO’s**
- g) reduce the rights of the individual in order to promote the benefit of the “collective”**

Any efforts in keeping with the intention expressed in 5.1.4 “Work ... to improve permitting systems and streamline development review”, would be embraced.

Goal #6 Embrace emerging economic trends and new technologies that will prepare Missoula County for the economy that will exist in 20 years

Objectives	Actions	Timeframe	Lead Partners
6.1 Support initiatives to expand digital communications and develop clean technologies throughout the county.	6.1.1 Research, assess, and enhance broadband availability and affordability throughout Missoula County.	Ongoing	BCC, BREDD, MEP
	6.1.2 Support legislation to expand digital communications in rural areas.	Ongoing	BCC, BREDD, MC Operations, MEP
	6.1.3 Adopt a county policy to require broadband conduit be included in projects in county right-of-way and private road easements in subdivisions for future expansion where appropriate.	Immediate	BCC, CAPS

There are increasing concerns regarding the health consequences of the new technologies that are being promoted – namely Genetic Modification, Nanotechnology and Communication technologies employing EMF, in particular wireless and 5G. We would urge the county to use its best efforts to stop the deployment of any technologies that would increase: man-made EMR (Electromagnetic Radiation) and specifically 5G, Genetic Modification of any kind (including CRISPR) and Nano substances.

Furthermore, there should be strict prohibitions against the use of existing or any new technologies for surveillance or the collection, compilation and analysis of personal data or data about persons made possible by these technologies, without consent.

Goal #7 Sustain and promote the land-and resource-based industries of agriculture, timber, restoration, and recreation that are part of the local economy and heritage.

Objectives	Actions	Timeframe	Lead Partners
7.1 Conserve agricultural lands and timberlands. (See also Landscapes.)	7.1.1 Identify actual amount of remaining agricultural land and evaluate its value/usability for agriculture using parcel size and other factors.	Midterm	CAPS, Extension Office
	7.1.2 Support projects using public and private funding sources to conserve agricultural lands.	Ongoing	CAPS, OLC
	7.1.3 Revise subdivision regulations to address impacts to agriculture and to conserve important agricultural soils.	Immediate	CAPS
7.2 Support local agriculture and businesses involved with wood products and encourage value-added operations.	7.2.1 Create land use designation mapping and zoning that include opportunities for growing and processing of natural resource products in appropriate locations, as well as the flexibility for affiliated businesses.	Mid-term	CAPS
	7.2.2 Assist with efforts to create and expand markets for locally grown and made products.	Ongoing	BREDD, MEP
	7.2.3 Research and develop policies, legal tools and funding sources for new farm start-ups and farmland conservation.	Immediate	CAPS, FVLT, Extension Office, CFAC, MOR, PTOL, City of Missoula, and other partners

Objectives	Actions	Timeframe	Lead Partners
7.3 Support efforts of public and private sectors to restore and maintain healthy forests, including harvesting timber, while meeting other resource management goals.	7.3.1 Engage in the Southwest Crown of the Continent Collaborative and other initiatives as opportunities arise.	Ongoing	BCC, CAPS, USFS
	7.3.2 Encourage forest restoration projects that result in economic activity, fuels reduction and improvements to wildlife habitat.	Immediate	OEM, USFS, PTOL
	7.3.3 Support legislation that enables collaborative efforts to restore and maintain healthy forests and reduce wildfire risks.	Ongoing	BCC
7.4 Help to develop the recreation and tourist economies.	7.4.1 Complete recreation mapping efforts and support marketing and educational opportunities.	Mid-term	PTOL, other partners
	7.4.2 Work with partners to develop and market a regional parks and trail system.	Ongoing	PTOL, City Parks and Recreation, BREDD, MEP, CAPS, local communities

It has been said that the road to hell is paved with the good intentions of progressives. We would be totally against any initiatives under the guise of “sustainability” that would:

- a) increase cost relative to revenue and thus increase taxes**
- b) increase debt**
- c) increase cost of capital**
- d) increase regulation**
- e) increase government’s intrusion into the life of the individual**
- f) increase reliance on government or NGO’s**
- g) reduce the rights of the individual to promote the benefit of the collective**

We have seen a strong intention expressed to try to identify all agricultural lands with “soils of value” so as to regulate their use in the name of sustainability.

