

October 18, 2007

Flathead County Planning Board  
Earl Bennett Building  
1035 1st Ave West  
Kalispell, MT 59901

Dear Planning Board members,

Thank you for the opportunity to comment on the adoption of streamside setback provisions into the Flathead County Subdivisions as a provision to provide for the retention and enhancement of our valley's water quality as well as the safety and welfare of Flathead County residents. Citizens for a Better Flathead, as you are well aware, works to inform and empower residents of Flathead County with information about the land use planning process and best practices and innovations that similar communities are using to address comparable growth related issues. We encourage all residents to actively participate in land use decisions and to encourage the stewardship of the Flathead Valley's natural beauty and resources. Citizens for a Better Flathead was founded in 1992 and has over 1400 members.

We support the adoption of setbacks into the Flathead County Subdivision Regulations as recommended by local scientists that call for setbacks of 100 feet for smaller streams; 200 feet for the Swan, Whitefish, Stillwater, Pleasant Valley/Fisher Rivers and Ashley Creek; and 300 feet for the Flathead River and its three forks. We feel the proposed setbacks drafted for your consideration by local scientists are the minimum that can be supported for the protection of water quality in the Flathead based on sound science. They are also an important step for the county to take in helping to reduce sedimentation and meet the required state TMDL limits for lakes, rivers, and streams in the Flathead. Additional guidelines may be needed to address other resources associated with streams including wildlife and wetlands.

We wish to provide for the hearing record a summary of research that further points to additional benefits of streamside setbacks in addition to protecting water quality. These include compiled research that has demonstrated that streamside setbacks:

- **Increase the value of property when they are put in place.**
- **Enhance the appeal and attractiveness of communities and as a result attract investment dollars in homes and businesses.** Conservation of rivers and streams is important to maintaining the rural character of a community's landscape,

protecting visual resources, maintaining strong local economies, and preserving quality of life.

- **Attract tourism dollars that are a major element of our local economy.** The recreational value and appeal of streams and rivers is enhanced when setbacks are in place and this plays an important role in attracting tourism dollars.

Examples Include:

- A study conducted by Michigan State University in 1996 found that property included in their “Natural Rivers Program” – meaning those that have setbacks in place ranging from 100 to 200 feet – increase in value at a rate faster than rivers that do not have setbacks and have a greater appeal to potential buyers.
- Furthermore, studies show that where water quality and fish habitat protection has been designed into new subdivisions and developments, real estate values have increased because of the natural amenity offered.

**We have attached a memo referencing a dozen studies that have shown this to be true.**

**The increase in property value and the appeal to potential buyers may also be one of the reasons that Flathead County is see an increase in developers who are already living up to the proposed setbacks.** The recent 300 unit Silverbrook subdivision, near Church Drive north of Kalispell, requires setbacks ranging from 200 to 400 feet along the Stillwater River; the Ashley Lake South subdivision requires setbacks of 150 feet from Ashley and Bernard Creeks; and the Haskill’s Pass subdivision near Marion requires 150 feet from Herrig Creek.

In a 2006 publication titled “Representing Property with Wetlands and Riparian Areas – A Guide for Montana’s Realtors” it was stated that “Protected wetlands and riparian areas not only increase property values, but also provide many other local economic advantages that improve the quality of life. Healthy wetlands and riparian areas lead to strong, vibrant communities that attract businesses and newcomers to Montana by providing<sup>1</sup>:

- ✓ Increased tax revenue
- ✓ Inexpensive flood protection
- ✓ Increased revenue for businesses providing recreation services and products
- ✓ Protection for surface- and ground-water quality, eliminating the need for costly water treatment facilities that many communities cannot afford
- ✓ Inexpensive erosion control”

Clean water is directly linked to a strong economy. In the Flathead, tourism is a major component of our economy because of our vast natural amenities that people from all over the world come to enjoy.

- A study done by the Institute for Tourism and Recreation Research of the University of Montana, found that for those vacationing in the Flathead Valley, their top attractions were Glacier National Park, mountains/forests, open space/uncrowded areas, lakes, and rivers. **In 2006, those visitors poured 297,092,216 million dollars into our economy.**
- **Flathead Lake is a huge economic asset to Flathead County.** According to Jack Stanford, the director of the Flathead Lake Biological Station, the **economic value of Flathead Lake is between 6 and 10 billion dollars.** And clean water is the main driving factor behind that. Out of the 300 largest lakes in the world, of those in which people live around, Flathead Lake is the cleanest. However, the water quality of Flathead Lake has been steadily declining since 1977. Our polluted stream and river water which ends up in Flathead Lake is a major contributor to this degradation and thus we must take action to limit the pollutants entering our streams and rivers through the adoption of streamside setbacks.
- **Many Montana counties have already established streamside setbacks** including, Choteau, Powell, Missoula, Gallatin, Lewis and Clark, Madison, Meagher, and Park Counties.

**Indeed, the real question we should be asking in considering the adoption of streamside setbacks is what will be the loss in property values if we do not put in place safeguards to preserve our water quality?**

► **An additional point that we wish to make is regarding who will benefit from the adoption of streamside setbacks.** From a water quality perspective the answer is all residents and future generations. We also need to look then at who will be impacted in terms of how they can develop an individual piece of property that they own. Here again we found some interesting facts.

- **In Flathead County. Private timber land accounts for 23% of all streamside land in Flathead County.** As long as this land remains in timber production and is not proposed for residential subdivisions it is not impacted by these proposed streamside setbacks. Timber companies have a set of best management practices that they adhere to in their timber management near streams.
- **80% of Flathead County residents own less than 5 acres, 62% own less than one acre, and even fewer own waterfront property** that has the potential to be subdivided. This doesn't leave much land that would be subject to these regulations, given that all existing lots are grandfathered in and this regulation only comes into affect when someone chooses to use the subdivision process to create additional lots for sale.

- **66% of Flathead County households earn \$50,000 or less and thus can not afford a medium priced home.** The average home sale price in Flathead County overall has gone up from \$75,000 in 1990 to over \$350,000 in 2006. The average price of a home on the Flathead waterfront is \$1,311,000 million dollars.

- **The majority of people who will be affected are those looking to subdivide property to maximize their profits.** According to recent media reports, it is estimated that 70% of the lots being sold in the Flathead are to out-of-state buyers. Thus, it certainly isn't your average Montana family making the median income of \$41,000 per year who benefit if you should choose not to put in place stream side setback to protect our valley's water quality. Given these numbers it becomes clear that individual property rights are best served by putting in place common sense, flexible regulations that allow development, but simply require it to be set back to preserve our clean water for current and future generations. Please do your job as an elected official and provide the greatest good for the greatest number of people by adopting streamside setbacks.

Sincerely,

Mayre Flowers, Executive Director  
Citizens for a Better Flathead