

MISSOULA URBAN AREA OPEN SPACE PLAN

2006 UPDATE



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Adopted by the City and County of Missoula, September, 2006

This Plan update was prepared by Jacquelyn Corday, Open Space Program Manager with Missoula Parks and Recreation Department, with significant support from Laval Means and Casey Wilson of Office of Planning & Grants (OPG) and members of the Open Space Advisory Committee (OSAC). In addition, members of the City Parks staff listed below provided review, support and information to include in the plan.

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The open space vision first created in the 1995 plan is substantially carried forth in this update. The following individuals were the principal authors of that plan: Ron Erickson and Richard Gotshalk (former OSAC chairs), Erik Benson (former Graphic Artist with OPG), Doris Fischer, Tim Hall, Philip Maechling, and Kate Supplee (former Planners with OPG and Kate later became the Open Space Program Manager), and Jim Van Fossen and Douglas Waters (formerly with the Parks & Recreations Department).

With Special thanks to the citizen *Open Space Working Group*
(See pg 5 for explanation)

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Foreword

Grass-covered hills blanketed with wildflowers, the cool shade of riverside cottonwoods, the play of sun and clouds on the horizon, the smell of a pine forest after a thunderstorm, the sweet song of a yellow warbler, ancient shorelines etched in snow - this is just a sampling of the natural beauty that residents and visitors can enjoy in Missoula without ever leaving the city. This natural setting also provides abundant opportunities for outdoor activities, such as hiking, strolling, bird watching, bicycling, fishing, picnicking, floating, and observing and interpreting nature. These experiences and activities are essential to the quality of life here.

Recent rapid development of the Missoula valley has sparked a mounting community awareness that preserving the city's quality of life depends on conserving its natural setting. With Missoula's undeveloped land coming under greater and greater pressure to accommodate new growth, there is a sense of urgency that many of the areas that make Missoula a unique place could be lost forever.

This concern for the landscape is not new in Missoula. It has been expressed repeatedly by citizens and civic leaders for generations. The most recent and formal articulation of Missoula's commitment to conserving its natural assets took place in 1995 when city and county officials adopted the *Missoula Urban Area Open Space Plan* and city voters passed a \$5 million bond to help implement the new plan.

During the past eleven years, that bond money and additional funds made available by working together with partners such as the US Forest Service, Fish Wildlife & Parks, and Five Valleys Land Trust, has created a successful and popular open space system, consisting of 3,300 acres of hillsides, wildlife-filled woody draws, stretches of riparian corridors with cottonwood gallery forests and river access, a bike commuter trail system, lands for a regional recreation complex, and a small neighborhood park. Although the bond is nearly spent, the work to protect cherished open spaces and defining features throughout an ever-expanding Missoula is far from over. There are numerous opportunities for adding to our existing open space system, and strong public support for doing so.

The *Missoula Urban Area Open Space Plan 2006 Update* is the starting point for moving the city into the next stage of open space protection. The document is dedicated to continuing Missoula's spirit and legacy of conservation, and reaffirms the city's long-held goal of "providing a high quality environment and protecting land which is vital to the total ecological picture of the Missoula Valley." (*Missoula's Policy Guide for Urban Growth*, 1975.)

The *Update* addresses the need for a dynamic, integrated open space system with improved linkages, more spaces to meet new or unmet needs, and protection of the natural assets and environmental base of the open space system. The plan calls for expanding the open space system through land acquisition and conservation easements, being ever mindful of the need for a network of open lands, trails, and bike paths to better access existing and new open spaces, as well as to enjoy linear forms of recreation, such as walking, hiking, and biking.

The goals of the *Missoula Urban Area Open Space Plan 2006 Update* are as follows:

1. Preserve natural systems through open space acquisition and conservation easements.
 - Protect, maintain, and enhance areas that sustain our human, plant, and animal communities.
 - Protect and preserve natural areas and open spaces of local and regional significance for the benefit of future generations.
 - Preserve places of refuge and travel corridors for wildlife and people.
 - Protect river corridors, aquifer recharge areas, and other water sources.
2. Protect areas that reflect other community open space values, such as geologic, historic, archaeological, and other cultural resources.
 - Preserve scenic viewpoints and viewsheds.
 - Protect the visual reminders of our geologic history.
 - Spatially define the shape of our growing community in a way that honors its significant land forms and natural features.
 - Preserve significant agricultural lands in their historic use.
3. More fully connect urban area open spaces, and link them to the other major open lands adjacent to the urban area.
 - Provide appropriate public access to natural areas and open spaces, including improved opportunities for pedestrian and bicycle access and interaction throughout our community.
4. Use a broad range of financial and administrative tools to conserve open space areas.
 - Pursue public/private partnerships, the full array of conservation methods, regulatory approaches, leveraging funds, and volunteer and pro bono expertise.

The *Missoula Urban Area Open Space Plan 2006 Update* embraces the idea that open space is central to Missoula's identity - both its sense of itself and the identity that it projects to the outside. It is a systematic and logical action plan for preserving the city's natural landscapes within a context of rapid growth, and for retaining its quality of life for present and future generations. This plan is presented to the citizens of Missoula as a useful guide for reaffirming the community's commitment to protecting its special places.

Karen Knudsen
Open Space Advisory Committee Chair



Mount Sentinel viewed from the Tower Street Conservation Area

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I. INTRODUCTION

A. HISTORY OF THE PLAN

Missoula's citizens have long cherished their surrounding natural environment - scenic open hillsides, Clark Fork and Bitterroot River corridors, agricultural lands, and natural areas that provide important wildlife habitat. These natural amenities create a unique sense of place that defines Missoula. In 1991, in response to citizens' concerns about the loss of open space due to rapid growth, the citizen Open Space Advisory Committee (OSAC) proposed that City and County officials work with local citizens to envision and strategically plan for an urban area open space system. Many individuals and organizations joined this effort. In 1993, the City Council funded an open space planning position at the Office of Planning and Grants (OPG). This commitment enabled OPG staff to work with the Missoula Parks and Recreation Department and OSAC to draft an open space plan.

The Missoula City Council and County Commissioners adopted the *Missoula Urban Area Open Space Plan* in August 1995 as an amendment to the *Missoula Comprehensive Plan* and in 2002 as an amendment to the *Missoula Growth Policy*. The plan's highest priority focused on protection of natural habitats and geologic features such as the surrounding hillsides and river corridors. Protecting these areas would serve many purposes, including preserving scenic views and vistas, and protecting important ungulate winter range, wildlife habitat and corridors, while increasing our quality of life by providing a diversity of recreational and educational opportunities for the Missoula community.

In November of 1995, City of Missoula voters passed a \$5,000,000 open space bond to help implement the new open space plan. Over the past ten years, the bond money has successfully been used to purchase over 3,300 acres of open space, all within the priority areas identified in the Open Space Plan (referred to as "cornerstones"). The majority of these lands are managed for their wildlife values, scenic beauty, and passive recreation such as hiking, bird watching, and river access. Other lands have been purchased for active recreation purposes, such as the 97 acres in the Fort Missoula area that will ultimately be joined with a County 60-acre park to become the Fort Missoula Regional Park. The open space bond money also went to expanding the bike commuter trail system, including the Bitterroot Spur and the Milwaukee Railroad corridor, and acquire a small neighborhood park in the River Road area. Refer to Appendix A for a complete listing of all lands purchased with the 1995 bond funds.

Working together with partners such as Five Valleys Land Trust, US Forest Service, Fish, Wildlife & Parks, Rocky Mountain Elk Foundation, and the Trust for Public Lands made many of the land purchases and/or conservation easements possible. The partners contributed funds and/or helped facilitate negotiations with the landowners. Bruce Bugbee of American Public Land Exchange began serving as the City's Conservation Realtor in 1995. His work in contacting landowners, negotiating terms, and preparing the transactional documents has been instrumental in the acquisition process. None of the 3,300 acres would have been protected, however, without the vision of the landowners themselves, who in many cases, sold their land to the City or granted a conservation easement at less than the appraised value.

B. DEFINING OPEN SPACE AND OPEN SPACE SYSTEM

This plan defines “open space” as lands that have the following characteristics:

- They are in primarily a natural state and contain few or no structures; and
- They contain significant natural, aesthetic, or recreational features that warrant protection.

Montana state law defines “open space land” as “any land which is provided or preserved for: (a) park or recreational purposes; (b) conservation of land or other natural resources; (c) historic or scenic purposes; or (d) assisting in the shaping of the character, direction, and timing of community development.” MCA 76-6-104.

Similar to state law, this plan further defines open space by describing five types of land and landscapes:

- ❖ **Conservation lands** – Lands that are managed as natural areas, such as riparian corridors along creeks and rivers, wetlands, grasslands, open or wooded hillsides;
- ❖ **Park lands** – Urban green spaces generally dedicated to active recreational uses;
- ❖ **Scenic views and vistas** – Open hillsides, the Clark Fork and Bitterroot River corridors, and farmlands along major travel routes;
- ❖ **Agricultural lands** – Lands used primarily for raising crops, forage and livestock, and community gardens; and
- ❖ **Trails** – Pathways for all forms of non-motorized transportation and recreation.

What does an “open space system” mean? A system refers to a network of parts organized to form and function as a coherent whole. An open space system is a network of different types of open space which form and function as a coherent whole. This plan envisions an “open space system” for the greater Missoula urban area that provides a diversity of open space lands that offer a wide range of benefits to citizens. Conservation lands and community parks (parks larger than 25 acres) are the **central elements** of this system; agricultural lands and scenic views and vistas are the **complementary elements**; and trails serve as **links** of the system.

The envisioned system revolves around “cornerstones,” conservation lands and community parks that anchor the open space system in a fundamental way. Existing cornerstones include Greenough, Playfair, Big Sky, McCormick and Fort Missoula Parks, lands along the Clark Fork River corridor, Water Works Hill and the Moon-Randolph Homestead in the North Hills, and Mount Jumbo and Mount Sentinel. The plan also identifies potential cornerstones that possess high open space value and may contribute substantially to the open space system (refer to Map F in Chapter IV). These lands are high priority for protection, using such tools as land acquisition, conservation easements, and parkland dedication opportunities.

C. OPEN SPACE PLAN BOUNDARY

The term “Missoula urban area” is used throughout this plan and refers to the area identified in Map A below as the Open Space Planning Area. This area includes the City of Missoula, the urbanizing fringe around the city, and the adjacent lands which consist mainly of foothills and mountains or valley agricultural lands. The Open Space Planning Area is very similar but slightly smaller than the area encompassed by the *Missoula Urban Comprehensive Plan 1998 Update* (See Appendix H for a comparison of the two boundaries).

Map A – Open Space Planning Area



D. PLAN DURATION & USING THE PLAN

The 1995 Open Space Plan described current efforts and recommended additional actions to achieve an open space system by the year 2010. This updated plan recognizes that the need for open space continues to grow as Missoula grows and thus does not impose a date upon which an open space system should be “completed.” Instead, this plan reviews, affirms, and expands upon the 1995 open space vision with the intent that subsequent reviews take place approximately every 10 years or sooner if needed.

This updated plan is an amendment to the *Missoula County Growth Policy*. As such, it will provide the City, County, and other agencies and districts with a coordinated guide for open space planning over a long period of time. When making decisions based on the plan, not all of the goals, policies, and recommended actions can be met to the same degree in every instance. Using the plan requires balancing its various components on a case-by-case basis and selecting the goals, policies and recommended actions most pertinent to the issue at hand. The cumulative effect of using the plan, however, should be to address its goals and policies in a comprehensive manner.

All of the goals, policies and recommended actions are considered suitable approaches to implementing the plan. Other valid approaches may also be used. Adopting the plan does not necessarily commit the jurisdictions to immediately carry out each policy to the letter, but does put them on record as having recognized the desirability of the goals, policies, and recommended actions. The jurisdictions can then begin to carry out the plan to the best of their ability, given sufficient time, resources, and circumstances.

“We believe that the need for open space transcends political boundaries and that the City and County should work together in a collaborative open space program.” Open Space Working Group Guiding Principle

This plan is written from the perspective of “we,” “us,” and “our.” Such references reflect that many individual citizens and groups in Missoula contributed information, ideas, and inspiration to the open space planning process. Additionally, the commitment to achieving an open space system for Missoula requires dedicated effort by an ongoing partnership of local officials, government staff, and private citizens.

E. UPDATE PROCESS AND PUBLIC INVOLVEMENT

In 2005, with the 1995 bond money nearly gone and ten years having passed since adoption of the Open Space Plan, it was time to re-examine the plan and the program. The update process began with an OSAC subcommittee that reviewed the plan in detail.

In October 2005, the Parks Department invited citizens to form a working group to provide input into updating the plan. From the numerous applications received, 20 citizen volunteers were chosen that represented a diversity of age groups, geographic areas around the city and greater urban area, and recreational, economic, and conservation interests. The Open Space Working Group charter included completing tasks such as drafting an open space vision, guiding principles, and criteria for evaluating open space needs.

The Parks Department hired a professional facilitator to lead the meetings. Technical advisors present at each meeting included an OSAC member, a Five Valleys Land Trust representative, a planner from OPG, the Parks Director, and the Open Space Program Manager. The working group met four times from October 2005 to January 2006 and then drafted a vision statement, guiding principles, and criteria for evaluating open space needs. The Parks Department and the working group then jointly hosted a public open house to share a draft of their work with the public and seek citizen input. A questionnaire regarding open space priorities was posted on the Parks website prior to the meeting and also distributed during the meeting. Approximately 120 people attended the open house and over 50 questionnaires were returned to Parks.

The working group met one last time to review the public comments and determine if they wanted to amend their draft recommendations for updating the plan. Appendix D contains the working group's final report that all 19 citizens who participated (one moved to Bozeman) agreed upon unanimously except for one detail as noted on the last page.



Open Space Working Group Public Open House Jan. 2006

II. THE NEED FOR MORE OPEN SPACE

A. OUR GROWING POPULATION

Missoula is situated in one of the most spectacular natural settings in the Northern Rockies. At the center of five valleys, the surrounding scenery includes forested and grassy hillsides, unique geologic formations, large meandering rivers, scenic buttes and mountain peaks, ranches and farmland, and resident elk herds. Such scenery and recreational opportunities are drawing visitors and new residents in increasingly larger numbers.

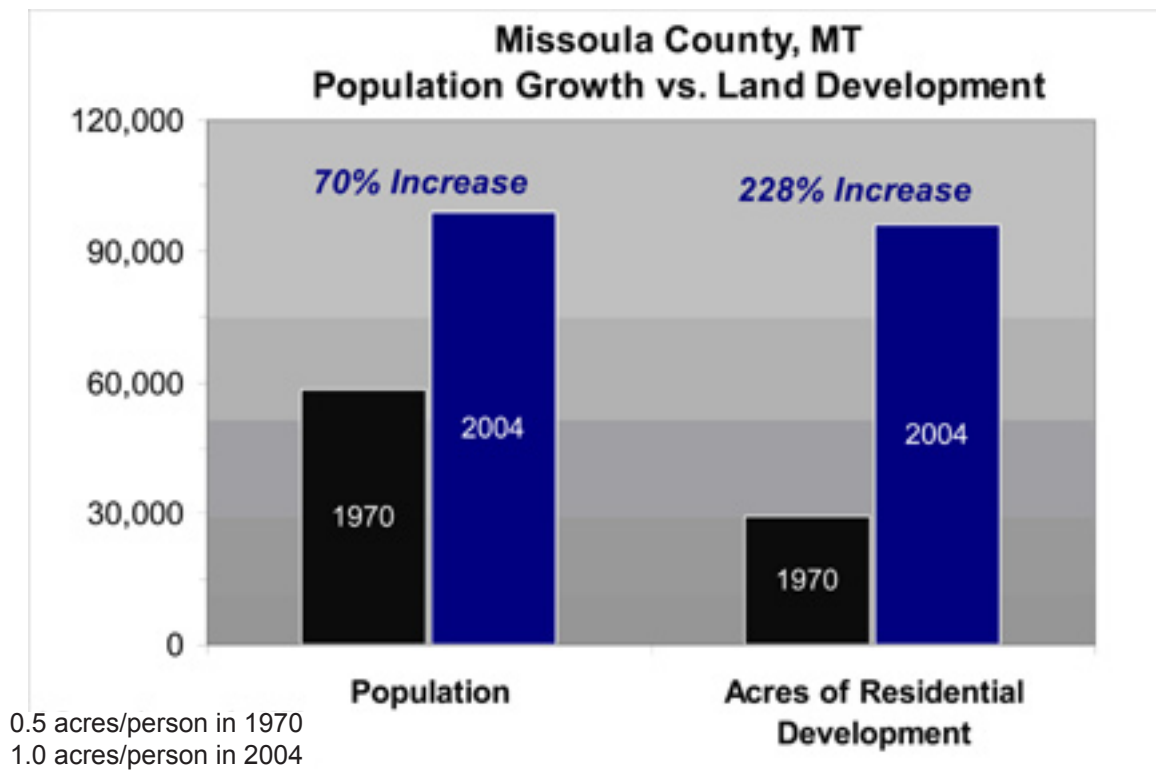
Over the past 55 years, Missoula County has experienced significant population increases. As the following table reflects, Missoula County grew rapidly during the 1950s, 1960s, and 1970s. The growth slowed in the 1980s, but that trend reversed dramatically in the 1990s.