Our concerns:

- a) No one advocating this goal and related objectives and actions has put forth a viable definition of “sustainability” or “food sovereignty” nor has demonstrated even a basic understanding of what would be involved to create either.
- b) As is always the case when such goals, objectives and actions are enumerated by governments, there is no expressed recognition of the primacy of the property rights of those owning the coveted land that has been targeted as a restraint against the assumed right of the state to do what it pleases with other peoples’ land for the good of the collective.
- c) We would also bring to the attention of the those entrusted with governance that there is a substantial amount of land containing “soils of interest” that is under the control of the county, that has been developed rather than “conserved”. Why do you have a double standard for yourself?
- d) We would totally be against any government agency imposing extraordinary regulations regarding use or development on land just because it has an agricultural designation and may contain “soils of interest”.

We would like to point out that the revised US Forest Service Plan that affects the SPA recognizes the need for remediation of forestlands close to the population interface. And from what we understand, there has been additional monies allocated in the recent federal budget for those activities. The emphasis here should not be

on what additional restrictions should be placed on private land owners to protect the forests, but what should be done to the forests to protect the landowners, especially from wildfires.

From the perspective of many in the SPA, our forestlands have been very poorly managed for many decades, in particular by the Federal Agencies entrusted with their care. First there was a policy of fire suppression, while allowing aggressive and totally unsustainable harvesting by corporate forest product companies. Then, once much of the prime timber was depleted, the policy shifted to non-interference, which even precluded intelligent grooming of the forests that would have ameliorated the certainty of devastating, high-intensity fires due to decades of fire suppression. Money was to be made fighting these fires, vs. grooming forests to prevent those fires, to the gross detriment of local communities and in particular the SPA.

Furthermore, there has been decades of geo-engineering conducted across our continent that have spread large concentrations of substances that are deleterious to the health of all biota including humans and trees. Thus, there is the reasonable assumption that the beetle infestation is in fact a reaction to this degradation due to the geo-engineering, rather than a cause of the degradation. The same with so called "climate change".

Governments are infamous for often initiating but always trying to benefit from the Hegelian Dialectic of problem – reaction - solution. One of the most ironic situations would be if the private land owner was made to suffer increased regulatory burden, because of the failure of government and its related agencies to act in a transparent, just, competent and legal manner.

Groom the forests to help remediate the decades of damage that was done by a negligent succession of fire suppression followed by laissez-faire. And wherever possible, use local resources to do it. Don't victimize the private landowner for the past sins of our government and its regulatory agencies.

Goal #8 Proactively plan and provide for the logical growth of communities while protecting rural character and sustaining county resources by guiding development to areas most suited for it

Objectives	Actions	Timeframe	Lead Partners
8.1 Protect and enhance the rural character that exists in much of the County, maintaining a clear distinction between urban and rural areas.	8.1.1 Review and update land use designation maps where there is community interest to accommodate growth, while protecting vital natural resources.	Immediate, Mid-term	CAPS
	8.1.2 Review and update or retire area and issue plans.	Immediate, Mid-term	CAPS
8.2 Provide opportunities for varied land uses in and around existing communities.	8.2.1 Update area plans and zoning regulations to accommodate modern development types for urban and rural areas.	Mid-term, Ongoing	CAPS
	8.2.2 Work with land owners and residents to develop area plans and apply zoning standards to guide community growth	Mid-term	CAPS

8.3 Guide new subdivisions and development to areas that have the least impact on natural resources and are most suited for development.	8.3.1 As part of land use and other plans, identify and communicate where development is encouraged and discouraged.	Ongoing, midterm
	8.3.2 Explore opportunities for zoning with density standards.	Mid-term

It has been made clear, from on and off the record statements of individuals associated with county, state and federal agencies, their actions and those of influential NGO's and self-declared "conservationists", that any development in the SPA that can be prevented, should be. A prime example is the ongoing obstacles that John Keller has been forced to deal with in order to get his subdivision to live – a subdivision, which has over 90% of the land designated as open space and would provide some of the most affordable and nature friendly housing in the SPA. Another example is a development that was proposed by Ralph Cruz (Jimmy Boyd) where he eventually just gave up because of headwinds he encountered from the county, despite preliminary plat approval.

