Glenda Wiles

From: DARRYL L OSBURN [dosburn4759@msn.com]
Sent: Tuesday, September 18, 2007 2:24 PM
To: Glenda Wiles

County Commissioners,

After reviewing the latest draft of the Stream setback resolution and also having the retired Head of the U.S. Army Corps of Engineers review this draft, I have many concerns.

There exists no emergency for this action.

Protect life and property from flooding, this is already addressed by flood plain regulations.

Protect property due to stream migration and erosion, this resolution may actually aggravate this due to less access to mitigation methods.

Protect important groundwater recharge areas, No effect!

Protect fish habitat and spawning areas, Protected already by 310 and Federal 404 regulations.

Protect recreational opportunities, Restricts not protects.

Protect real personal property rights of landowners, This will do the opposite by restricting and inhibiting.

The definitions in this document are very vague and leave Ravalli County wide open and susceptible to lawsuits.

Natural pond is well defined but natural channel is not.

Wetland is not defined by the Army Corps of Engineers by having a high water mark, a wetland has a very complicated definition, defined by plant species etc. Everywhere in this document it refers to wetlands and setbacks. This is a lawsuit waiting to happen.

Recreation will be limited to non motorized vehicles, This means a property owner could not ride a motorcycle, 4 wheeler, drive a vehicle within this setback. One could not drive to the river and launch a raft to float the river or take out on their own property. This a prime example of the taking of private property rights!

As I read this a property owner could not irrigate or mow grass within the setback.

This document it very poorly written with most issues being able to be interpreted many ways, thus if passed Ravalli County will be in court for many years.

I strongly recommend that you do not pass this emergency resolution and you take your time to write well thought out setback regulations that can be enforced and will stand up in court.

Sincerely,

Darryl Osburn