MISSOULA COUNTY POPULATION CHANGE 1950-2000

Decade	Population	Numerical Change	Rate of Change
1950	35,493		
1960	44,663	9,170	25.8%
1970	58,263	13,600	31.0%
1980	76,016	17,753	30.5%
1990	78,687	2,671	3.5%
2000	95,802	17,687	21.7%
2010 [projected]	109,916	14,114	14.7%
2020 [projected]	125,334	15,418	14.0%

Statistics provided by Office of Planning & Grants.

Of concern is the fact that the rate of land development has grown even faster than the population. From 1970 to 2004, Missoula County's population grew by 70%, while the amount of land developed grew by 228%. Throughout Missoula County, land is being subdivided into larger lots than in the past, and thus much more land is being dedicated to residential use for each person as is evidenced by the graph below.



Graph provided by Patty Gude, Research Manager at the Sonoran Institute.

Missoula County has a total of 1,673,698 acres. Approximately 44% of this acreage (736,648 acres) is privately owned. During the past 50 years, Missoula County has experienced the subdivision of thousands of its privately owned acres. Much of what once was undeveloped open land has been committed to housing, business and industry, and public services.

From 1988 through 1993, 23,646 acres of Missoula County were subdivided through the Certificate of Survey process, which by law includes no official environmental impact review beyond well and septic considerations.

From 1988 through 1994, an additional 4,000 acres were divided in Missoula County through the formal subdivision process. This figure doubled during the next 7 year period from 1996 to 2002 in which 8,319 acres were subdivided throughout the County.

Map B below indicates where the subdivisions are occurring around the Missoula urban area. The larger area west of Reserve has received the greatest number of new housing units – 2,799 during the period from 1996 to 2005. The map also indicates rapid growth in the southwest hills of Missoula (Linda Vista, Maloney Ranch), East Missoula, and the Target Range area.



As the County grew rapidly in the 1990s, so did the City of Missoula. Between 1990 and 2000, the U.S. Census reported Missoula experienced a 33% growth rate, increasing its population from 42,918 in 1990 to 57,053 in 2000. As Missoula grew, so did the need for more parks and open space to maintain our quality of life. The generous donations of parkland that occurred in the early 1900s (such as Greenough, McCormick, Bonner, and Franklin Park) were no longer happening. Although state law (MCA 76-3-621) requires developers to dedicate up to 11% of each newly platted subdivision as public park land or private common area, because there were no standards for design and location of neighborhood parks within new subdivisions, developers often designated steep hillsides, drainage ways, and ravines, as parkland. In many cases, if subdividing less than 10 acres, the parkland dedication requirement of 11% was only enough acreage to create a tiny pocket park.

In response to this issue, in 2004 the Missoula City Council and County Commissioners jointly adopted the *Master Parks and Recreation Plan for the Greater Missoula Area* (“MPP”). The goal of the MPP is to increase the quantity and quality of urban parks and recreational opportunities. For the first time, the Missoula urban area now has a plan that provides an in-depth review of current parkland inventory, establishes a goal for park level of service (2.5 acres per 1000 people) and shows which neighborhoods are below that level, describes future recreational needs and desired locations of future parks, and provides standards for creation of new neighborhood and community parks.¹ The MPP has already made a significant impact on increasing functional neighborhood parks and addressing the needs for active recreation; it complements this Open Space Plan, which focuses on the larger natural green spaces that are so vital to our sense of place, maintaining a connection to nature, and providing passive recreational opportunities.

This plan recognizes open space as a key element in Missoula’s overall urban development pattern. Other elements include: (1) land uses such as residential, commercial, industrial, institutional, and infrastructure development; and (2) social, economic, and cultural activities such as learning, working, playing, and family living. It is not an easy thing to integrate these many elements into an attractive and vibrant community, able to grow and change without losing its distinctive appeal. Yet that is the challenge facing Missoula. This Open Space Plan is a useful tool to help guide us in meeting the challenge.

While Missoula’s recent growth has benefited the community in many ways, the rapid rate of growth has also prompted much discussion and concern among City and County residents about the loss of open space. Do Missoula’s existing open spaces provide adequate rejuvenation for our population? Will the special places and playgrounds we have already set aside be sufficient to support our growing population? Will they adequately protect the natural systems which sustain us in so many ways? Without an open space plan and program, we could lose many of the urban area open spaces that are not already designated and preserved. We risk passing on to future generations a community that was once distinctively beautiful and livable but which, in the face of rapid growth, inadvertently gave up many of its valued open spaces.

¹ Having those standards has already made a tremendous positive difference in what is now being dedicated as parkland in new subdivisions. For example, in 2005, four new large subdivisions were platted that each dedicated over five acres of conforming parkland in growing areas that the MPP designated as needing future parks (two in the Mullan area and two in the Highway 93 Wye area).

Understanding that additional land will be needed to accommodate future growth compels us to address such issues as: where additional park lands are needed, which vistas and critical lands are worth preserving, and how we can go about accomplishing these objectives. Securing and maintaining significant open spaces as our community further develops offers the promise of a future Missoula which is no doubt larger and denser, but still beautiful and livable.

“We believe that it is urgent to act now to conserve open space; the greater Missoula area is experiencing the longest sustained development in its history and multiple opportunities have already been lost.” Open Space Working Group Guiding Principle.



Wetlands along the Clark Fork River in the Tower Street Conservation Area

B. OPEN SPACE VALUES AND FUNCTIONS

Open spaces provide a variety of important benefits and functions that extend far beyond simply providing a scenic vista. These values cover a broad range, from economic benefits to providing flood protection, wildlife habitat and recreational activities, to less tangible functions such as enhancing one's appreciation of the natural world. The following summarizes some of the most important open space values:²

1. Ecosystem Services

Ecosystem services are processes by which the natural environment produces resources useful to people, akin to economic services.³ The following are just a few examples:

- Flood Control - By allowing infiltration of rain and snowmelt into the ground, natural land helps protect against flooding. Flood-prone lands adjacent to rivers and streams provide storage volume for floodwaters. The extensive placement of fill in the floodplain diminishes the water storage capacity of the floodplain, thereby exacerbating downstream flooding.
- Surface Water Quality Protection - Open lands contribute greatly to maintaining the quality of rivers and streams in the community. The natural vegetative cover on undisturbed land protects the soil against the eroding impacts of rainfall, holding the soil in place and preventing soil erosion into streams. This in turn promotes rain and snow infiltration, which minimizes excessive soil and water run-off into streams. Additionally, natural cover plays an important role in reducing the amount of pollutants entering the water supply.
- Maintenance of Groundwater Systems - By encouraging infiltration of precipitation into the soil, natural land cover promotes replenishment of natural groundwater supplies. Groundwater systems in turn have an impact on surface water systems. Many wetland areas are fed by groundwater. Groundwater seeps slowly from springs into the surface water system, helping maintain year-round flow in streams. In the Missoula Valley, groundwater enters from the east and flows west beneath the city and residential areas before discharging into the Clark Fork and Bitterroot rivers on the west side of the valley. Groundwater is our most important source for drinking water and it is only 30 to 40 feet below the surface. Protection of open spaces contributes to protecting our aquifer.
- Air Quality Enhancement - Vegetative cover on open lands traps the particulate matter of airborne pollutants; tree and shrub leaves absorb ozone and sulfur dioxide. Trees absorb carbon dioxide from the atmosphere and store it as carbon while oxygen is released back into the atmosphere.

² The following list focuses on the benefits of natural areas, or conservation lands. Refer to the the Master Parks and Recreation Plan for the benefits of urban parks and bike/ped commuter trails.

³ For a through discussion of this topic see "Ecosystem Services: Benefits Supplied to Human Communities from Natural Ecosystems," <http://www.ecology.org> – search for the term "Ecosystem Services" to find the article.

2. Wildlife Habitat and Corridors and Fisheries

The open lands surrounding Missoula are home to a diverse population of wildlife. The Bitterroot and Clark Fork River corridors with their adjacent floodplains and riparian vegetation are extremely important to hundreds of species, including dozens of bird species, amphibians, and mammals such as deer, elk, moose, fox, and bear. Most of the elk wintering range on the lower foothills within the Open Space Plan Boundaries is privately owned and thus in need of protection for the long-term viability of elk populations.⁴ Additionally, wildlife populations within the plan boundaries depend upon travel corridors connecting to lands beyond the plan boundaries, such as the Rattlesnake wilderness and Sapphire Mountains. Maintaining suitable corridors helps sustain and replenish wildlife populations.

Open space, particularly along tributary streams, allows for natural riparian corridors and stream function along with the listed surface water and ground water benefits. Montana is unique in that our famous river wild trout fisheries are supported solely by high quality habitats and natural reproduction in tributaries. Development along tributary streams and the river corridor is one of the greatest threats to Montana's trout fisheries and the scenery that accompanies them. Open space is a significant contributing factor in protecting these resources and the tourism it attracts.

3. Aesthetic Values – Maintaining Missoula's Sense of Place

Natural lands have an inherent attractiveness and an aesthetic value to many people, even if they never set foot on them. Preserving our scenic views and viewsheds around Missoula ranks as a top priority for a large number of Missoula's citizens. The beautiful surrounding foothills and the Clark Fork River corridor are defining natural features that give Missoula a unique sense of place.

4. Recreation Opportunities/Quality of Life/Health Benefits

Natural lands are a valuable recreational resource for such activities as hiking, skiing, photography, hunting, bicycling, bird watching, and horseback riding among many other pursuits. All of these types of activities add to our quality of life and improve our physical health. The recreational opportunities provided by urban parks and bike/pedestrian commuter trails are thoroughly covered in the Master Parks and Recreation Plan and will not be addressed here.

5. Economic Benefits

Contrary to a general belief that undeveloped land does not carry its weight in the local tax base until after it is developed, more and more studies are showing that conserving open land while choosing wisely where development should go, is essential to economic health.

- Property Value Enhancement - Proximity to open space is an important criterion that affects the choice of residence location for many people. Proximity to parks in urban

⁴ Robert Henderson, wildlife biologist, Montana Fish, Wildlife & Parks; Missoula, personal communication.

areas has been shown to account for up to 15-20% of a property's value, according to the National Association of Homebuilders.⁵

- Business Relocation - Leaders for large corporations say that quality of life for employees (recreation/parks/open space) is one of the most important factors in locating a business (access to domestic markets and availability of skilled labor are tops).⁶
- Green Tourism – Travel and tourism is a leading employer in Montana. “Virtually every study of traveler motivations has shown that along with rest and recreation, visiting scenic areas and historic sites are among the top two or three reasons why people travel.”⁷ In this article, McMahon makes eight recommendations to the tourism industry for making a community interesting, memorable, and attractive. Those standards include protecting scenic views and vistas.

6. Guiding/Shaping Growth

Open space land can help maintain a distinct boundary between urban and rural areas, and avoid the gradual loss of community identity that results when a sprawling development pattern consumes large quantities of land between our communities. For example, the preservation of Mt. Jumbo and Mt. Sentinel has provided a permanent beautiful background to the downtown, the University, and many Missoula neighborhoods and also provides a natural separation from East Missoula.

7. Restorative/Psychological Benefits

People seek open spaces when they need to “remove themselves from their daily rituals” and that the “solitude of natural environments also enables us to discover and explore our social and personal identities.”⁸ Open spaces provide a place for contemplation and solitude from our busy lives. For some people, a walk along a river through beautiful towering cottonwoods calms and restores their mind after a busy day at work; others relax with a hillside hike through open grasslands or a stroll on a river path or in a landscaped park with flower gardens. “People often say that they like nature; yet they often fail to recognize that they need it . . . Nature is not merely ‘nice.’ It is not just a matter of improving one’s mood, rather it is a vital ingredient in healthy human functioning.”⁹

⁵ Darryl Caputo, “Open Space Pays: The Socioenvironmental Economics of Open Space Preservation,” Morristown: N.J. Conservation Foundation, 1997. “According to Greg Delosier of the New Jersey Association of Realtors, the exact amount by which a home’s value increases with proximity to open space varies by community. But many studies have shown that in general, homes located adjacent to trails, parks, and even golf courses sell more quickly, are assessed at higher values, and are more likely to increase in value than homes not near open spaces.” Ulrich, Dana. April 25, 1996. “Put a value on open space,” Recorder Publishing Company.

⁶ Lisa Love, John Crompton, and Thomas More, “Characteristics of Companies that Considered Recreation, Parks, and Open Space to be Important in Re-location Decisions,” July 1994.

⁷ Ed McMahon, “Community Appearance and Tourism: What’s the Link?” Heritage Tourism Update Winter 1993.

⁸ Nora J. Rubinstein, “The Psychological Value of Open Space,” Chap. 4 of “The Benefits of Open Space,” The Great Swamp Watershed Association, Rutgers University 1997.

⁹ Stephen Kaplan, “The Restorative Environment: Nature and Human Experience,” 1992.

8. Agricultural Production

Open land is necessary for the production of food crops and agricultural commodity crops used for livestock production and many other purposes. While the most important function of agricultural land is its role in sustaining the human population through food production, it also contributes greatly to the visual qualities of the community and provides wildlife habitat and a livelihood and lifestyle for a declining number of farm families. Americans have traditionally placed a high value on maintaining the viability of family farms and the agrarian values sustained by family farms.

9. Education

Open lands provide opportunities for learning more about our natural surroundings and developing a greater sense of wonder and awe about the world and humanity's place in it. Missoula's teachers frequently utilize the river trails, Greenough Park, Mount Sentinel, Mount Jumbo, and Waterworks Hill as outdoor classrooms where their students absorb lessons in ecology and appreciation of the natural world. This outdoor classroom is available for people of all ages to enjoy nature observation such as bird watching and viewing the cycle of spring and summer flowers and other changes of the season.

10. Cultural & Historic Values

Certain cultural and historic features on open lands are valued by many citizens, such as family farms with their historic barns, hay fields, and livestock pastures. Missoula's surrounding hillsides contain geologic formations resulting from the last ice age that remind us of this area's interesting history.

"We believe there is a vital connection between open space and healthy people; healthy communities conserve open space that supports clean water & air, wildlife, and outdoor recreation." Open Space Working Group Guiding Principle

Map C below indicates where some of the above-mentioned open space values are located within the Open Space Planning Area, including ungulate winter range, floodway, and floodplain. Map D shows where the agricultural soils of importance are located. The cornerstone boundaries include several areas containing prime agricultural soils, such as the Grass Valley area off Deschamp Lane, lands adjacent to the floodplains of the Clark Fork River, and farmland in the lower Butler Creek Valley. The large majority of prime soils, however, are found in smaller residential parcels within the Target Range, Big Flat, and Mullan Road areas, which will make it more difficult to preserve for open space due to the high value of the land that can be obtained through subdivision. For example, much of the prime soils in the Target Range are currently zoned for one or two dwelling units per acre and the new *Wye Mullan West Comprehensive Area Plan* designates much of the prime soils west of Reserve Street for high density housing and commercial uses. Thus, the cornerstone boundaries reflect this reality and do not include those areas of prime soils.



III. OPEN SPACES IN MISSOULA TODAY

A. WHAT WE HAVE NOW

Our current designated open spaces are illustrated by Map E, which distinguishes between the lands acquired both before and after the 1995 open space bond. These areas include: dedicated city and county park lands, conservation easements, lands owned by the National Wildlife Federation, and state and federal public land areas.

The character of Missoula's open spaces is diverse. Consider the variety of features and experiences embodied by these designated parks, trails, and open spaces:

Conservation Lands

- ❖ Mount Jumbo, Mount Sentinel, Waterworks Hill, and the Moon-Randolph Homestead in the North Hills. Conservation easements and public land acquisitions have secured the majority of these scenic hillsides, noted for their wildlife habitat, special vegetation, and geological interest. Keeping these beautiful mountains open and undeveloped has gone a long way towards preserving the character of Missoula. Trails extend our enjoyment of these areas beyond the experience of viewing them from a distance.
- ❖ Tower Street Conservation Area in the north Target Range area. This City open space consists of approximately 200 acres along the Clark Fork corridor with a diverse and healthy riparian plant community that provides a wonderful quiet area in which to observe nature and listen to birds. This property also provides great swimming and fishing access.
- ❖ Council Grove and Kelly Island fishing access sites owned by Fish, Wildlife & Parks also provide great opportunities for water recreation.
- ❖ The Rattlesnake, Pattee Canyon, and Blue Mountain Recreation Areas. These large expanses of federally owned and managed land serve not only Missoula County residents, but also thousands of other visitors each year. They offer a wide range of outdoor recreational opportunities, both active and passive, during all seasons. Their scenic and wildlife resources are abundant.

Trails

- ❖ Multi-purpose recreational and non-motorized commuter trails such as the Milwaukee Railroad Trail and the Bitterroot Branch Trail provide citizens the opportunity to bike to work or school separated from traffic; in addition, there are many recreational opportunities such as skating, jogging, and walking.
- ❖ The downtown riverfront trail system and greenway parks on both sides of the Clark Fork River and Rattlesnake Greenway bring us into close contact with the surface waters and

riparian areas of our community. Opportunities for active recreation, bird watching, views and vistas, and walking abound.