When a law is passed by the state legislature, there are the regulatory bodies that turn that law into regulations that allow counties to exert constraints and promote political and control agendas that may be beyond the scope and intention of the law, and which can only be resisted by individuals through the judiciary and expensive and time consuming litigation.

The county has been clever in how it promotes its anti-growth agenda in the SPA in three ways:

- a) in its imposition unilaterally of regulations that are designed for urban developments with close proximity and density vs. a frontier community as we can best be described (as with its fire regulations).
- b) through its use of various bureaucracies with overlapping jurisdictions and permitting authority and requirements to create complexity and additional compliance hurdles.
- b) in its use of wildlife mitigation requirements, where the county and state "experts" have the weight of "authority" behind them, regardless of the validity of their premises and findings based on those premises.

The success of this growth suppression strategy can be seen by the lack of any new development occurring in the SPA that required subdivision approval within the last several decades. The county has been encouraged in their efforts by an active and vocal minority of SPA residents along with an amazing array of powerful NGO's who feel it is their entitlement to determine the future of "Crown of the Continent", since they know best. Yet, we hear cries for the need of affordable housing and jobs to keep our schools viable and our young adults as residents. There is no need to guess which agenda has the power, force and money behind it!

Many residents of the SPA view the current growth suppression strategy facilitated by the county that receives encouragement from "conservationists" and NGO's, as part of a depopulation agenda consistent with Agenda 21 and now Agenda 30 and its goal of creating vast areas around the world that are devoid of humans and designated as preserves. Needless to say, the SPA, imbedded between two wilderness areas, one of which is the largest in the 48 states, as part of the so called "Crown of the Continent" complex, is a key area that has been targeted for "preservation". The plan is working, as manifested by the dramatic reduction in resident population and the increase in average age of the population in the SPA since the last planning document was published. Our local elementary school used to have about 100 children enrolled. Now it has less than 20.

It is clear also that many in positions of authority in the county as well as a minority of the residents in the SPA, will not rest until zoning is in place county wide. The majority of SPA residents have been comforted in the past by the requirement that the imposition of zoning on a planning area could be resisted by just 40% of its citizens voting against. From what I understand, this protection from the potential tyranny of a simple county-wide majority has been precluded. So I believe it is important to state emphatically that **a majority of the residents of the SPA, do not want zoning in the SPA. What we want is to be left alone as much as possible and to have as much self-determination in how we lead our lives as possible - free from interference from Federal, State, County agencies or outsiders in the guise of NGO and conservation do-gooders.**

Goal #9 As part of planning, support the provision of infrastructure and services to and within rural communities

Objectives	Actions	Timeframe	Lead Partners
9.1 Support increased infrastructure capacity, services and amenities in and around existing communities where appropriate.	9.1.1 Continue to identify and set priorities for community development projects, while minimizing impacts to service providers.	Ongoing	PW, MDT
	9.1.2 Provide grant writing administration, and technical support for projects.	Ongoing	PW, GCP
	9.1.3 Support legislative efforts to provide infrastructure funding for community development.	Ongoing	BCC
	9.1.4 Create and support policies that require developers and new users to pay their proportional share of the costs necessary to serve new development.	Mid-term	CAPS, PW

Arguably, the only thing the SPA needs, is more reliable phone service and faster internet infrastructure that is not microwave based (which does not add to EMR emissions). Anything else is not practical. The paradigm here is one of a “frontier community” – not a rural community on the outskirts of a city.

Goal #10 Provide opportunities for a wide range of housing choices, especially for those who are homeless or experiencing high costs for housing relative to income

Objectives	Actions	Timeframe	Lead Partners
10.1 Facilitate the development of a variety of housing types including housing that is affordable to segments of the population.	10.1.1 Project the amount of housing that will be needed of all types and price levels to accommodate the projected population growth.	Mid-term	GCP, CAPS, PW Building Division, MOR, other partners
	10.1.2 Identify areas for housing development through land use designation mapping and area planning to accommodate the projected housing needs.	Mid-term	GCP, CAPS, PW Building Division, MOR
	10.1.3 Work with local communities to revise or initiate new zoning to accommodate the projected housing needs.	Mid-term	MHA, GCP, CAPS
	10.1.4 Research and create an incentive program for private development of housing for underserved groups.	Mid-term	MHA, GCP, CAPS, BCC, private developers
	10.1.5 Seek and utilize creative financing tools and public funding to provide housing for underserved groups.	Ongoing	MHA, GCP, CAPS, other housing developers

Note: Objectives and actions related to affordable housing are located elsewhere in this chapter, particularly under Goals 8 and 9.

Again, the language and the content of this section demonstrate how irrelevant the county land use plan is to the SPA. There is no population growth in the SPA – it is in decline. Given a) the number of developable parcels in the SPA, b) that any landowner can build up to 4 residences on a parcel outside of subdivision regulations as long as there is compliance with state septic standards, the SPA could more than triple its current residential units without incurring any need to go through the subdivision process. That represents enough supply to meet a century of demand given trends over the last decade. Also, given the lack of jobs and

low cost housing in the area, it is clear that for the foreseeable future the SPA will be attractive primarily to persons looking for a vacation residence, retirees who like wilderness or those who have successful home-based businesses who like wilderness – all of whom will need the financial resources to afford the housing and living costs associated with being a SPA resident. Currently, there is little demand for housing from these constituencies as well.

But if the county is truly interested in meeting the goals and objectives for affordable housing, then I suggest it do everything it can to facilitate John Keller's project – since this is the only affordable housing of any substance that has been proposed for the SPA in decades.

Goal #11 Reduce the safety risks and costs associated with wildland fire, flooding, and other hazards

Objectives	Actions	Timeframe	Lead Partners
11.1 Discourage development in hazardous areas and areas where public and emergency responder safety is compromised.	11.1.1 Identify hazardous areas, including mapping of wildfire and floodplain risks.	Immediate, Ongoing	OEM, CAPS, DNRC, USFS, fire districts, fire service fee area
	11.1.2 Provide mapping and other information to the public about local hazards in an easily accessible format.	Immediate	CAPS, OEM, other partners
	11.1.3 Explore zoning regulations to guide growth to appropriate locations (outside of hazard areas).	Mid-term	CAPS, OEM
	11.1.4 Complete channel migration zone mapping to identify historical river and stream movement and model future movement.	Mid-term	OEM, Health dept, CAPS

Objectives	Actions	Timefra	Lead Partners
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11.2 When development in hazardous areas does occur, take appropriate measures to limit safety risks and ensure emergency personnel have sufficient resources to respond safely and effectively.	11.2.1 Work with public safety and resource agencies to identify and mitigate risks and provide appropriate resources for public and responder safety.	Ongoing	OEM, CAPS, GCP, fire districts, fire service areas
	11.2.2 Adopt development regulations that require the best possible hazardous mitigation techniques, including Firewise construction, multiple accesses, etc.	Ongoing	OEM, CAPS, PW, DNRC, fire districts, fire service areas
	11.2.3 Provide information to landowners regarding development in hazardous areas (evacuation plans, Firewise development practices, etc.). Explore the possibility of providing risk disclosure statements.	Ongoing	OEM, CAPS, fire districts
	11.2.4 Support efforts such as cost sharing to help landowners reduce fuels and take measures to make their properties more resilient to hazards.	Ongoing	OEM, GCP

Our greatest need: remediation within the Rural/Wilderness interface. The Forest Service has come up with a new plan to do that and supposedly the funding. If done properly, that will go a long way to reducing the potential destruction of substantial portions of the SPA commercial, residential and agricultural infrastructure from fire – which is our greatest threat.

Goal #12 Promote healthy active communities

Objectives	Actions	Timeframe	Lead Partners
12.1 Expand and maintain the network of trails, pathways and sidewalks.	12.1.1 Support development, maintenance, and expansion of trails, including those in the County Parks and Trails Master Plan and the Active Transportation Plan.	Ongoing	PTOL, City, MPO
	12.1.2 Pursue funding for trail development and maintenance, including legislation.	Ongoing	PTOL, City, MPO, MDT, private organizations
12.2 Enhance parks and recreational opportunities throughout Missoula County.	12.2.1 Implement the Parks and Trails Master Plan	Ongoing	PTOL, City Parks and Recreation
12.3 Encourage development of community facilities that promote health and wellness for all age groups.	12.3.1 Coordinate with the health community to provide and enhance community facilities for health and wellness.	Ongoing	Health dept, PTOL

Again, these goals and objectives have no relevance for the SPA, which has immediate access to many 100's of miles of designated trails and back roads in some of the most spectacular forest and wilderness areas in the USA. So the county should lobby Federal agencies with jurisdiction over these areas to increase not limit accessibility to what is there – that is the best way they can help. But it needs to be made clear that the SPA, along with other outlying rural areas, continue to be burdened financially by initiatives that provide primary benefit to city and nearby residents, not the rural communities e.g. bonds and associated tax increases for the new library (over \$30M) and playing fields at the absurd cost of over \$40M. Worldwide, as in Missoula county, cities continue to grow and prosper at the expense of the rural and frontier communities.