Urban Parks

- ❖ Playfair Park, McCormick Park, Big Sky Park and Fort Missoula Park. These community parks provide essential outdoor recreation facilities for thousands of Missoulians of all ages, including ball fields, tennis and basketball courts, jogging trails, and picnic shelters.
- ❖ Neighborhood parks offer open green spaces within the built environment, play areas and quiet spots for residents of the immediate locale.
- ❖ The Memorial Rose Garden and Sacajawea Park. These park land areas illustrate the value of greenspace in the midst of neighborhoods and business districts. We enjoy their special features -- whether shade, fragrances and flowers, or cultural landmarks.

Scenic Views and Vistas

Most of the conservation lands listed above (surrounding hillsides) also provide our beautiful scenic views from all over Missoula and along the Clark Fork River.

Agricultural Lands:

To date, we have not been able to protect any valley bottom agricultural lands since the 1995 plan. We hope to contribute to preserving a historical farm in the Grass Valley area in partnership with Five Valleys Land Trust in the near future.

“We believe that Missoula’s open space system encompasses a variety of lands, together with connections and corridors that collectively provide diverse opportunities for all.” Open Space Working Group Guiding Principle

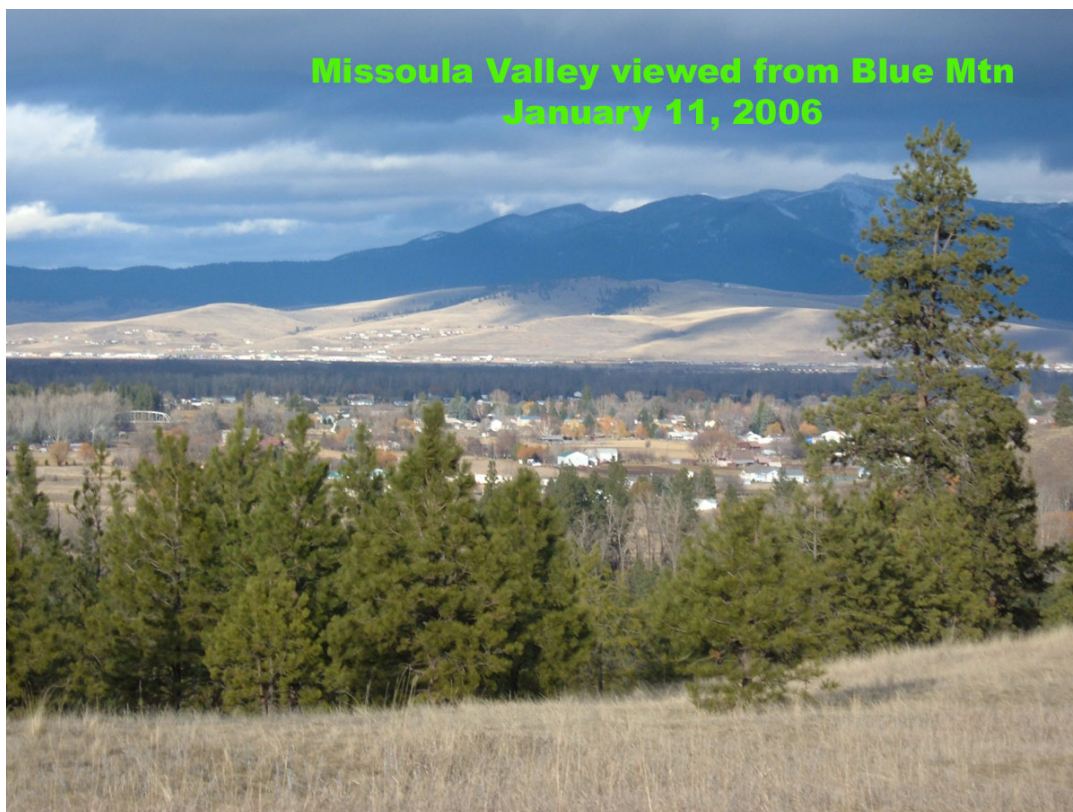
B. FEDERAL & STATE PUBLIC LANDS AND PRIVATE LANDS

Missoula also has many open lands which are not officially designated as open space. These primarily include:

- Those state and federal lands which are currently undeveloped but are not clearly designated and managed for long-term recreational use. Their future status and use are uncertain.
- The thousands of acres of privately owned land that are currently undeveloped and not designated as open space.

Undesignated open spaces are important, but the community has no guarantee that these lands will continue to be managed for open space and recreational access. In the past, we enjoyed private, federal and state open lands as if they were available for long-term public use and benefit. Missoula's rapid growth during the past ten years has made it clear that privately held lands are not secure in this way.

Uncertainty also exists with respect to certain state and federal lands. Recent actions by both state and federal governments reflect fundamental changes in land management policies that leave their open space status in question. We must continue to develop partnerships and hold collaborative meetings with public and private landowners and managers to identify appropriate actions to ensure that public lands are maintained for open space values.



IV. FUTURE OPEN SPACE NEEDS – A VISION FOR TOMORROW

A. DEFINING AN OPEN SPACE SYSTEM FOR MISSOULA

A striking combination of mountain ranges and river valleys has provided the natural setting for Missoula’s development as an urban area. The system envisioned provides open spaces within and on the edge of the urban area, thereby keeping us linked with nature and endowed with breathing room. The system both enriches our urban experience and reminds us of the natural setting which sustains us individually, and as a community.

The open space system proposed for the Missoula urban area contains four main features:

- Five major types of open space.
- Three key elements.
- Three types of connections.
- A coherence within the system, and between the system and the built environment.

These four features of the open space system are described below on the following pages.

1. OPEN SPACE TYPES

Missoula’s open spaces fall into five major categories: conservation lands, park lands, agricultural lands, trails, and scenic views and vistas.

Conservation lands exist in a natural state or have been reclaimed to approximate the natural state. They support flora and fauna and their habitat and may also serve as significant areas of floodwater storage and aquifer recharge. The four main examples of habitat types located within the open space plan boundaries are foothills grasslands, Ponderosa pine/Douglas fir savannah, Douglas fir forests, and riparian/wetland areas. These habitat types are described in Appendix E. Conservation lands are either publicly owned and dedicated to such use or privately owned with a legally binding limitation on use, such that maintenance of the natural condition is emphasized (through conservation easement, deed restriction, or common area management plan). Conservation lands often support secondary uses such as recreation and education, where such activities are compatible. Examples of currently owned or protected City conservation lands include lands on Mt. Jumbo, Mt. Sentinel, and in the North Hills, the Tower Street Conservation Area along the Clark Fork River, and the Bancroft Pond. Conservation lands will continue to be the main focus of this plan.

“We believe that open space should be acquired and managed to restore and maintain natural habitats for fish and wildlife.” Open Space Working Group Guiding Principle

Park land refers primarily to public lands that are dedicated for urban park and active recreational use. The lands may or may not actually be developed with recreational facilities and landscaping. Park land may also be “common area,” which is created through the subdivision process, privately owned, and usually privately maintained. Park lands provide the space and facilities for people to engage in both active and passive recreation activities. Parks also may have natural values and functions due to the presence of trees, shrubs, or natural areas. Particular parks often exhibit a wide range of uses and display a variety of configurations, including linear corridors or greenways that may connect important open spaces and support wildlife and/or human movement. A park that provides facilities for organized sports may also be used for enjoying the distant mountaintops visible across the playground. Many park lands include visually important breathing spaces which are not designed for intense, organized recreation activity. Such spaces promote a sense of openness amid the developed environment and serve various leisure purposes including solitude. The 2004 *Master Parks & Recreation Plan* thoroughly addresses our urban parkland needs.

Agricultural land is used primarily for raising crops (including timber), forage, and animals. Even though agricultural land is not primarily used and valued for its open space character and functions, it often contributes significantly to an open space system, whether it’s a large family farm or a small community garden. It may provide visual attractiveness, an openness to vistas, urban forest, and possibly trail functions. Agricultural lands often serve natural functions and make important contributions to wildlife habitat.

“We believe in conserving agricultural lands and community gardens because they are a component of open space and contribute to the sustainability of our community.”
Open Space Working Group Guiding Principle

Trails refers to recreational paths, walkways, and corridors that serve people traveling on foot, bicycle, or horseback and may also serve as wildlife corridors. Trails may be multi-use or single-use. They do not normally include roads, streets, and alleys meant primarily for motorized vehicles; however, where their use is recreation-related, both sidewalks and on-street bicycle lanes can be included in the term “trail.” Trails may serve simply for travel to or from work, schools, shopping, or recreational areas, or they may serve a direct recreational purpose such as exercise, enjoyment of scenery, and bird watching. Where no public health and safety issues exist, trails may overlap with utility easements; they may also offer adaptive reuse of irrigation ditches whose original function has ended. In addition, trails often also serve commuters and provide important links in the urban area transportation system. A trail system in this sense is extensively outlined in the Missoula Non-Motorized Transportation Plan. This Open Space Plan does not focus on the transportation function served by existing and potential trails; however, any particular trail may provide the community with both transportation and recreation. Some examples of the trail networks that have been expanded since the 1995 plan include the Milwaukee corridor that runs east to west through approximately the middle of town and the Bitterroot Spur that runs diagonally through town north east to southwest.

Scenic Views and Vistas involve three things at once:

- A viewer;
- A view corridor, the open space which allows the viewer to see something; and
- An object being viewed, whether natural or built.

An object being viewed may have intrinsic visual quality and value. But it may also have significant visual impact because of where the viewer is seeing it from. The open hillsides visible from the heart of town, for example, have added value as visual resources because of the urban place from which they are seen. Lands that offer such views can have many functions in addition to affording a view. In some cases, these various uses may enhance the viewing experience; in other cases, the value of the view may be impaired.

Examples of currently protected views and vistas include lands on Mt. Jumbo, Mt. Sentinel, and the North Hills. Protection of these hills has in large measure preserved a sense of place. The hills are a major defining feature of Missoula and are viewed from almost every neighborhood within the city and from most areas within the plan boundaries.

In Summary, each of these five open space types holds value in three respects:

- Each has intrinsic value, or value in its own right.
- Each can contribute significantly to a coherent system of open spaces.
- Each can also contribute significantly to the livability of the urban environment.
- Each can also contribute to the economic vitality of the region.

*The open grasslands and forest on Mt. Jumbo provide valuable wildlife habitat and elk winter range ; the scenic geologic form of Mt. Jumbo and ancient Glacial Lake Missoula shorelines along its face provide a beautiful and historical backdrop to our city (a **contribution to the open space system**); and the mountain provides many recreational and educational opportunities for residents of the greater Missoula urban area (a **contribution to the urban environment**).*

2. ELEMENTS

The different types of open space contribute in different ways to the overall open space system. They all serve an important function, although some may play a more prominent role than others. The open space types can be further classified as follows:

Central elements are the building blocks of the open space system. Together they cover major land areas, support a variety of uses, and strongly influence the look and feel of the community.

Complementary elements support and reinforce the central elements of an open space system.

Linkage elements provide important connections or links to, within, and from the urban area open space system.

*The Clark Fork River's open space qualities and functions form a **central element**. The adjacent agricultural lands in the Mullan area **complement** the river corridor. The trails along several riverbank locations provide a **linkage** between the neighborhoods, parks, the downtown area, and the University.*

3. CONNECTIONS

The open space system reflects three types of connections:

- Those within each type of open space (for example, ecological connections among various conservation lands);
- Those between different types of open space (such as how a trail or view may connect conservation land and park land); and
- Those between the open space system (in whole or in part) and adjacent lands with different uses (such as the connection between the open space system and areas of residential or commercial use).

4. COHERENCE

The parts of a coherent open space system work together well. The system itself fits harmoniously within the urban environment, so that the community can reflect an organized and attractive development pattern. Characteristics of coherence include:

- A variety of open space types
- A balance among the different types and geographic distribution
- Open spaces that contrast with and enhance the urban environment
- Open spaces that help to tie the community's activities and uses of land together to form an attractive whole

The vision statement drafted by the Open Space Working Group eloquently ties all of the four open space features (types, elements, connection and coherence) together:

"We envision an integrated open space system that includes cornerstones and a diverse variety of lands, uses and values. We see uninterrupted skylines; continuously accessible river corridors; functioning wildlife habitat; access for low impact kinds of recreation; community level parks; and a trail system that connects cornerstones and open space for recreation and non-motorized users."



View of North Hills from McCormick Park

B. THE VISION

An open space system for the Missoula urban area should address three general types of open space need and opportunity:

- The need and opportunity to **protect** significant natural features and habitat types. The protection, enjoyment and appreciation of the surrounding natural environment will continue to be the main priority;
- The need and opportunity to **expand** the urban area lands preserved through open space designation, as we continue to expand the residential, commercial, industrial, and infrastructure elements of our community; and
- The need and opportunity to **connect** more fully our urban area open spaces with each other and with the major open spaces adjacent to the urban area.

More specifically, we must preserve additional open space by expanding the number and geographic distribution of designated open spaces. Additional open spaces of all types are needed to sustain our human, plant, and animal communities. As Missoula's undeveloped land comes under greater pressure to accommodate new growth, the large expanses of conservation land available to serve as aquifer recharge areas, songbird nesting sites, elk winter range, or visual reminders of our geological history become fewer and fewer. Such lands may offer the greatest opportunity to help define the shape of the growing community by providing the scenic context within which human development and activity can occur.

Views and vistas are an important part of what makes Missoula a special place to live and thus will also remain a high priority. We value the ability to see the mountains from downtown. We enjoy looking downstream along our major rivers without having buildings encroach along the riverbanks. After hiking up to a view point on the surrounding hills, we appreciate an expansive view across the valley floor.

Missoula's agricultural lands offer an important contrast to the urban landscape. We have ranching families whose livelihood and culture are rooted in land that is quickly disappearing beneath residential subdivisions. Although some ranchers may wish to continue operating their land for agricultural use, the economic feasibility of doing so is becoming more problematic. If we can find ways to help retain these remaining agricultural operations, we can continue to enjoy the open space values they offer. Additionally, we should look for opportunities to preserve lands that can be used for community gardens.

Missoula's park system, in its current form, offers local residents substantial outdoor recreational opportunities. The distribution of parks and variety of parks types are important issues for our active community. Opportunities to obtain community parks in the growing Mullan and Miller Creek areas as well as neighborhood parks in underserved areas should be considered.

In addition to simply adding more designated open spaces in the urban area, we must work carefully to connect our open spaces with one another. The more fully we connect the designated open lands of our community, the more valuable our open space system becomes. The 2001 Non-Motorized Transportation planning process identified the need for more trail connections throughout the urban area as part of its evaluation of existing trail conditions and issues. Key sections of an overall trails network have been constructed and should be expanded.

In general, open space areas should be accessible to the public, to the extent that the integrity of natural features is not compromised. Public use and access is a strong consideration for every potential purchase or conservation easement. However, this does not mean that every area of open space must be fully accessible to the public. There are sound environmental, public safety, or other reasons for controlling access to certain open space lands, either year-round or at particular seasons of the year (for example, elk winter closure on Mt. Jumbo). In some cases, public access will not be provided and no facilities developed (such as on working farms and ranches or very sensitive wildlife habitat).

Finally, the plan's open space vision fits with and generally enhances the many other activities and land uses which make up the Missoula community. The envisioned open space system preserves the natural features that give Missoula a sense of place and also interweaves with our present and future forms of residential, commercial, and infrastructure development. Given both our finite land base and strong interest in maintaining a high quality of life, we will be constantly challenged to achieve the benefits of a larger, well-designed community that includes a fully developed open space system.

C. CORNERSTONES – HIGH PRIORITY LANDS

Cornerstones give substantial shape to the overall system. They may also give substantial shape to the built environment, make important open space connections, serve as special local landmarks or fine examples of natural features characteristic of the community, offer exceptional beauty, and provide many recreational opportunities.

Map F illustrates our “existing cornerstones,” where the qualifying conservation lands and park lands are already in designated open space status. It also illustrates a set of “potential additional cornerstones.” These areas are generally drawn and purposely do not follow property ownership lines. In several cases the lines encircle or extend beyond the existing cornerstones. The “potential additional cornerstones” represent lands which contain the significant open space values described above, and which have been identified as high-value open spaces through public planning processes, which in some cases date back to 1976. They represent the highest priority areas for protection, whether by acquisition or other means such as conservation easements or parkland dedication if the property is subdivided.

This 2006 updated cornerstone map builds upon the 1995 map. Based upon citizen comments received during the Open Space Working Group process, the 2006 map includes expanded cornerstone boundaries in the North Hills, South Hills, Grass Valley area, and along the Clark

Fork River corridor west of Reserve Street.¹⁰ A new cornerstone was added along the Grant Creek corridor between Mullan Road and Highway 10 to reflect the need for a community park for the Mullan area as indicated in the *2004 Master Parks & Recreation Plan* and in the *2005 Wye Mullan West Comprehensive Area Plan*. The new boundary eliminates the Bandmann Flats area as it is currently being developed as a golf course surrounded by housing. During the public hearing process to review this plan, the area known as the “Big Hill” located between Miller Creek and Lolo, was identified as a potential cornerstone because of its geographic significance and wildlife habitat. Fortunately, the large majority of the hill is already protected by a conservation easement that the property owners granted to Five Valleys Land Trust (shown on Map E) which limits development to 14 residential building sites across 1300 acres, with nearly 900 acres protected as open space. The property owners also donated the land along the Bitterroot River at the base of the Big Hill to Fish Wildlife & Parks.

“We believe that the cornerstone concept set forth in the 1995 plan remains an important guiding framework for acquisition of new lands.” Open Space Working Group Guiding Principle.

What does it mean to label land as a “potential additional cornerstone” for Missoula’s open space system? And what doesn’t it mean?

Where the Plan identifies an area as a potential additional cornerstone it means that:

- Two or more community planning sources have recommended the area, at least in part, for open space.
- The area contains undeveloped land that is likely to rank high when further evaluated against a set of open space suitability criteria (see page 45).
- The area contains undeveloped land that could contribute a significant element to the urban area open space system.

It does not mean that:

- The area will be proposed for rezoning as parks and open space.
- Development of the area will be prohibited.
- Conditions unrelated to preserving open space will be imposed.

It is not the intent of this plan that all cornerstone land be acquired by the City, or that all lands protected through the open space program have public access. Opportunities to acquire or otherwise protect a particular site depends upon the landowner, as open space will only be preserved on a voluntary basis with willing property owners. In some cases, the goal of open space protection can be achieved through tools such as a conservation easement, which may or may not allow for public access.

¹⁰ The majority of the Open Space Working Group and Open Space Advisory Committee members, in addition to citizens who commented in response to the Open House held in January 2006, expressed strong concern for protecting riparian corridors for their wildlife and water quality values in addition to allowing for recreational access. Additionally, the local chapter of the Audubon Society submitted information on nationally designated Important Birding Areas along the Clark Fork River corridor and adjacent undeveloped lands (primarily farmland). The cornerstone boundaries along the Clark Fork now include all riparian vegetation, the Important Bird Areas, and some adjacent farmlands.

Map F

The cornerstone map illustrates that our open space system has been successfully anchored to the east by Mount Jumbo and Mount Sentinel, and we have begun to anchor the north by protection of lands in the North Hills. The south can be anchored by Mount Dean Stone and hillsides to the southwest. The system is potentially anchored to the west by portions of the Clark Fork and Bitterroot River corridors and the Grass Valley area and to the northwest by LaValle and Butler Creek drainages, and the Grant Creek corridor between Mullan Road and Highway 10. Here, a combination of agricultural lands, wetlands, and hillsides offers the opportunity to create significant greenways between the Missoula urban area and the nearby communities of Frenchtown and Wye/O'Keefe. In the heart of several Missoula neighborhoods, five community parks (Fort Missoula, Big Sky, McCormick, Greenough, and Playfair) provide additional cornerstones. The need for more community parks to support growing populations in the Mullan Road area and in the Miller Creek Valley represent other potential cornerstones.

Public opinion strongly supports keeping conservation lands as the main focus for future open space acquisitions.¹¹ The cornerstone map reflects this priority in addition to the strong preference for protecting our scenic hillsides. There is also strong support for continuing to expand our urban trail system and protecting agricultural lands. Although neighborhood parks are a vital component of the open space system and add substantially to surrounding residents' quality of life, the large majority of citizens did not rank acquiring more neighborhood parks as a top priority for expending open space funds. The neighborhood park design standards set forth in the Master Parks & Recreation Plan have already substantially helped to obtain functional neighborhood parks in new subdivisions. In older neighborhoods that are underserved by parks, such as Franklin to the Fort and River Road, it is unlikely that any further residential subdivisions will be developed that will provide parkland of meaningful size as there are few undeveloped large parcels. Thus, it will be important to continue to work with area residents to increase parkland in underserved neighborhoods.

D. LINKS AND CONNECTIONS – THE BIKE-PED TRAIL SYSTEM

Presently, Missoula citizens benefit from a well-used network of off-street trails, sidewalks, and on-street bicycle facilities as shown in Map G. This important infrastructure makes non-motorized forms of transportation more feasible for a greater population. Since passage of the 1995 Open Space Plan, Missoula has made great strides in expanding and enhancing the major non-motorized commuter network trails using funds from the 1995 open space bond. With those funds, the City was able to construct the Milwaukee Trail from Hickory Street to Russell Street, expand the Bitterroot Branch Trail, and construct the Northside Greenway Trail from Scott Street to Worden Avenue. The 1995 bond funds were instrumental in providing the City the ability to leverage grants and other funding sources under SAFETY-LU, the current extension of the Federal Transportation Act.¹²

¹¹ Questionnaires and comments received during the Open Space Working Group process; City of Missoula Citizen Survey prepared for Missoula City Local Government Study Commission by Behavior Research Center, Nov. 2005.

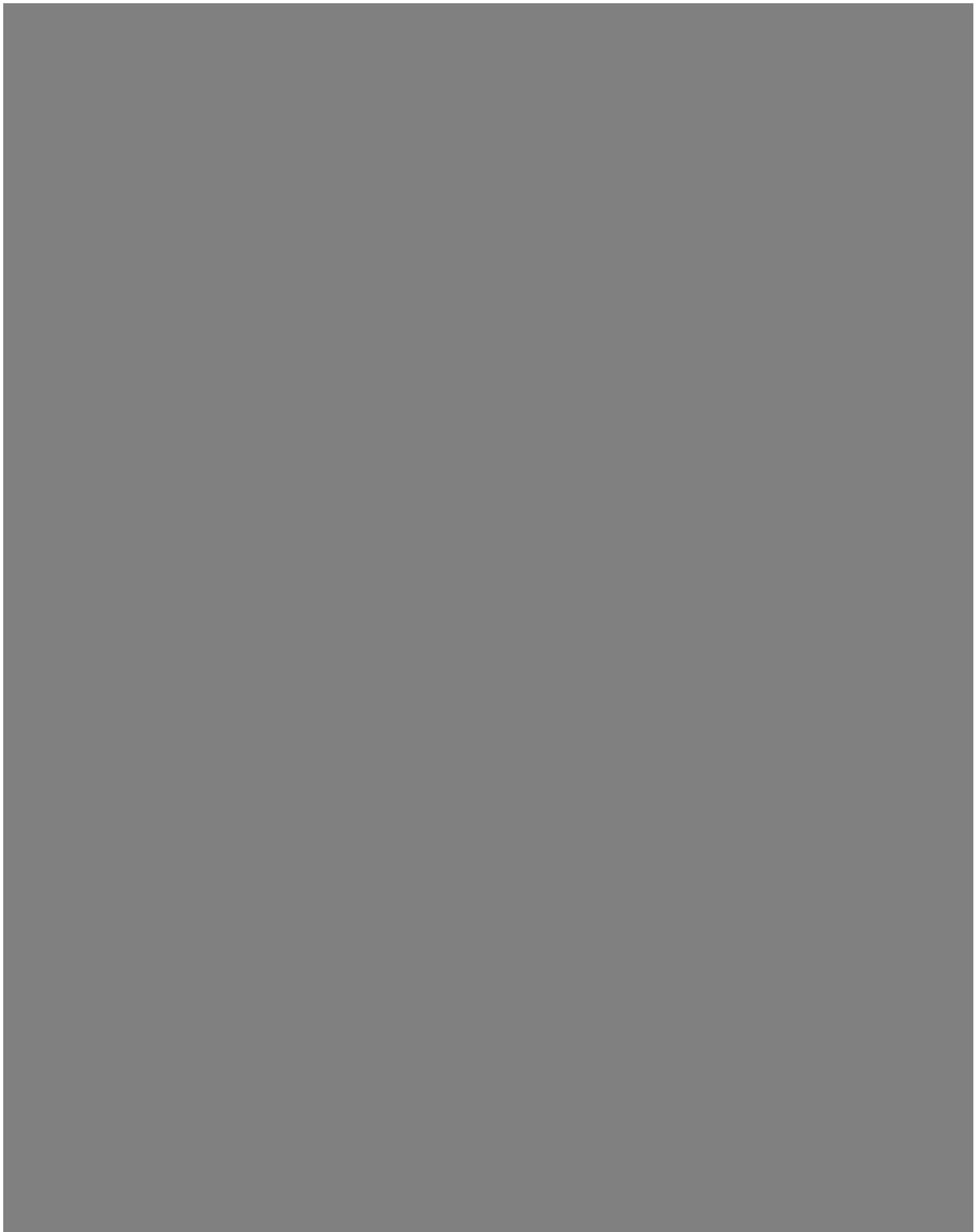
¹² The two SAFETY-LU programs that the City has been able to obtain grants from are Community Enhancement Transportation Program (CTEP) from the Montana Department of Transportation (MDT) and the Recreational Trails Program (RTP) from Montana's Department of Fish, Wildlife & Parks. These programs are 80 / 20 reimbursement programs that require the applicant to provide 20% of the project costs and the grant will reimburse the remaining 80%. Other grants such as Bikes Belong have also been leveraged with Open Space funds. This type of grant leverage has greatly increased the amount of trail development that the City has been able to accomplish.

The trails system, however, has major gaps and obstacles that obstruct the flow of non-motorized traffic. One example is the Bitterroot Branch Trail, which serves as the main north/south trail through central Missoula, but has a gap between North Avenue and Livingston Avenue near the Southgate Mall. Also, as Missoula continues to grow to the west, a commuter trail connection along the Milwaukee Railroad Grade will become more important. Currently the western end of the Milwaukee Trail parallels Dakota Street and terminates at Russell Street.

The vision for the trails system in Missoula is one of a seamless system that connects residential areas to places of work, shopping, schools, parks and open space areas like trailheads and river access points. The trail system will continue to provide recreational opportunities and help further facilitate non-motorized transportation as a viable option for more people in and around the City. Providing Missoula residents with a well-connected system of urban and rural non-motorized trails has strong public support and thus is a major priority for the Parks & Recreation Department. Goals to continue to expand and connect the existing trails system can be found in the *2004 Master Parks & Recreation Plan*, the *2001 Non-Motorized Transportation Plan* and the *2004 Missoula Urban Transportation Plan Update*. Increasing the connectivity within the open space system through continued expansion of the trails system increases public access to those lands and the diverse recreational opportunities they provide.

This plan recognizes some of Missoula's features as major trail connection opportunities. The Clark Fork River to the east and the Bitterroot River to the south, as well as Rattlesnake and Grant Creeks to the north, are seen as viable trail corridors. Also, the continuation of a trail along the old Milwaukee Railroad Grade is a high priority. The existing trail spans from the Clark Fork Natural Park to Russell Street. As the old grade continues west from Russell Street, it passes through the River Road neighborhoods and through the heart of the projected western growth area. This trail could be the core east/west commuter route for all of the westward expansion of the City. There are currently citizen-driven efforts to expand a trail in both the east and west directions far beyond the borders of Missoula proper.

One of the areas around Missoula that is known for its beauty and proximity to the north hills and surrounding mountains is the Grant Creek area. The only access for Missoula residents who live in the area is Grant Creek Road, an extension of North Reserve Street that terminates at I-90. Grant Creek Road was built before large parts of the area were annexed into the City of Missoula. This being the case, the road is a narrow two-lane road where many residents travel at higher than residential speeds. As the population has increased along the creek, so has the demand for public trails that would allow for non-motorized access to the nearby public lands and to the urban areas to the south. Citizen-driven efforts to create a non-motorized trail that would parallel Grant Creek Road were initiated many years ago and subsequently lost steam. Recently, the push for a trail has been picked up by an interested group of citizens that is actively engaged in identifying trail routes and landowners along the way. Their plan is to continue the trail built by the Rocky Mountain Elk Foundation in 2006 (near the junction of I-90 and Grant Creek Road) to the north to Snow Bowl Road.



V. PLAN IMPLEMENTATION - MAKING IT HAPPEN

A. CURRENT EFFORTS

The Missoula community does many things that support the overall objective of achieving an urban area open space system. These activities reflect the ongoing commitment to the preservation of open space lands by citizen organizations, local government, and state and federal agencies. Current activities and programs include:

- **The Citizens Open Space Advisory Committee (OSAC)**

This committee reviews potential open space acquisitions or conservation easements and advises the Missoula City Council on such proposals based upon the evaluation criteria set forth on page 42. The committee meets at least once a month.

- **City Parks and Recreation Department**

The Parks & Recreation Department takes the lead for implementing the Open Space Plan with the Open Space Program Manager serving as the lead staff.¹³ Land purchases are generally initiated by the Open Space Program Manager or land trusts, who identify opportunities for purchasing open space lands from private landowners. The Program Manager and/or the land trust negotiates a price and other terms, OSAC members evaluate the benefit of the potential purchase, and then the Program Manager presents OSAC's recommendation and the terms to City Council for their ultimate approval. Once a property is purchased by the City, the land then becomes public open space and is the responsibility of the Parks Department. If a conservation easement is granted upon the land rather than a purchase, then the landowner maintains the property and public access may or may not be allowed depending upon the landowner's desires. If voters approve a county-wide open space bond, the County Commissioners will be the governing body that must give final approval to purchases or easements.

The Parks Department and its oversight board, the City Park Board, maintain the City's public parks, trails, the urban forest, and all conservation lands acquired with the 1995 Open Space Bond funds. Among its many responsibilities, this department designs and develops appropriate parkland and recreational facilities. The Open Space Program Manager and Parks & Trails Design Manager work together to review and provide comments on all proposed subdivisions within city limits for parks and trails issues. Their goal is to ensure usable open space and trail connections will be dedicated and/or the required amount of cash-in-lieu of parkland is received.

- **Missoula County Office of Planning and Grants (OPG)**

OPG City and County planners are instrumental in carrying out the open space vision during review of subdivision and zoning proposals and drafting long range plans. OPG staff identify and map critical natural resources in Missoula County as part of ongoing

¹³ See Appendix B for information about the structure and funding of the Open Space Program.

data collection efforts for documents such as the Growth Policy. OPG reviews subdivision and zoning proposals and develops recommendations for governing body consideration regarding parkland dedication and preservation of natural resources based on existing plans, agency comments, and established criteria. OPG's natural resource specialists provide information to private landowners, land trusts, local agencies, and state and federal land management agencies. OPG also reviews conservation easements in relationship to comprehensive planning and provides staff assistance to the County Park Board, which administers a matching fund program to enable Missoula County communities and neighborhoods to develop their parks more fully.

Since 1976, Missoula County has invested heavily in the protection of natural resources through programs such as development of a County Parks, Recreation and Open Space Plan in 1976, support for open space bonds in 1980 and 1995, compilation of an Inventory of Conservation Resources for Missoula County in 1985, support for the 1995 Missoula Urban Area Open Space Plan, funding for conservation easements, adoption of riparian protection standards, obtaining federal monies for Mt. Sentinel acquisition and highway wildlife crossings, and the establishment of an Open Lands Working Group composed of representatives from each of nine county planning regions. The Working Group completed a report to the County Commissioners in June of 2006, which provided recommendations on how to enhance the ability of rural land owners to engage in voluntary land conservation techniques to protect rural values including, but not limited to, water quality, working farms, ranches, and timber lands.

The County's investment in open space continues with support for a Working Group-recommended county-wide open space bond in 2006 and the pending formation of a Missoula County Working Lands Advisory Committee designed to address conservation of important landscapes throughout the area. That Committee, composed of rural landowners and citizens, will advise the County Commissioners on open space matters well into the future.

In addition, during 2005, the County re-affirmed its commitment to the conservation of open lands in rural areas through the formation of a Rural Initiatives program responsible to the Commissioners for land use planning outside the Missoula urban area. Rural Initiatives duties include the coordination of County efforts in resource protection, sustainable land use development, and formation of rural citizen advisory groups. Rural Initiatives also provides a direct avenue of communication and cooperation between Commissioners and rural residents interested in the future of their lands as well as those of state/federal land managers and tribal or corporate land owners.

- **State and Federal Public Lands and Wildlife Agencies**

Agencies such as the Montana Department of Fish, Wildlife and Parks, the Department of Natural Resources and Conservation (State Lands), the University of Montana, the Lolo National Forest, and the Bureau of Land Management own and maintain sizable open spaces in the Missoula urban area for multiple public purposes and uses. As mentioned in the Chapter I History section, partnering with federal and state land agencies to protect open space has been very important during the past 10 years and will be critical in the future as land values continue to escalate.

- **Land Trusts and Conservation Organizations**

Five Valleys Land Trust, Save Open Space, the Rocky Mountain Elk Foundation, the Trust for Public Land, and The Nature Conservancy work with landowners throughout Missoula County who are interested in voluntary conservation techniques. Like federal and state agencies mentioned above, land trusts have also been vital partners for preserving open space. Working together with land trusts and state and federal agencies has stretched the 1995 bond funds substantially further; based upon additional funds from these partners and landowners who donated a portion of their property's value, approximately \$8,500,000 worth of land has been purchased or preserved through conservation easements thus far using \$4,500,000 in city bond funds.

- **Missoula Redevelopment Agency (MRA)**

MRA's primary goal is revitalizing Missoula's Urban Renewal Districts. MRA is a public agency funded by tax revenue generated by construction and development within these districts. In conjunction with economic revitalization, MRA invests in public improvements such as parks, sewers, and sidewalks. The agency builds trails and purchases land for open space, preserving views, wildlife habitat, and riparian areas. Two examples of past MRA park projects are the Clark Fork Natural Area and the Riverfront Trail, both in the heart of the downtown community.