Goal #13 Promote equal access to employment, safe housing, transportation, community services and amenities for all segments of the population

Objectives	Actions	Timeframe	Lead Partners
13.1 Maximize access for all segments of the population to economic opportunities, social services, health care and other services.	13.1.1 Assess where services are not reaching those in need or are not effective and identify needed actions to ensure access.	Ongoing	GCP, PHC, federal, state and tribal agencies, non-profit organizations

Give power and access to funding to the SPA itself (through the Community Council) so it can determine the best way to serve those who are underserved. Though in frontier communities as with the SPA, there is a tradition for neighbors to look out for each other and assist those who need help, with no need for direction, encouragement or funding from the government.

Goal #14 Improve communication between Missoula County officials and residents and enhance opportunities for public engagement in local government

Objectives	Actions	Timeframe	Lead Partners
14.1 Increase contact and communication between Missoula County government and residents.	14.1.1 Ensure staff or county officials attend community meetings when appropriate.	Ongoing	BCC, Communications dept, county depts
	14.1.2 Implement other communication mechanisms to maximize public outreach and transparency.	Ongoing	BCC, Communications dept, county depts
	14.1.3 Utilize community councils and other advisory boards to help improve communication in both directions and provide opportunities for public engagement.	Ongoing	BCC, county depts
	14.1.4 Provide staff support to community efforts when fiscally possible.	Ongoing	BCC, CAPS, PW, Health dept, Weed District
	14.1.5 Implement policies regarding public meeting notice and update as needed.	Ongoing	BCC, Communications dept
	14.1.6 Prepare and disseminate information on the relationship between taxes paid and cost of providing services.	Ongoing	Finance and Communications depts

Objectives	Actions	Timeframe	Lead Partners
14.2 Enhance opportunities for public engagement.	14.2.1 Support and encourage opportunities for rural representation on County boards.	Ongoing	BCC
	14.2.2 Evaluate whether the joint City-County Planning Board provides sufficient representation to rural areas.	Immediate	BCC, CAPS
	14.2.3 Structure community development projects to incorporate a variety of opportunities for public involvement.	Ongoing	CAPS, Communications of county depts, BCC
	14.2.4 Increase PB members involvement in rural projects and provide opportunities for PB to learn about rural planning and community issues.	Immediate	BCC, CAPS, county depts., PB

An important part of communicating is active listening with the intention of changing policies, agendas, processes and procedures to accommodate what has been heard. The majority of SPA residents do not feel aligned with the goals and objectives of the county government, nor do they feel that the county government is aligned with its goals, objectives and needs. Top down rule and unilateral policy enforcement has been the norm. Governments have a way of setting up many forums where opinions can be expressed, often during working hours, which can then be ignored or dismissed once the obligation for commentary has been fulfilled in deed but not in spirit.

So if the county is serious about the principles expressed in 14, then the commissioners should give power to the Community Council so the SPA can self-govern. It is pretentious to assume that the county commissioners and regulators know better what the SPA needs and wants than the SPA itself. It is pretentious to think that the community is less concerned about conserving the natural beauty inherent in the SPA than outsiders, who claim they know how to do it better. Give political power to the Community Council so the SPA can have legal standing with the Federal Agencies that have much power and sway over the lives of the SPA residents. Quit treating the SPA and other rural communities as “stepchildren” and give them the authority and autonomy to self-determine, self-rule and self-regulate.

Goal #15 Provide effective customer service and flexible, predictable and timely development review processes

Objectives	Actions	Timeframe	Lead Partners
15.1 Provide simple, clear and flexible land use and development regulations, procedures and forms.	15.1.1 Use plain language, graphics and build in flexibility as regulations are revised.	Ongoing	CAPS, PW, Health dept., county depts
	15.1.2 Provide resourceful and responsive assistance in a fair and objective manner to Missoula County residents, businesses, property owners, and visitors.	Ongoing	CAPS, PW, Health dept., county depts
	15.1.3 Set up a regular meeting of agency personnel to review development applications. Explore options to incentivize early comment from agencies and resolution of conflicting comments.	Immediate	CAPS, PW, EHD, other development review agencies
	15.1.4 Establish targets to process development applications more quickly than required under state law.	Immediate	CAPS, PW, EHD, other development review agencies
15.2 Provide enforcement of development regulations that are reasonable and adequate.	15.2.1 Development rules will be enforced using common sense.	Ongoing	CAPS, Health dept, PW, County Attorney

From your pen to God's ears, with the following caveat – the last thing the SPA needs is more rules and regulations regarding land use and non-commercial development on private property.

Goal #16 Promote cooperation between Missoula County and the city, state, federal and tribal governments

Objectives	Actions	Timeframe	Lead Partners
16.1 Maintain compatible policies, coordinated services and regular communication with the City of Missoula.	16.1.1 Maintain and update as needed the City-County inter-local agreement that guides coordinated planning efforts.	Ongoing	BCC, CAPS, Development Services, Mayor
	16.1.2 Maintain an agreement for review of plans and projects in the Missoula urban fringe.	Ongoing	CAPS, Development Services, Mayor
16.2 Maintain open, regular communication and coordinated efforts for better service delivery to the public.	16.2.1 Continue to conduct regular meetings with agencies and organizations to exchange information and address common issues.	Ongoing	BCC, CAPS, other governments, private sector organizations
16.3 Maintain the Memorandum Understanding with land management agencies in Missoula County.	16.3.1 Continue biannual meetings with land management agencies, and interagency review of development projects.	Ongoing	BCC, CAPS, DNRC, USFS, BLM, MDT,
16.4 Maintain the land use Memorandum of Agreement with the Confederated Salish and Kootenai Tribes.	16.4.1 Follow the provisions of the MOA with CSKT regarding review of development projects.	Ongoing	BCC, CAPS, CSKT
	16.4.2 Continue annual or as needed meetings between the BCC and the Tribal Council of the CSKT.	Ongoing	BCC, CAPS, CSKT

Give the SPA legal standing so that it can interface with all of the above mentioned entities directly. We do not trust the county to represent and advocate for our interests equitably and effectively

Two final notes.

Private landowners who are invested in the community are the best constituency for maintaining the health and viability of the physical and cultural resources, since their property values and quality of life are dependent on doing so. I personally have spent 200k on forest remediation on my land that has reduced the dangers of catastrophic wildfires and promoted healthier and more iconic native tree growth. The positive effect on the local ecosystem is palpable. I have also refused to employ weed and beetle control technologies that have been endorsed and subsidized by governmental agencies and the primary local NGO that promote, for weed control what in my opinion are harmful chemicals, and for beetles, technologies which do not address root cause problems and whose consequences have not yet been totally identified. My weed control is done by hand. Furthermore, I believe we would be much better served by understanding what “weeds” are trying to tell us rather than to consider them unilaterally as pests worthy only of eradication. My culling of beetle infested trees is done by the individual tree. But ultimately, unless we can stop government sanctioned abuses of the biosphere, through, for example, destructive agricultural practices and initiatives of the military and deep state that pollute our world with all kinds of Electromagnetic Radiation as well as many harmful substances, further deterioration in the health and wellbeing of all biota and GAIA are a certainty.

Perhaps my conservation credentials aren't that bad after all!

I have attached a document that I was arguably coerced into signing given county protocols in order to erect a pole barn under an agricultural exemption instead of having to go through a much more involved and costly permitting process for a building that was not exempt. In this brave new world of regulation, I would be committing a crime, subject to a fine and up to 6 months of imprisonment, if I store a personal vehicle or *any other personal property* in MY barn!

Who would have thought? – except us *constitutional radical conservationists*.

I rest my case!



AFFIDAVIT OF AGRICULTURAL EXEMPTION

To promote the general safety and welfare of the citizens of Missoula County, the Missoula Board of County Commissioners passed Resolution No. 2006-025, on February 8, 2006.