Bike/Ped Trail in the Clark Fork Natural Park

B. FUTURE EFFORTS

Initial efforts to achieve the vision will focus on securing additional cornerstones and expanding the bike/pedestrian trail system. More specifically, we will:

- Actively pursue opportunities to secure these high-priority open spaces using a variety of tools (see pages 38-42).

Decisions to add to the open space system should be guided by:

- The vision outlined in this plan.
 - The community's open space goals, as outlined in the Missoula County Growth Policy, the Missoula Urban Area Comprehensive Plan 1998 Update, and associated planning documents.
 - The fact that certain cornerstone lands may be more vulnerable to degradation or loss than others.
 - The fact that certain cornerstone lands may be more readily available than others.
 - Balancing the distribution and types of open space throughout the Open Space Planning Area.
 - The availability of tools and resources, including additional funds and other resources made available by working with partners such as state and federal agencies and land trusts.
- Continue to coordinate with OPG to incorporate the proposed open space system into community planning, so that this open space plan can help shape the design of an overall future community vision.
 - Explore ways to more effectively coordinate city and county open space and development decisions, so that as Missoula continues to grow and change we can achieve the open space system. Apply this same principle to the working relationships between local government and its state and federal government partners such as the Montana Department of Fish, Wildlife and Parks and the Lolo National Forest. Also, strengthen the working ties between the public sector and local land trusts and other conservation organizations, without interfering with their confidential work with individual landowners.
 - Design and carry out a public education program to help Missoula City and County citizens, local officials, and agency staff become better informed participants in planning and policy-making on open space and development matters. Two particular themes are recommended: (1) open space -- its diverse types and many functions, and ways to create, protect, and maintain open space (a key element of the curriculum should concern conservation easements and other voluntary land conservation techniques); and (2) conservation design -- development and redevelopment design techniques, in full recognition of the community's overall open space objectives.

- Strive for closer cooperation and coordination between the City Park Board, County Park Board, and Citizens Open Space Advisory Committee (and any newly formed County Open Lands Committee). Hold a joint meeting on a semiannual basis. At least annually, include local elected officials in a joint meeting.
- Strive for closer cooperation and coordination among City, County, State, and Federal agency staff, local land trusts, and conservation organizations. Strengthen existing partnerships, and identify opportunities for establishing new ones. Hold quarterly work sessions to share information and provide opportunities for peer review.
- Continue to review subdivision proposals to ensure that the proposed parkland dedication and trails comply with the subdivision regulations and Master Parks Plan standards.
- Ensure that future neighborhood plans consider preserving and further enhancing a substantial portion of those areas' open space resources.
- Complete an analysis of existing urban area park lands to identify those which might better be traded or sold off as recommended by the Master Parks Plan. The proposal should explain how the resulting revenue will be used to better achieve the urban area open space system.
- Propose state legislation as needed, to provide the local community with additional options for open space preservation. An example of possible legislation would be a local option tax incentive for agricultural land preservation.
- Continue to work towards a solidly funded land management and maintenance program to sustain the urban area open space system. Coordination among land managers, both public and private, will become more important as the system becomes more fully developed.
- Assist state and federal land managers in their efforts to maintain the open spaces for which they are responsible. Work towards compatible local-state-federal land use policies, and promote partnerships to accomplish compatible goals (for example, management of urban area development and wildlands interface).
- Assess, on an annual basis, the progress we've made towards achieving the urban area open space system.

"We believe that a successful open space program requires the guidance of citizens in land acquisition, maintenance, and management." Open Space Working Group Guiding Principle.

C. AVAILABLE TOOLS

Various tools already exist for carrying out the actions proposed above under local and state regulations and policies.

1. VOLUNTARY LAND CONSERVATION TECHNIQUES

- *Acquisition by Purchase* - Fee simple acquisition at full market value is so far the most common method for acquiring open space. Fee simple acquisition at bargain value, where the land is purchased at less than fair market value, stretches public funds further and is the preferred option. The difference between the reduced price and the full price can become a donation for the seller's tax benefit.
- *Acquisition by Donation of Land*
- *Land Exchange* - Trading of private open land that is more desirable for resource protection for public land that may not be functional as parkland (that is, too small, poor access).
- *Conservation Easement* - Granted to a qualified conservation organization or government agency that restricts the use and development of the property. Landowner retains ownership and maintenance responsibilities. See Appendix C for more information on conservation easements.
- *Deed Restrictions* – Covenants that limit or prohibit development and other land uses.
- *Recreational Easements* – Generally used to obtain the right to construct a trail across private land to access public open space.

These tools become much more effective when local government partners with federal and state agencies and conservation organizations to leverage funds and other resources.

2. REGULATORY MEASURES AND LAND USE PLANNING

- *Parkland Dedication* - State law requires that 11% of the net lotted area being divided into lots ½ acre or less in size to be dedicated as parkland or the developer can donate cash-in-lieu of parkland.
- *Parkland Design Standards* – The City and County Subdivision regulations contain basic standards for acceptable types of open space within proposed subdivisions (central green square, preservation of natural feature, trails etc.). The Master Parks & Recreation Plan provides more detailed standards for designing neighborhood parks including the size, shape, street frontage, topography, and visibility.

- *Subdivision Regulations*
 - Two different sections of both City and County subdivision regulations encourage the preservation of open space beyond the 11% parkland dedication requirement by clustering home-sites: 1) Cluster Development Standards and 2) Planned Unit Developments.
 - City and County subdivision regulations allow the governing body to impose conditions upon subdivision approval to mitigate impacts on natural resources and wildlife. Such conditions may include: 1) clustering lots away from wildlife habitat; 2) requiring no build/improvement zones; 3) requiring a reduction in lots; 4) building envelopes; and 5) requiring wildlife friendly fencing.
- *Riparian Setbacks* - City zoning and subdivision regulations and County subdivision regulations prohibit development within an Area of Riparian Resource and an adjacent buffer area. The regulations do not create a standard distance for the setback from a stream or water body; it is determined on a case-by-case basis and has ranged from 20 feet for small ditches to over 100 feet for major rivers with significant wildlife corridors.
- *Zoning*
 - The residential areas along the urban fringe are generally zoned low density depending upon the resources present and the distance from city services. For example, the Mullan Road area past Kona Ranch Road is zoned one dwelling unit per five acres and areas in the North Hills and Hayes Creek area are zoned Open & Resource Lands, which allow one dwelling unit per 40 acres.
 - County zoning regulations provide for cluster development standards, special districts, Planned Unit Development Districts, Rural Zoning Districts, and allow residents to request a Citizen Initiated Zoning District, all of which may lead to more open space within a new development.
 - City zoning regulations provide for cluster development standards, special districts, and Planned Unit Development Districts, which may also lead to more open space within a new development.
- *Floodplain Regulations* – City and County regulations restrict development within the FEMA-mapped 100-year floodplain of rivers, creeks, and other water bodies in order to protect floodplain functions such as stormwater storage and reducing downstream flooding.
- *Long Range Planning* – The Missoula County Growth Policy establishes the framework and guidelines for land use planning throughout the entire county. Regional and vicinity plans are intended to provide more specific guidelines for land uses within plan boundaries. Both the *Missoula County Growth Policy* and its associated plans, such as the *Wye Mullan West Comprehensive Area Plan*, contain many goals to encourage the preservation of open space and natural resources.

3. FINANCING STRATEGIES

- *Bond Issue* – Local government borrows money through the issuance of general obligation bonds that are repaid through property tax assessments over a 15-20 year period. Bonds must be approved by voters. The advantage of a bond is that a large amount of money can become available within a short time. The 1995 \$5,000,000 City Open Space Bond is almost spent. In June 2006, County Commissioners voted to place a county-wide \$10,000,000 on the November 2006 ballot for voter approval.
- *General Fund Appropriation* – The City and County can allocate funds from the annual budget for land acquisition.
- *Countywide Mill Levy* – A property tax that requires voter approval. Although levy funds can be used for acquisition, development and maintenance is the more typical use. Levies can be enacted for a period of years or permanently. Tax is collected yearly so the advantage is that it is a known amount; disadvantage is the relatively small amount of funds available as compared to a bond.
- *Non-conforming Parkland Sale* – The City adopted an ordinance that allows for the sale of non-conforming parkland. Funds from the sale must be used to acquire parkland or improve existing parks in the area where the parkland was sold.
- *Impact Fees* – The City adopted and began collecting impact fees for parks and other city services in 2005. This money can be used to add new recreational features or facilities to existing or new parks.
- *Grants* – State and federal programs are available to help assist in open space acquisition. For example, the federal Land and Water Conservation Fund contributed towards purchasing the backside of Mt. Sentinel. The Community Development Block Grant program awarded funds to help purchase a small neighborhood park in the River Road area. Additionally, federal transportation grants are instrumental in assisting with expanding our bike/pedestrian trail system.
- *Special Improvement Districts (SIDs)* – City SIDs and County Rural Special Improvement Districts (RSIDs) can help fund park development.

Other infrastructure financing programs may, in the process of meeting their primary objectives, also preserve open space. Examples include:

- Stormwater drainage system plans and projects, whereby detention ponds may be created and natural drainages may remain intact.
- Land application systems for wastewater treatment.
- Existing or new utility easements, where public health and safety would not be threatened.

Local governing bodies may effectively manage Missoula's future growth by using a variety of tools to promote a balanced urban design and overall livability. Tools such as capital infrastructure planning and development can encourage and guide land development towards those areas identified as better suited for development, while allowing preservation of environmentally sensitive lands as well as lands identified as valuable and of high importance to the community for open space.

D. POTENTIAL TOOLS

Several additional tools might be created to help the community achieve a fuller urban area open space system. Tools and techniques that should be explored include:

- *Local Option Sales Tax* – New state law would need to be adopted to allow local governments to impose a local sales tax on goods and services such as lodging, restaurants, bars, and rental vehicles.
- *Real Estate Transfer Tax* – For several past legislative sessions, bills have been introduced to implement a 1% realty transfer tax with various possible uses for the funds generated, such as local planning, affordable housing, and open space preservation.
- *Tax Incentives for Agriculture* – Tax incentives to help agricultural landowners keep their lands in agricultural use can help preserve open space. Missoula County has been working with ranchers and farmers over the past year to explore the possibilities. Implementing some of the tools will likely take adoption of new state legislation.
- *Other Tax Sources* – Other potential sources for open space funding could come from existing state taxes, but would require legislation. Examples include the state lodging tax, vehicle tax, and gas taxes.
- *Lease Income, Use and Program Fees, Concessions* – All of these are options that the Parks Department is either currently using or has the authority to use but has not done so yet. The fees generated are minimal to date and typically are used to offset operational costs. Thus, there is potential in the future to look at ways of increasing such fees to generate more funds.
- *Transfer of Development Rights (TDR)* - Although both the City and County have executed TDR agreements in the past, neither government has an established TDR program. TDR enables a landowner to transfer potential development rights from sensitive lands to areas better suited for development. In fact, this tool could be used as an incentive not only to preserve open space and critical natural and cultural resources, but also to place new development in areas planned for growth through the City-County growth management process. TDR is feasible only in zoned areas and thus is currently not a viable option in the large majority of the county.

- *Natural Resources Protection Zone* – Natural resource protection zones can be a very effective technique for conserving fragile natural resource areas such as riparian corridors, wetlands, watersheds, or lake shores. Zoning could be adopted that contains special clustering or set-back provisions to protect environmentally constrained areas. Additional provisions can be added that are not typically found in zoning ordinances such as grading, landscape restoration, and limitations on the development of steep slopes. The City of Missoula currently has a Riparian Resource Zoning District that requires setbacks along all rivers, wetlands and other water bodies. Adopting such a zone throughout the county could protect hundreds of miles of riparian corridors.
- *Park District* - State law allows counties to form park districts in order to impose a tax or levy on households within the district to fund maintenance, development and acquisition of county parks. Thus far, this has not been attempted in Missoula County.

E. OPEN SPACE SUITABILITY CRITERIA

Open space acquisitions or conservation easements within the Open Space Planning Area will be evaluated using the suitability criteria outlined below. A separate set of criteria applies to conservation lands, parklands, agricultural lands, scenic views and vistas, and trails. Each set of suitability criteria includes three categories: Innate Characteristics of the Land, Contribution to the Open Space System, and Contribution to the Built Environment. In addition to the suitability criteria, each potential acquisition or conservation easement should also be evaluated on the seven criteria listed below.¹⁴ Criteria are not ranked in order of importance; also an area or a specific parcel may meet some but not necessarily all of the criteria.

1. Would the proposed addition contribute to geographic distribution?
2. Would the proposed addition be accessible to a neighborhood identified as an underserved area in the Master Parks Plan?
3. Would the proposed addition contribute to the variety of types of open space?
4. Would the proposed addition benefit a broad spectrum of interests?
5. Would the proposed addition enhance non-motorized travel or access to open spaces?
6. Is the proposed addition located in an area of anticipated urban/suburban growth?
7. Based upon the current condition of the land, would the proposed addition require remediation or restoration and would the benefit justify the costs?

¹⁴ These are criteria drafted by the Open Space Working Group with minor revisions by OSAC.

CONSERVATION LANDS

Innate Characteristics

Conservation lands possess two types of innate characteristics: natural values and human use values.

Primary Characteristics: Natural Values

- 1) The land displays or is part of a distinctive geological form that contributes to the character of the Missoula Valley.
- 2) The land includes a stream, watercourse, or wetland.
- 3) The land has significant, rare, or unique natural vegetation, such as native grasses, extensive stands of trees, or unusually large individual trees, etc.
- 4) The land provides significant, rare, or unique habitat for terrestrial or aquatic wildlife, increases the diversity or abundance of habitat and wildlife, or provides or expands a corridor for wildlife movement.
- 5) The land supports or helps support features of the typical ecology and biodiversity of Western Montana or the Missoula Valley.

Note: valuable natural characteristics of some areas may need buffering; land that performs this protective function should also be considered for protection or appropriate use even if it is not particularly valuable for its own natural characteristics.

Secondary Characteristics: Human Use Values

- 1) The land is suitable for non-intrusive low-intensity recreation, such as walking, nature study, or contemplation.
- 2) The land is visually attractive, accessible, significant, or unique.

Contribution to the Open Space System

- 1) The land contributes to the diversity of conservation lands within the open space system.
- 2) The land shares elements of other open space components (for example, it has visual attractiveness or the capacity to support a trail without detriment to its natural values).

- 3) Because of its location and character, the land interacts with other types of open space components (for example, providing nesting habitat for birds frequenting a nearby park).
- 4) The land contributes to the distribution, expansion, and coherence of the open space system.

Contribution to the Built Environment

- 1) The land provides visual open space relief.
- 2) The land provides spatial definition to the urban area as a whole (for example, it contributes to a greenbelt).
- 3) The land provides breathing room and contrast internal to the urban area (for example, a wetland or a river providing relief to urban elements of concrete).

AGRICULTURAL LANDS

Innate Characteristics

- 1) The land has aesthetic value, involving a visually attractive landscape or views and vistas.
- 2) The land has historical ties to agriculture and/or historical features.
- 3) The land sustains wildlife, whether intentionally or not.
- 4) The land sustains a working farm or ranch.
- 5) The land contains high-quality agricultural soils.

Contribution to the Open Space System

- 1) The land contributes to the diversity, distribution, and shape of the open space system.
- 2) The land contrasts with or complements nearby open space lands, or balances the proportions of land types within the system.
- 3) The land connects other parts of the system.

Contribution to the Built Environment

- 1) The land contrasts with and/or complements nearby developed land.
- 2) The land helps shape and define the urban area.

SCENIC VIEWS AND VISTAS

Innate Characteristics

- 1) The land either holds valuable, accessible visual resources or it complements or buffers land that does.
- 2) The land provides or protects a publicly accessible viewing point.
- 3) The land provides a visual corridor to a valuable visual resource.

Contribution to the Open Space System

- 1) The land contains or provides access to diverse visual resources or it reinforces a larger area of visual open space.
- 2) The land provides a significant visual resource, viewing point or visual corridor in an urban area that has few or no other such places.
- 3) The land visually connects other elements of the open space system.

Contribution to the Built Environment

- 1) The land offers a complementary, enhancing contrast with developed land.
- 2) By serving as a green belt or green corridor, the land helps define the urban area.

TRAILS

Innate Characteristics

- 1) The land is suited for carrying a trail.
- 2) Modifications of the land to carry a trail will not have a significant negative impact on either the land itself or on its natural features such as vegetation, wildlife, etc.

Contribution to the Open Space System

- 1) The trail is needed and there is no similar trail in the area.
- 2) The trail will extend the present trail system into an area lacking trails in general, or this type of trail in particular.
- 3) The trail will give or improve desirable physical access to other components of the open space system.
- 4) The trail will improve visual access to other components of the open space system.
- 5) Construction of the trail will not have a significant negative impact on other open space characteristics of this and adjoining land.

Contribution to the Built Environment

- 1) The trail will work harmoniously with nearby development. Potential conflicts can be mitigated.
- 2) The trail connects with motorized and/or other non-motorized transportation routes.
- 3) The trail helps form a greenway that gives shape to urban area development on its fringe; or in the interior of the urban area (following a river, for example).