Resolution 2006-025 provided for; the creation of the Building Codes Division of the Public Works Department; the adoption of model building codes as adopted and amended by the State of Montana; the exemption of certain buildings and structures from building code requirements.

Resolution 2006-025 recognizes all of the exemptions listed in Sections 105 of the International Residential Code (IRC) and the International Building Code (IBC). In addition to the exemptions listed in the IRC and IBC, Resolution 2006-025 also exempts agricultural buildings not designed for human occupancy.

The building code definition of an agricultural building is; "A structure designed and constructed to house farm implements, hay, grain, poultry, livestock or other horticultural products. This structure shall not be a place of human habitation or a place of employment where agricultural products are processed, treated or packaged, nor shall it be a place used by the public."

The use of a building, rather than what it is called, determines its exemption from building codes. A "pole barn" intended to be used as an agricultural building, as defined above, is exempt from building permits. However, a "pole barn" used as a shop, or to house recreational or personal vehicles, or for the storage of personal belongings, is not an agricultural building and requires a building permit.

Montana Code Annotated Title 45-7-202 False swearing. (1) A person commits the offense of false swearing if the person knowingly makes a false statement under oath or equivalent affirmation or swears or affirms the truth of a statement previously made when the person does not believe the statement to be true and:

- (a) the falsification occurs in an official proceeding;
- (b) the falsification is purposely made to mislead a public servant in performing an official function; or
- (c) the statement is one that is required by law to be sworn or affirmed before a notary or other person authorized to administer oaths.

(2) Subsections (4) through (7) of 45-7-201 apply to this section.

(3) Except as provided in 13-35-240, a person convicted of false swearing shall be fined an amount not to exceed \$500 or be imprisoned in the county jail for a term not to exceed 6 months, or both.

To obtain an agricultural exemption, the owner(s) of the subject property must sign this declaration in the presence of a notary public and present it to the Building Codes Division.

This document will then be filed with the Missoula County Clerk and Recorder's Office.

Agricultural buildings are exempt from building permits ONLY. Exemption from building permits does not obviate any other requirements, such as; electrical permits and inspections; zoning compliance permits if the property is zoned; flood plain permits; shoreline restrictions, etc. The onus is on the property owner to ensure that the structure complies with any other applicable requirements.

Pages: 2

201407335 B: 929 P: 258

08/04/2014 08:50:04 AM Affidavit

Vickie M Zeier, Missoula County Clerk & Recorder



If an agricultural building is used for any other purpose than that which is defined in Section 105 of the Building Code, a Building Permit will be required and the building will have to comply with Building Code requirements for the intended use.

STATE OF MONTANA)

) SS.

COUNTY OF MISSOULA)

I/We have read this document and understand the definition of an agricultural building. I/We certify that the proposed structure will be used for agricultural purposes only, as defined by Section 105 of the Building Code.

I/We understand that an agricultural building is exempt from building permits only. I/We further understand that if the use of this structure changes from an agricultural use, as defined by Section 105 of the Building Code, a permit is required and the building will have to comply with Building Code requirements for the intended use.

I/We understand that, by signing this document, I/We am/are subject to criminal prosecution by the Missoula County Attorney's Office, as authorized by 45-7-202-MCA.

3444 Stonewall Lake Rd

1920

Location of Property (address)

Square Footage

S22, T20N, R17W, C.O.S. 5657

Legal Description

Hay/Animal BARN

Description of Agricultural purpose

HARRY BLAZER

Owner's Printed Name

Owner's Printed Name

[Signature]

Owner's Signature

[Signature]

Owner's Signature

SUBSCRIBED AND SWORN to before me on this 27 day of May, 2014

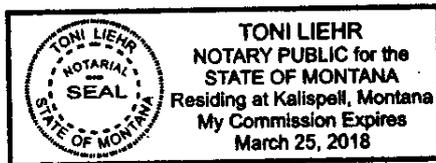
Toni Liehr

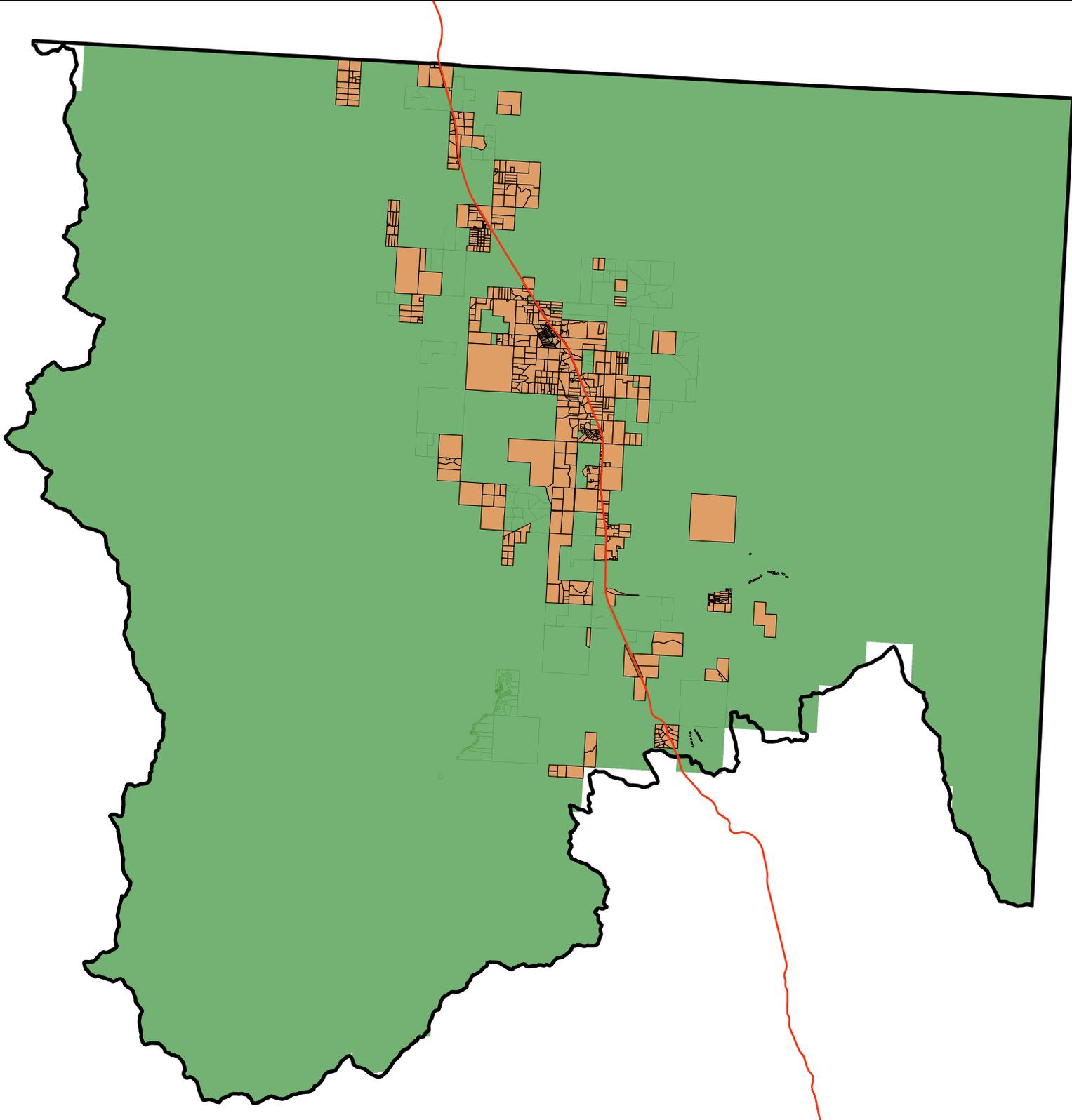
Name

Printed

Residing at Kalispell MT

My Commission Expires 3/25/2018





2018 Swan Valley Profile

	Swan Plan Area PRIVATE developable vacant	5395 acres	203 parcels	avg 27 acres
	Swan Plan Area PRIVATE developable	13844 acres	695 parcels	avg 20 acres
	Swan Plan Area PRIVATE with known restrictions	10603 acres	245 parcels	avg 43 acres
	MissoulaOwnerParcel_Swan Plan Area PRIVATE	24447 acres	940 parcels	avg 26 acres
	MissoulaOwnerParcel_Swan Plan Area PUBLIC	213222 acres		
	MissoulaOwnerParcel_Swan Plan Area	237669 acres		