PARK LANDS

Innate Characteristics

- 1) The land has the potential to provide active or quiet recreation due to its location, size, topography, soils, vegetation, etc. Master Park Plan standards for neighborhood, community and regional parks would apply depending on the acreage.
- 2) The land has the potential to provide for needs expressed in the Master Parks Plan.
- 3) The land has features of aesthetic value (for example, visually attractive landscape or views and vistas).
- 4) The land could provide a meeting place for social activities when developed as a park.
- 5) The land offers environmental education opportunities.
- 6) The land includes historical features which could be retained and contribute to its functioning as park land.

Contribution to Open Space System

- 1) The land contributes to the diversity, distribution, and shape of the open space system.
- 2) The land contrasts with or complements nearby open space lands or balances the proportions of land types within the system.
- 3) The land connects other parts of the system.

Contribution to the Built Environment

- 1) The land contrasts and/or complements nearby developed land.
- 2) The land helps shape and define the urban area.

F. MANAGEMENT AND MAINTENANCE OF THE OPEN SPACE SYSTEM

Parklands & Trails

The Missoula Parks and Recreation Department manages and maintains the City's urban parks. As new parks and trails are acquired through purchase, donation or otherwise, the Parks Department assumes all management and maintenance responsibilities. Costs incurred to maintain and manage the park system are largely covered by general fund tax dollars. Recreational facilities dedicated to special uses such as sports or swimming are maintained in large part by user fees.

Conservation Lands

As of May 2006, the City has acquired or protected through conservation easements over 3,300 acres of conservation lands using the 1995 open space bonds and with the help of partners from federal and state agencies and land trusts. Of this acreage, the City is responsible for maintaining approximately 2,700 acres; the remaining 600 acres are managed by the private landowners or other agencies. The 1995 general obligation bonds were specifically designated for land acquisition; thus, none of the funds have been used for maintenance or management.

With the first acquisition in 1996 of Mount Jumbo through 2004, Conservation Lands were managed primarily through volunteer efforts and partnerships. The University of Montana, Rocky Mountain Elk Foundation, Missoula Weed District, Fish, Wildlife and Parks, USFS, the North Missoula Community Development Corporation and Hill and Homestead Coalition, Five Valleys Land Trust, Save Open Space, and numerous citizen volunteers dedicated thousands of hours toward the development of the Mount Jumbo Management Plan, the Conservation Lands Vegetation Management Plan, and various interim plans for the newly acquired conservation lands.

Beginning in 1998, the city of Missoula contracted with the University of Montana Research Program to manage invasive weed control efforts on the City's conservation lands. Weed control methods included herbicide applications, prescribed grazing, hand pulling, monitoring, bio-control collections and releases, native seed collection and sowing, and educational and outreach efforts. However, due to a limited budget, the contractor was only hired for 20 hours/week during the field season. Other land management issues such as trail use were not addressed.

In 2002, Jed Little prepared a report reviewing the City's open space program and acquisition efforts, entitled "The Report Card on the Missoula Urban Area Open Space Plan." The report concluded that while acquisition of open space had been highly successful, there clearly was a strong need for more funds and staff for lands management activities. The report recommended that the City of Missoula hire a full-time conservation lands manager with staff and funding to address the complex conservation lands issues. See Appendix F for further information about the report.

In December 2004, Missoula Parks and Recreation, with the help of the Missoula Weed District's three year pledge of \$25,000 per year, hired the Department's first full time Conservation Lands Manager. In addition, seasonal staff was added and also transferred from within the Department to assist with land management issues ranging from signage and use permits to vegetation and trail building and closures.

The Conservation Lands Manager, along with the Urban Forester and Parks Maintenance Manager, working under the Parks Department Operations Superintendent, form a solid team of land management experts to guide the maintenance and management of the entire Open Space System. The Recreation Division of Parks and Recreation assists with issuing use permits and provides educational programs on Conservation Lands. While the Conservation Lands Management program is in its infancy, many successes have already been achieved (trail improvements, land use regulations and use permits, vegetation management, fire mitigation projects).

Efforts are underway, working with the Mount Jumbo Advisory Committee, Park Board, land management agencies and Parks Department management team, to create a management plan that includes all current and future conservation lands. Partnerships with all area land managers, outreach and education with citizens, and adaptive land management are and will continue to be critical to successful management of the lands.

These collaborative efforts ensure that the management is compatible with the intrinsic natural values of these open space lands. For example, the coordinated purchase of Mt. Jumbo (FVLT, RMEF, FWP and the City) was due largely to its value as winter habitat for a local elk herd. As a result, the management plan reflected this by establishing winter closures, thereby allowing elk to access the open southern slopes for forage. The Moon-Randolph property in the North Hills has a cushion plant community along the long windswept ridge that includes the globally rare Missoula phlox. As a result, this property ranked high for acquisition because of this unique vegetation. Thus, any management plan should ensure that these natural values are protected.

APPENDIX A

JANUARY 2006 OPEN SPACE UPDATE

In November 1995 City of Missoula voters passed a \$5 million open space bond. According to the ballot language, bond money will be spent to acquire:

in fee, by easement, or otherwise, open space land in or near the City, guided by the open space plan recently adopted by Missoula local governments, such as some Mount Jumbo lands, lands at the South end of Mount Sentinel, Fort Missoula area lands, upper South Hills lands, North Hills, Clark Fork River Corridors, areas for recreational playing fields, or for acquiring and establishing community trails consistent with the open space plan, and for defraying costs related to such acquisition.

The City has made the following major bond expenditures¹; many of these acquisitions were matched by local, state, or federal dollars:

AREA	ACREAGE	CITY FUNDS
Mount Jumbo	1,465 acres	\$2 million
Total price \$3.3 million. \$1.3 million was raised by the Five Valleys Land Trust Mount Jumbo Campaign, through individual, agency, and corporate funding and Forest Service and Fish Wildlife and Parks purchases. Mount Jumbo is a cornerstone element of the open space system.		
Randolph Property (North Hills)	467 acres	\$580,000
Visual backdrop to downtown Missoula and the Northside and Westside neighborhoods. Trail potential from the Northside, Westside, and Rattlesnake Valley to the Rattlesnake Recreation Area. Cornerstone element.		
Bicycle Commuter Network	Acreage N/A	\$435,000
Total project cost: approximately \$3.1 million. \$435,000 of open space bond money was committed as local matching funds in this otherwise federally-funded project. Trail projects include: 1) Bitterroot Spur, linking McCormick Park with Southgate Mall, eventually to Fort Missoula, 2) Kim Williams Trail Extension toward Bonner, and 3) Milwaukee Railroad trail corridor from McCormick Park to Mullen Road west of Reserve Street.		

¹ Figures do not include costs associated with transactions, such as surveys, title reports, real estate commissions, environmental assessments, etc.

Schilling Property **120 acres** **\$7,000**

Estimated value at time of acquisition: approximately \$150,000. This land adjoins and extends the open space value of the Randolph north hills acquisition. Generous gift to the City, which paid \$7,000 to cover conservation easement costs. Visually significant from many parts of town, including the South Hills; trail potential. Cornerstone element.

Fort Missoula **97 acres** **\$700,000**

After a lengthy search to identify and negotiate for land appropriate for a regional park, the City purchased University of Montana land at Fort Missoula. The acquisition will provide the land for Missoula's first regional park. The park planning process will feature extensive community involvement, including those public and private entities located at the Fort. Cornerstone element.

Mount Sentinel Cox Property **475 acres** **\$175,000**

Appraised value at time of purchase: \$236,500. Thanks to the conservation partnership of the Five Valleys Land Trust and the City of Missoula, in April 2000 the City acquired 475 acres on the southwest face of Mount Sentinel. In addition to substantial visual and conservation values (cornerstone), the land holds an important trail system that connects to other public land. The City's acquisition will ensure public access and will complete the conservation work begun in 1981, when the City purchased a conservation easement on this land using 1980 open space bond funds. The purchase also enables the Land Trust to find a conservation solution for 474 acres on the east-facing slope of the mountain.

Tower Street Conservation Area (Wilbert property) **78 acres** **\$250,000**

In June 2001 the City purchased nearly 80 acres along the Clark Fork River at the north end of Tower Street. The land supports a black cottonwood bottomland forest with extensive wildlife habitat. The Clark Fork river corridor is a cornerstone. In addition, it provides public river access and supports a trail system that might eventually link downtown with Kelly Island. One house and an acre of this land were sold in November 2003 to a private owner for \$155,000, reducing the total cost acquisition cost to about \$100,000.

Mount Jumbo Cromwell Property **33 acres** **\$40,000**

In August 2001 the City purchased the 10-acre Cromwell property in the Mount Jumbo saddle. Preservation of this piece was key to ensuring the integrity of the elk migration corridor and the recreational experience. After placing conservation and public access easements on the property the City sold the land to adjoining landowners, who in return placed conservation easements on 23 additional acres in the saddle and made a \$16,000 gift to the open space bond fund.

North Hills Qwest Property **.23 acres** **\$99**

In July 2002 Qwest Corporation made a bargain sale of their former microwave transmitter site above Waterworks Hill. The small parcel is surrounded by the City's Randolph property (see above) and shares many of the same values.

Mount Sentinel Backside (leveraged by \$650,000 LWCF)	475 acres	\$100,000
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In 2003, the City worked in partnership with the Five Valleys Land Trust, the U.S. Forest Service, and Trust for Public Land on public acquisition of the backside of Mount Sentinel (Cox Property). At the request of Commissioner Barbara Evans, Senator Burns secured \$650,000 from the Land Water Conservation Fund. The majority of the property was conveyed to the Forest Service (440 acres) and 35 acres were deeded to the City. This solution preserved the land in open space and provided public access, connecting City and University land on the face of Mount Sentinel with National Forest Land in Pattee Canyon.

Simon CF Riverfront Property	40 acres	\$100,000
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In September 2004 the City purchased 40 acres that is adjacent and to the west of the Tower Street Conservation Area. This parcel can be accessed using the same parking lot that was built at the north end of Tower Street. It is in excellent condition with native old-growth cottonwood forests and a minimal amount of noxious weeds as no structures or roads were ever built upon this parcel. This property was purchased with the funds from the sale of the house and one acre at 120 Channel Drive, formerly part of the Tower Street parcel.

Lafray Park (River Road area) (leveraged by \$134,000 CDBG)	1.35 acres	\$134,000
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The Missoula Housing Authority (MHA) subdivided their approximately 2 acre site off Lafray Lane into 4 lots, two of which were purchased by the City for a neighborhood park (a 1.15 acre and 0.2 acre lot) in June 2005. In October 2006 the City will purchase a third lot, which will bring the total acreage to 1.55 acres. The park was paid for half by Community Development Block Grant funds and half from Open Space funds (thus the purchase price totaled \$268,000).

To date, 1995 open space bond expenditures have totaled over \$4.5 million. Through gifts and local, state, and federal matches these funds have been leveraged to protect approximately \$8.5 million of open space. Approximately \$455,000 remains in the open space bond account, of which approximately \$200,000 has been committed to the bicycle commuter network of trails and about \$155,000 is likely to be committed to other pending projects. Many people deserve thanks and credit for the success of these projects: the landowners who wanted to protect open space, the land trusts, the state and federal agencies, the not-for-profits, elected officials, and the many citizen volunteers.

APPENDIX B

OVERVIEW OF MISSOULA’S OPEN SPACE PROGRAM

I. STRUCTURE OF THE OPEN SPACE PROGRAM

A. City of Missoula Parks & Recreation Department - “Planning Division”

1. Open Space Program Manager

- a) Responsible for implementing the Open Space Plan – acquisitions
- b) Implementation of the Missoula Master Parks & Recreation Plan
 - Review and comment upon all proposed “major” city subdivisions for park and trail design issues;
 - Work with private property owners, neighborhood groups & agencies to obtain neighborhood parks and trails;
 - Work on getting ordinances adopted to increase funding for neighborhood parks.

2. Conservation Lands Manager

- a) Responsible for maintaining and managing our approximately 3,300 acres of City Open Space Conservation Lands for their natural resource and recreation values;
- b) Main issues – WEEDS and balancing recreational demands/conflicts.

3. Parks & Trails Design/Development Manager

- a) Implementation of the Missoula Master Parks & Recreation Plan in regards to obtaining more community and neighborhood trails – connecting them to existing trails;
- b) Park and Trail design.

B. Funding of Staff and Expenditures

- 1. Staff** – All three positions outlined above are funded from the City general funds as are all Parks Department employees.

2. Acquisitions and Park Development –

- a) Main source for acquisitions - 1995 Open Space Bond (\$5,000,000)
- b) Minor sources that can be used:
 - Annual Capital Improvements Program allocation
 - Cash-in-lieu of parkland dedication contributions from subdivisions
 - Grants – recently purchased a small neighborhood park with 50% of the funds coming from a federal Community Development Block Grant & 50% from the Open Space Bond
 - RSID/SIDs for improvements to parks & trails

3. Maintenance/Management of Parks and Open Space – Part of annual Parks Department budget submitted each year – City general funds.

C. Citizen Involvement

- 1. Open Space Advisory Committee (OSAC)** – Twelve person volunteer citizen committee formed in 1981. City Council votes to determine which applicants will sit on the committee. One of the 12 members must be a City Park Board member who is designated by the Park Board. Six of the members must be City residents and the remaining 6 can be either City residents or reside within 4.5 miles of the City limits. The Open Space Program Manager serves as staff to OSAC.
- 2. OSAC Process for Open Space Acquisition** – The Missoula City Code requires all purchases of open space using the 1995 bond money to be reviewed by OSAC first before being reviewed by City Council.
 - Open Space staff makes recommendation to OSAC of potential property for purchase or conservation easement
 - OSAC performs a “Rough Cut” checklist evaluation to determine if the property has sufficient open space value to warrant further evaluation
 - Field trip to property and further discussion with OSAC and property owner
 - Final OSAC Evaluation – Contributions Matrix Scoring System
 - Letter from OSAC to City Council stating their recommendation

APPENDIX C

CONSERVATION EASEMENTS

Five Valleys Land Trust

What is a Conservation Easement?

A conservation easement is a legal agreement between a landowner and a land trust or government agency that permanently limits uses of the land in order to protect its conservation values. It allows private landowners to continue to own and use their land and to sell it or pass it on to heirs.

When you donate or sell a conservation easement, you give up some of the rights associated with the land. For example, you might give up the right to subdivide while retaining the right to grow crops. Most easements “run with the land,” binding the original owner and all subsequent owners to the easement’s restrictions. The easement is recorded with county land records so that all future owners and lenders will learn about the restrictions when they obtain title reports. The organization or agency that holds the easement is responsible for making sure the easement’s terms are honored.

Each conservation easement is tailored to reflect both the landowner’s vision and the public interest in protecting important conservation values. Development is restricted only to the degree that is necessary to protect the significant conservation values of that particular property. For example, an easement on property containing rare wildlife habitat might limit residential use, while one on a farm might allow continued farming and the building of additional agricultural structures. Even the most restrictive easements typically permit landowners to continue such traditional uses of the land as farming, ranching, and forest management. An easement may apply to just a portion of the property, and in keeping with landowner desires, usually does not require public access.

A landowner sometimes sells a conservation easement, but most easements are donated. In the case of a purchased easement, a value is ascribed based upon a qualified appraisal and the purchase price is negotiated between the landowner and the interested organization or agency.

Why do landowners grant conservation easements?

Landowners grant conservation easements because they have a deep connection to the land; and want to protect it from inappropriate development while keeping their private ownership intact. A conservation easement can be an essential tool for passing land on to the next generation. By removing the land’s development potential, the easement lowers its market value, which in turn lowers estate tax. Whether the easement is granted during life or by will, it can make a critical difference in the heirs’ ability to keep the land intact.

Granting an easement to a conservation organization that qualifies under the Internal Revenue Code as a “public charity” - which nearly all land trusts do - can yield income tax as well as estate

tax savings. If the donation benefits the public by permanently protecting important conservation resources and meets other federal tax code requirements it can qualify as a tax-deductible charitable donation. The amount of the donation is the difference between the land's value with the easement and its value without the easement. Only gifts of perpetual easements can qualify for income and estate tax benefits.

Are conservation easements popular?

Conservation easements are very popular. In the five years between 1998 and 2003, the amount of land protected by local and regional land trusts using easements tripled to 5 million acres. Landowners have found that conservation easements can be flexible tools and yet provide a permanent guarantee that the important conservation values of the land will remain intact. Conservation easements are used to protect all types of land, including coastlines, farm and ranchland, historical or cultural landscapes, scenic views, streams and rivers, trails, wetlands, wildlife areas, and working forests.

What is a land trust?

A land trust is a nonprofit organization that actively works to conserve land by undertaking or assisting in land or conservation easement acquisition, or by its stewardship of such land or easements. Land trusts, some of which are more than 100 years old, are not government agencies. They are independent organizations that work with private landowners to conserve land for its natural, recreational, scenic, historical and productive values. But land trusts also often work cooperatively with government agencies in acquiring or managing land, researching open space needs and priorities, and assisting in the development of open space plans.

One advantage of working with a local or regional land trust is that they are very closely tied to the communities in which they operate. Moreover, land trusts' nonprofit tax status makes available to landowners a variety of tax benefits. Because they are private organizations, land trusts can often be more flexible and creative than public agencies - and can act more quickly in protecting important land.

The land trust is responsible for enforcing the terms of the easement document. The land trust monitors the property on a regular basis -- typically once a year - to determine that the property remains in the condition prescribed by the easement document. The land trust maintains written records of these monitoring visits, which also provide the landowner a chance to keep in touch with the land trust. Many land trusts establish endowments to provide for long-term stewardship of the easements they hold.

Five Valleys Land Trust

In 1972, conservation-minded citizens in the Missoula area recognized that the natural landscape of their community could change dramatically as residential and commercial growth soared. They believed the time was right to join together to seek practical ways to protect the stream corridors, wildlife habitat and remarkable natural beauty of the surrounding five valleys. The newly formed Five Valleys River Parks Association quickly became the catalyst for creating the riverfront park system through Missoula.

In 1989, the Association expanded its conservation capabilities and mission beyond the City of Missoula into Western Montana, and the Five Valleys Land Trust (FVLT) was born. FVLT holds

75 conservation easements ranging in size from 2 acres to 3,300 acres. Over 50 of these easements are located in Missoula County, with 32 inside the boundaries of the Open Space Plan. In addition, FVLT has taken a leadership role in several important public acquisitions, including 1,600 acres on Mt. Jumbo and nearly 1,000 acres on Mt. Sentinel. There are conservation easements held by FVLT on portions of both of these important components of the City's open space system.

To date, FVLT has helped protect nearly 30,000 acres of land in Western Montana.

APPENDIX D

OPEN SPACE WORKING GROUP FINAL REPORT

Donna Gaukler, Director
Jackie Corday, Open Space Coordinator
Missoula Parks and Recreation Department
100 Hickory
Missoula, Montana 59801

February 15, 2006

Thank you for the opportunity to have been involved in the Open Space Citizen Working Group. Our charter and objectives were as follows:

- Review successes that occurred as a result of the 1995 Open Space Plan.
- Identify pertinent factors in the current operating environment to establish a realistic context for discussion about open space in Missoula.
- Explore future open space needs and develop collaborative recommendations that frame a proactive, realistic future scenario for Missoula's Open Space Program.
- Explore recommendations for increasing community support for open space as well as possible funding strategies.

Our collaborative process included five Working Group meetings and participation in a public open house. The process was designed to accomplish the following:

- Develop the Working Group's governance structure
- Educate the Working Group so that we were all approximately "on the same page"
- Explore pertinent factors in the current operating environment.
- Recognize "interests" at the table as well as those not represented.
- Review successes, "stalls" and disappointments regarding the current Open Space Plan
- Draft an open space vision and guiding principles, and criteria for evaluating open space needs
- Discuss and hear comments from the broader public at a public open house.
- Finalize a collaborative recommended future scenario for Missoula's Open Space Program through agreement on our vision, guiding principles, criteria and relative ranking of open space categories.
- Discuss and affirm education and community support tools and funding strategies for the Open Space Program.

Please consider the attached document as the Open Space Citizen Working Group's comments and recommendations regarding the updating of the Open Space Plan as well as affirmation of the City's education tools and funding strategies pertaining to open space.

We believe that the Working Group's recommended vision, guiding principles, and evaluation criteria are consistent with the original community open space vision and cornerstone framework of the 1995 Plan. We seek an active, long-term, and sustainable open space program resulting in conservation and preservation of important open lands and open space values in and around our community. We believe that our goals are well-represented in our guiding principles and that they highlight the importance of protection, management, maintenance and an ongoing, meaningful public process.

Thank you.

Sincerely,

NAMES OF WORKING GROUP MEMBERS HERE IF THEY CONCUR

Brianna Randall

Kristin Smith

Kathleen Kennedy

Jeremy Flesch

Sally Johnson

Raymond Correia

Torian Donohoe

Wayne Vandeberg

Minie Smith

Jeffery Smith

Ginny Fay

Bobby Grillo

Deborah Oberbillig

Bob Henderson

Valerie Wyman

Stephen McCool

James Wilson

Wayne Freimund

Jonathan Haber

OPEN SPACE CITIZEN WORKING GROUP
UPDATING MISSOULA'S OPEN SPACE PLAN
Missoula Parks and Recreation Department

FINAL RECOMMENDATIONS

It is the recommendation of the Open Space Citizen Working Group that the revised Open Space Plan be congruent with the vision, guiding principles, and criteria articulated below:

Vision

We envision an integrated open space system that includes cornerstones and a diverse variety of lands, uses and values. We see uninterrupted skylines; continuously accessible river corridors; functioning wildlife habitat; access for low impact kinds of recreation; community level parks; and a trail system that connects cornerstones and open space for recreation and non-motorized users.

Guiding Principles

1. We believe there is a vital connection between open space and healthy people, and that healthy communities conserve open space that supports clean water, clean air, wildlife and outdoor activities that keep people well.
2. We believe open space provides special environments where human beings and nature meet, and that a strong connection exists between open space and quality of life.
3. We believe that we live in an area to which generations of people have been drawn because of its unique topography and sacredness of place.
4. We believe that Missoula's Open Space system encompasses a variety of lands, together with connections and corridors, and that those lands collectively provide diverse opportunities for all including neighborhood open spaces and playing fields, or vistas, hiking trails, and wildlife habitat to name just a few.
5. We believe that open space should be conserved for fish and wildlife and that acquiring and managing open space should take into account ecology and support of natural habitats.
6. We believe that open space enhances the built environment.
7. We believe in conserving agricultural lands and community gardens because they are a component of open space and contribute to the sustainability of our community.
8. We believe that a successful open space program requires the guidance of citizens in active, ongoing acquisition, maintenance, and management.

9. We believe that all citizens benefit from open space and therefore all citizens have a responsibility to support it.
10. We believe that the 1995 open space plan provides a solid base upon which to build. We believe that the cornerstone concept remains an important guiding framework and that new cornerstones, as well as connections to cornerstones, are important.
11. We believe that open space transcends political boundaries and that the City and County should work together in a collaborative open space program.
12. We believe there is a sense of urgency to act now to conserve open space because Missoula and its surrounding area is in the midst of the longest sustained development in its history and multiple opportunities have already been lost.

Criteria for Evaluating Open Space Needs in Missoula

1. Would the proposed addition connect or add value to existing open space?
2. Would the proposed addition contribute to geographic distribution (e.g., available to an underserved population)?
3. Would the proposed addition fill a void in types and variety of open space land use (i.e., play fields, agricultural, river access, etc.)?
4. Does the proposed addition offer opportunities for a corridor for wildlife or people or both?
5. Does the proposed addition preserve viewsheds?
6. Does the proposed addition fill an important ecological niche?
7. Does the proposed addition benefit habitat(s)?
8. Would the proposed addition preserve working farms and ranches?
9. Is there a likelihood that development will threaten conservation values?
10. Is the proposed addition located in an area or areas of long-term planned or anticipated urban/suburban development?
11. Based on the current condition of the land, would the proposed addition require remediation or restoration and would the benefit justify the cost?
12. How many “interests”/groups might benefit from the proposed addition?
13. Are partnerships readily available for funding and management needs?

In addition, we offer the following:

A Relative Ranking of Open Space Categories by the Citizen Working Group (based on 16 individual members, “voting” for their top two:)

1. Conservation Lands (9 votes) (*One member indicated that he/she included riparian in this category; another member indicated that he/she included migration corridors in this category*)
2. Riparian Areas (7 votes)
3. Trails (5 votes)

4. Views and Vistas (3 votes)
5. Agricultural Lands (2 votes)
6. Connectivity (2 votes)
7. Urban Parklands (2 votes)
8. Urban Forests (no votes)

The Working Group affirms the recommended actions from the 1995 Open Space Plan (pgs 44-48) and Master Park Plan with the following specific additions, changes, and edits in italics:

Under Public Education Program

- (1) *Inform the public* about the Open Space Program, the diverse types and many functions of Open Space, and ways to preserve it;
- (2) *Develop* design techniques that help preserve open space;
- (3) *Continue to involve the public with planning* for open space
- (4) *Significantly “ramp up” efforts to increase positive public education and do whatever is necessary to keep the communication lines open with the public.*

Under Available Tools

We support the use of a variety of funding, management and land use planning tools, following an analysis of the options available including the following:

- Conservation easements, deed restrictions, *and options to purchase*
- Funding methods currently used for parkland:
 - (8) *Gifts and donations*
 - (9) *Endowment*
 - (10) *Taxing options (including a Bond issue; check-off on State taxes, etc.)*
 - (11) *Open Space license plates*

Other Recommendations Regarding Open Space in Missoula

These recommendations are not a part of what would go into the plan update, but rather are suggestions to OSAC, Parks Department, and City Council:

1. The Open Space Plan generally focuses on community open space. We need to look seriously at the fact that “community level” open space does not alone satisfy the needs of people for open space areas where they live and work. The lack of neighborhood level open space causes “angst” in people making them feel an increased urgency regarding both community and neighborhood level open space. Missoula should also address the desirability and need for neighborhood open space in commercial areas, near office buildings, and in dense residential areas such as apartment complexes, senior housing, and group homes.

2. Implement successful strategies that raise awareness and educate the public on the benefits of open space including air and water quality, ecosystem conservation, economic values, physical and mental health values and recreation opportunities.
3. Explore and implement management options for a long-term commitment to stewardship, management, and maintenance of community open space.
4. As a community, we need to see increased emphasis on State laws to give people the ability to plan how their communities will develop and grow. These include growth policies with “teeth”; statewide planning regulations; and adequate funding to utilize these tools at the community level.
5. Enforce current zoning regulations and designations so people can depend on them. ²

² “While I support zoning as a planning tool in principle, current zoning (especially if it’s low-density residential zoning) may not be supportive of the open space principles we have enumerated. Therefore, I don’t believe it is appropriate to recommend enforcing current zoning without qualification.” Jon Haber

APPENDIX E

HABITAT TYPES WITHIN THE OPEN SPACE PLANNING AREA

Prepared by Mary Manning, OSAC member & USFS Vegetation Ecologist

Within the Open Space Planning Area, there are four main habitat types that generally can be categorized as forests, grasslands, woody draws, and riparian corridors/wetlands.

Douglas-fir forests

On the north and northeastern facing slopes of the hillsides surrounding the Missoula Valley, Douglas-fir forms dense patches, with a grass or shrub understory. Pinegrass, ninebark, snowberry, and other shrubs may be present. These patches are part of the larger landscape mosaic that is seen in the hills around Missoula. These forests provide thermal and hiding cover for elk, deer, bear and many other species, including various raptors, songbirds, and small mammals. Pine siskins, juncos, ruby-crowned kinglets, and other birds are seen and heard in these forests. They are part of the larger landscape mosaic that creates edge and interior habitat for all these species.

Ponderosa pine - Douglas-fir savannah

This scattered forest/grassland mosaic is common on the west and southwest facing slopes of mountains. Large, widely spaced ponderosa pine and Douglas-fir trees occur in microsites that have higher moisture, such as wide draws, while grasslands blanket the sunny hillsides. These open, transitional habitats are used by many bird species (including all the forest and grassland birds), raptors (red tailed hawk, rough legged hawk, great horned owls), and cavity nesters (downy, hairy, and pileated woodpeckers and flickers). In addition, large and small mammals use these open forests for cover, shade, grazing and hunting. Elk, deer, bear, mountain lions, and many small mammals are seen in these settings. The dense grass understory is critical at protecting the soil surface and trapping sediments.

Foothills Grasslands

The grassland communities around Missoula have a diversity of species, including bluebunch wheatgrass, Idaho fescue, rough fescue, prairie junegrass, Sandberg's bluegrass and various needlegrasses. In addition, these grasslands have many different flowering herbaceous plants, called forbs. The notable species that create bright splashes of color include: arrowleaf balsamroot, lupine, sticky geranium, larkspur, penstemon, prairie shooting star, bluebells, bitterroot, prairie smoke, kittentails, among many others. These grasslands are critical habitat for a number of birds, including: song, vespers, and savannah sparrows, nighthawks, bluebirds, and meadowlarks, among others. Flickers also forage in grasslands frequently. In addition, small mammals such as voles and Columbian ground squirrels live in grassland communities; as a result, raptors such as red tailed hawks, northern harriers, kestrels and various species of owls can be seen. Badgers also hunt small mammals and their large excavation holes are common, although one rarely sees a badger.

The foothills also contain unique cushion plant communities that blanket some ridges. These include the rare Missoula phlox, douglasia, silvery groundsel, oval leafed buckwheat, and other taller forbs, such as penstemon. Foothills grasslands are critical for watershed protection. Dense

cover of grasses and forbs, along with a ground cover of dead plant material, called litter, protect the hillsides against the forces of rainfall, absorb the moisture and keep it there to be used by these plants. Without this vegetation cover, especially on the steep slopes of Mt. Jumbo, soil erosion would accelerate and create problems at the base of the mountain.

Woody Draws

Long lines of green bisect the hills of Mt. Jumbo and Sentinel. These woody draws are literally huge draws for many species of songbirds, including yellow warblers and lazuli buntings. They are dominated by chokecherry, hawthorn, serviceberry, snowberry, and a variety of forbs and grasses. Because draws are wetter than the surrounding grasslands, their vegetation is more lush, and these shrubs provide food, nesting and thermal habitat for many bird and small rodent species. They also provide hiding cover for various mammals, including deer, bear, fox and coyote, among others. In addition, these dense shrubs hold the soil in place. Since they occur along ravines, which collect water and transport it down slope during heavy rainfall, the shrub cover is critical for dissipating the rainfall energy, slowing the flows and trapping sediment that would otherwise end up downslope.

Riparian areas (streamside habitats) and wetlands

Riparian zones are associated with running water. In fact, that's what shapes these systems. The energy of water and scouring power of sediment in streams, creeks, and rivers influence the types of vegetation that grow there. In turn, by trapping sediments and slowing the flow of water, the riparian vegetation shapes the streams and rivers. This relationship occurs both within what's called the "bankfull" elevation of the stream channel, and within the floodplain. In fact, the stream channel and its floodplain function as one system. And the vegetation is critical to a functioning stream/floodplain interaction. Riparian vegetation is highly variable in that trees, shrubs, grasses, grasslikes, forbs and vines all occur there, along with mosses and lichens. These plants all have in common a tolerance of wet soils and actually require lots of water for most of the growing season. Some species have their "feet in the water" and others occupy moist, but not wet sites. The streambank species are highly adapted to flooding and the forces of water and sediment. Many depend on this as a way to reproduce. They also have very strong, dense roots which hold the streambanks in place and buffer against the forces of flood flows. Common native species in Missoula's riparian zones include: black cottonwood, dogwood, mountain alder, western birch, chokecherry, serviceberry, hawthorn, various willow species, and many more shrub species. In the understory numerous forbs, sedges, rushes, grasses are present, along with mosses and aquatic species (submerged).

Riparian areas are ribbons of life. Given the small amount of land area that they occupy, these ecosystems are highly diverse and provide habitat for many species. Fish depend on healthy riparian areas, to trap sediment, shade the stream, and stabilize the streambanks. Many species of birds, notably songbirds, rear young in dense riparian shrubs, where insects are numerous (think about mayfly hatches!). Cavity nesters such as pileated woodpeckers and flickers use the large cottonwoods for nesting habitat. The dense vegetation also provides thermal habitat for both warm and cold days. These green corridors are essential to animals that move about the valley. Bears in particular find abundant berries from the chokecherries, serviceberries and hawthorn along streams and rivers. Great blue herons and various raptors also can be seen along our streams and rivers. Herons build their rookeries in riparian zones so they can hunt close by. Walking along the river

one can often see osprey nests and the birds themselves hunting overhead, usually with a bald eagle near-by.

In wide valley floodplains, flooding creates associated wetland (standing water) habitat, which includes oxbow (abandoned meanders) lakes that are often lined with cattails, tall sedges or bulrush. These provide quality habitat for various amphibians. Overflow channels become small long ponds in the early season, and then, moist depressions in late summer. They provide another habitat for many species, plus carrying the flooding load in the spring. In addition, this stream/floodplain relationship has huge benefits. Function streams and rivers reduce flood effects by slowing the flood flows, filtering sediment and building streambanks and floodplains. This in turn protects property, especially when the native riparian vegetation, which is highly adapted to flooding, remains in place. Functioning streams and rivers and their floodplains are the sponges that hold and slowly release water throughout the summer. The water is cool, clean and available for longer periods than if a river was channelized or not interacting with its floodplain. That's why it's so important to keep the riparian vegetation in place; otherwise the sponge will turn into a pipe and the water will not be stored and slowly released.

APPENDIX F

SUMMARY OF THE REPORT CARD ON THE OPEN SPACE PROGRAM

For his Master's thesis, University of Montana student Jed Little, researched and prepared "Report Card on the Missoula Urban Area Open Space Plan" in 2002. The report identified acquisitions of important viewsheds and conservation lands as the main achievement of the program and land management as the most significant shortcoming.

The 1995 Open Space Plan did not address land management and the bond money could not be spent on maintenance. Once the City acquired open space lands, they were turned over to the Parks Department for management. Thus, the loudest complaint from citizens quickly became "How can you keep acquiring land if you don't have the staff or a budget to care for it?" The main issue is management of noxious weeds. On the last page of the report, Jed makes seven recommendations to improve the program:

- 1) Hire a full-time conservation lands manager at the Parks and Recreation Department.
- 2) Complete an open space management plan with policies for each type of open space (conservation lands, park land, urban forest, agricultural land, trails, views and vistas), and special provisions for any unique characteristics of individual open space parcels.
- 3) Resurrect funding for an open space planning position at the Office of Planning and Grants (OPG) and/or in the Parks Department.
- 4) Integrate the functions of the Open Space Program in the City as a formal entity or develop open space functions within existing departments.
- 5) Research sources of funding for open space management and continuation of the acquisition program.
- 6) Develop a city parks master plan, park and recreation standards, and identify the role of small parks in the urban park and open space system.
- 7) Hold annual joint coordination meetings that bring together all entities working on open space in Missoula and produce a comprehensive annual report on open space accomplishments.

Since 2002, here's how those seven items have been addressed:

- 1) In December 2004, the Parks Department hired for the first time a full-time Conservation Lands Manager (as a Park employee) to manage the approximately 3,300 acres of conservation land purchased with the open space bond money.

- 2) Drafting a land management plan for the different types of open space will be a priority for the Conservation Land Manager in 2007.
- 3) Although no one specifically has that title at OPG or Parks, Jacquelyn Corday worked at OPG as a planner reviewing subdivisions prior to becoming the Open Space Program Manager. She is in constant contact with OPG planners giving input into subdivision design as it relates to parks and commenting on plans such as the *Wye Mullan West Comprehensive Area Plan* and the *Growth Policy Update*.
- 4) The Open Space program formally resides within the Parks Department and has its own budget.
- 5) In the fall of 2004, Jacquelyn Corday requested open space funding research assistance from the Land Use Law Clinic at the University of Montana Law School. Professor Horwich who leads the clinic assigned Valerie Wyman, a 3rd year law student to the task (she later became a member of the Open Space Working Group). Her research included reviewing legislative history to assess the viability of local option sales tax, realty transfer tax, lodging tax, and other potential state-wide or local taxes that could be partially funneled to the open space program. Valerie's research and Jacquelyn's follow-up with House Representative Tom Facey led to the amendment of state law to allow County Park Districts to use funds collected for purchase of parkland (prior to adoption of HB 321 in April 2005, Park Districts could not use their funds to purchase parkland).

Even more significant for the City and County of Missoula, Valerie's research into how cash-in-lieu was derived in other Montana cities and Counties showed that Missoula County was getting a small fraction of what we should get from developers when cash-in-lieu was chosen over parkland dedication because the value of the land was being determined by the Department of Revenue instead of a real estate appraiser. Jacquelyn drafted an ordinance to change the subdivision regulations to require developers to hire a state certified general appraiser to obtain the land value, which would then be used for calculating the amount of cash-in-lieu. This requirement was adopted by both the City and County in the summer of 2005. Bottom line, we will now get a significantly larger sum of money for parks each time a developer opts for donating cash-in-lieu of parkland dedication.

- 6) The Master Parks and Recreation Plan for the Greater Missoula Area was adopted by the City and County in May 2004.
- 7) In the fall of 2004, the first meeting of the Missoula County Land Managers came together through coordination among Forest Service, county, and city leaders. Invitees included key people from the FS, FWP, BLM, DNRC, University of Montana, City Parks, OPG planners, and local land trusts. The goal of the meeting was to bring together leaders from all the public land agencies (which represents 50% of all land in Missoula County) to discuss common issues and interests regarding land management, wildlife, open space, trails, etc. It has been a great opportunity to discuss big picture issues common to all public land managers and for leaders of the different agencies to get to know each other on a first name basis. A meeting is held about every two months. Jed's idea of bringing together everyone who is working on open space in Missoula County is partially realized by this group (many of the attendees are from the local land trusts now).

APPENDIX G

Montana Code Annotated 2003

76-6-101. Short title. This chapter may be cited as the “Open-Space Land and Voluntary Conservation Easement Act”.

76-6-102. Intent, findings, and policy. (1) The legislature, mindful of its constitutional obligations under Article II, section 3, and Article IX of the Montana constitution, has enacted the Open-Space Land and Voluntary Conservation Easement Act. It is the legislature’s intent that the requirements of this chapter provide adequate remedies for the protection of the environmental life support system from degradation and provide adequate remedies to prevent unreasonable depletion and degradation of natural resources.

(2) The legislature finds that:

- (a) the rapid growth and spread of urban development are creating critical problems of service and finance for the state and local governments;
- (b) the present and future rapid population growth in urban areas is creating severe problems of urban and suburban living;
- (c) this population spread and its attendant development are disrupting and altering the remaining natural areas, biotic communities, and geological and geographical formations and thereby providing the potential for the destruction of scientific, educational, aesthetic, and ecological values;
- (d) the present and future rapid population spread throughout the state of Montana into its open spaces is creating serious problems of lack of open space and overcrowding of the land;
- (e) to lessen congestion and to preserve natural, ecological, geographical, and geological elements, the provision and preservation of open-space lands are necessary to secure park, recreational, historic, and scenic areas and to conserve the land, its biotic communities, its natural resources, and its geological and geographical elements in their natural state;
- (f) the acquisition or designation of interests and rights in real property by certain qualifying private organizations and by public bodies to provide or preserve open-space land is essential to the solution of these problems, the accomplishment of these purposes, and the health and welfare of the citizens of the state;
- (g) the exercise of authority to acquire or designate interests and rights in real property to provide or preserve open-space land and the expenditure of public funds for these purposes would be for a public purpose; and
- (h) the statutory provision enabling certain qualifying private organizations to acquire interests and rights in real property to provide or preserve open-space land is in the public interest.

History: En. Sec. 2, Ch. 337, L. 1969; amd. Sec. 2, Ch. 489, L. 1975; R.C.M. 1947, 62-602(part); amd. Sec. 25, Ch. 361, L. 2003.

76-6-103. Purposes. In accordance with the findings in 76-6-102, the legislature states that the purposes of this chapter are to:

(1) authorize and enable public bodies and certain qualifying private organizations voluntarily to provide for the preservation of native plants or animals, biotic communities, or geological or geographical formations of scientific, aesthetic, or educational interest;

(2) provide for the preservation of other significant open-space land anywhere in the state either in perpetuity or for a term of years; and

(3) encourage private participation in such a program by establishing the policy to be utilized in determining the property tax to be levied upon the real property which is subject to the provisions of this chapter.

76-6-104. Definitions. The following terms whenever used or referred to in this chapter shall have the following meanings unless a different meaning is clearly indicated by the context:

(1) “Comprehensive planning” means planning for development and shall include:

(a) preparation of general physical plans with respect to the pattern and intensity of land use and the provision of public facilities, including transportation facilities, together with long-range fiscal plans for such development as a guide for long-range development;

(b) programming and financing plans for capital improvements;

(c) coordination of all related plans and planned activities at both the intragovernmental and intergovernmental levels; and

(d) preparation of regulatory and administrative measures in support of the foregoing.

(2) “Conservation easement” means an easement or restriction, running with the land and assignable, whereby an owner of land voluntarily relinquishes to the holder of such easement or restriction any or all rights to construct improvements upon the land or to substantially alter the natural character of the land or to permit the construction of improvements upon the land or the substantial alteration of the natural character of the land, except as this right is expressly reserved in the instruments evidencing the easement or restriction.

(3) “Open-space land” means any land which is provided or preserved for:

(a) park or recreational purposes;

(b) conservation of land or other natural resources;

(c) historic or scenic purposes; or

(d) assisting in the shaping of the character, direction, and timing of community development.

(4) “Public body” means the state, counties, cities, towns, and other municipalities.

(5) “Qualified private organization” means a private organization:

(a) competent to own interests in real property;

(b) which qualifies and holds a general tax exemption under the federal Internal Revenue Code, section 501(c); and

(c) whose organizational purposes are designed to further the purposes of this chapter.

(6) “Urban area” means any area which is urban in character, including surrounding areas which form an economic and socially related region, taking into consideration such factors as present and future population trends and patterns of urban growth, location of transportation facilities and

systems, and distribution of industrial, commercial, residential, governmental, institutional, and other activities.

76-6-106. Acquisition and designation of real property by public body. To carry out the purposes of this chapter, any public body may:

(1) acquire by purchase, gift, devise, bequest, or grant title to or any interests or rights in real property, including land and water, that will provide a means for the preservation or provision of significant open-space land or the preservation of native plants or animals, biotic communities, or geological or geographical formations of scientific, aesthetic, or educational interest, or both;

(2) designate any real property, including land and water, in which it has an interest to be retained and used for the preservation and provision of significant open-space land or the preservation of native plants or animals, biotic communities, or geological or geographical formations of scientific, aesthetic, or educational interests, or both.

76-6-107. Conversion or diversion of open-space land. (1) No open-space land, the title to or interest or right in which has been acquired under this chapter, shall be converted or diverted from open-space land use unless the conversion or diversion is:

(a) necessary to the public interest;

(b) not in conflict with the program of comprehensive planning for the area; and

(c) permitted by the conditions imposed at the time of the creation of the conservation easement.

(2) Other real property of at least equal fair market value and of as nearly as feasible equivalent usefulness and location for use as open-space land shall be substituted within a reasonable period not exceeding 1 year for any real property converted or diverted from open-space land use. Property substituted is subject to the provisions of this chapter.

76-6-109. Powers of public bodies -- county real property acquisition procedure maintained.

(1) A public body has the power to carry out the purposes and provisions of this chapter, including the following powers in addition to others granted by this chapter:

(a) to borrow funds and make expenditures necessary to carry out the purposes of this chapter;

(b) to advance or accept advances of public funds;

(c) to apply for and accept and use grants and any other assistance from the federal government and any other public or private sources, to give security as may be required, to enter into and carry out contracts or agreements in connection with the assistance, and to include in any contract for assistance from the federal government conditions imposed pursuant to federal laws as the public body may consider reasonable and appropriate and that are not inconsistent with the purposes of this chapter;

(d) to make and execute contracts and other instruments necessary or convenient to the exercise of its powers under this chapter;

(e) in connection with the real property acquired or designated for the purposes of this chapter, to provide or to arrange or contract for the provision, construction, maintenance, operation, or repair by any person or agency, public or private, of services, privileges, works, streets, roads, public utilities, or other facilities or structures that may be necessary to the provision, preservation, maintenance, and management of the property as open-space land;

(f) to insure or provide for the insurance of any real or personal property or operations of the public body against any risks or hazards, including the power to pay premiums on the insurance;

(g) to demolish or dispose of any structures or facilities that may be detrimental to or inconsistent with the use of real property as open-space land; and

(h) to exercise any of its functions and powers under this chapter jointly or cooperatively with public bodies of one or more states, if they are authorized by state law, and with one or more public bodies of this state and to enter into agreements for joint or cooperative action.

(2) For the purposes of this chapter, the state, a city, town, or other municipality, or a county may:

(a) appropriate funds;

(b) subject to 15-10-420, levy taxes and assessments according to existing codes and statutes;

(c) issue and sell its general obligation bonds in the manner and within the limitations prescribed by the applicable laws of the state, subject to subsection (3); and

(d) exercise its powers under this chapter through a board or commission or through the office or officers that its governing body by resolution determines or as the governor determines in the case of the state.

(3) Property taxes levied to pay the principal and interest on general obligation bonds issued by a city, town, other municipality, or county pursuant to this chapter may not be levied against the following property:

(a) agricultural land eligible for valuation, assessment, and taxation as agricultural land under 15-7-202;

(b) forest land as defined in 15-44-102;

(c) all agricultural improvements on agricultural land referred to in subsection (3)(a);

(d) all noncommercial improvements on forest land referred to in subsection (3)(b); and

(e) agricultural implements and equipment described in 15-6-138(1)(a).

(4) This chapter does not supersede the provisions of 7-8-2202.

City of Missoula Code - Chapter 12.56

OPEN SPACE ACQUISITION

Sections:

12.56.010 Short title.

12.56.020 Purposes.

12.56.030 General policies.

12.56.040 Types of acquisitions authorized.

12.56.050 Conservation bond.

12.56.060 Review procedures.

12.56.070 Citizens Advisory Committee on Open Space.

12.56.080 Review of proposed acquisition by the committee.

12.56.090 Alternative and supplemental sources of funds.

12.56.100 Open space land conservation by other organizations.

12.56.110 Conversion or diversion of open space land.

12.56.010 Short title. This chapter may be cited as. “The Open Space Ordinance.” (Ord. 2958, 1995; Ord. 2183 §1, 1981).

12.56.020 Purposes. The purposes of this chapter are:

- A. To implement, with respect to the City of Missoula, the Montana Open-Space Land and Voluntary Conservation Easement Act of 1969 and the 1995 Missoula Urban Area Open Space Plan;
- B. To establish procedures for the conservation of open space land located within or near the City’s borders; and
- C. To establish procedures for the administration and use of the proceeds of 1) the Missoula Conservation Bond, a five hundred thousand dollar general obligation bond issue authorized by a vote of the people November 4, 1980 (Ord. 2183 2, 1981), 2) A subsequent Missoula Conservation Bond, a five million dollar general obligation bond issue authorized by a vote of the people November 7, 1995, 3) other such bonds which may be issued, and 4) other funds, bequests, donations, or grants of money, property, service or other advantages and comply with any condition that is not contrary to the public interest earmarked for open space. (Ord. 2958, 1995; Ord. 2183 §2, 1981).

12.56.030 General policies. It shall be the policy of the City:

- A. To preserve significant open space land, including conservation land, parkland, trails, views and vistas, agricultural land, and urban forest, which, because of its aesthetic, scenic, recreational, historic or ecological value, it is in the public interest to preserve;
- B. To preserve conservation open space land and views and vistas in such a manner and under such conditions as to ensure that they remain substantially undeveloped for a significant period of time, preferably in perpetuity;
- C. To acquire and administer parks and trails, in such a manner as to ensure their availability for open space use;
- D. To make a vigorous effort to preserve open space land under terms and conditions involving the least possible outlay of public funds;
- E. To preserve our native forest, protect and enhance our planted forest, and encourage continued forestation of urban lands through acquisition and other means;
- F. To preserve significant agricultural lands in their historic use;
- G. In preserving open space land other than by gift, to utilize sources of funding other than the conservation bond fund to the maximum extent feasible, and thus to conserve the fund to the greatest extent practicable; and

H. In some cases, funds may be used for the purchase of lands with the intent to pursue limited development or to hold land for prospective trade or sale from which the proceeds shall be used for acquisition of open space real property, in accordance with the goals of the open space plan. These lands are not to be subject to the provisions of Section 12.56.110 pertaining to the diversion or conversion of lands. (Ord. 2958, 1995; Ord. 2183 §3, 1981).

12.56.040 Types of acquisitions authorized.

A. The City's acquisition of open space real property interests may be by purchase (whether by bargain sale or otherwise), gift, bequest, donation, grant, lease, easement, trade, or a combination of the above;

B. Open space real property interest acquired by the City may be by fee or conservation easement in accordance with the provisions of the Montana Open Space Land and Voluntary Conservation Easement Act; and

C. The type of open space real property interest acquired by the City, and the specific terms of the grant of the interest shall be sufficient to ensure its preservation as open space land in accordance with the City policies listed in 12.56.030 A through H except in the event that the conditions enumerated in Section 12.56.100 occur. (Ord. 2958, 1995; Ord. 2183 §4, 1981).

12.56.050 Conservation bond.

A. Administration of Fund. The proceeds of the conservation bond shall be a special earmarked fund, dispersible only as provided hereinafter. The entire proceeds or, subsequent to disbursements, the remainder of the proceeds not disbursed, shall be invested so as to secure the maximum rate of return to the City, subject to the limitations and conditions set forth in Montana law, and subject also to the possible need to have all or part of the fund available for immediate disbursement. Proposed investments of the fund shall be reviewed by the Citizens Advisory Committee on Open Space established by Section 12.56.060 to insure that the time period of the investment is not inconsistent with anticipated needs for disbursement;

B. Disbursements.

1. Disbursements from the conservation bond fund shall only be such as are specifically authorized by the City Council.

2. The City Council may in no event authorize disbursements from the fund until the review procedures specified in Section 12.56.060 have been fully complied with; and

C. Restricted Purpose of Disbursements. Disbursements from the conservation bond fund may be made only for the purpose of acquiring open space real property interests and for trail development and matching other sources of funds for trail development.

Ancillary expenses of acquisition, including but not limited to payment of attorneys' fees, appraisal fees, survey fees, and consultants' fees (whether direct charges to the City or reimbursements for expenses incurred by a landowner), may be drawn from the fund, so long as they are directly related to the acquisition of a particular parcel of land. (Ord. 2958, 1995; Ord. 2183 §5, 1981).

12.56.060 Review procedures.

A. Before any open space conservation proposal is presented to the City Council for approval (whether or not this proposal requires disbursements from the conservation bond fund), it shall be reviewed by the Citizens Advisory Committee on Open Space acquisition established by Section 12.56.070, and a written recommendation from the Committee with regard to the proposal shall be forwarded to the Council as provided for in Section 12.56.070 (E);

B. In the case of the proposed acquisition of a conservation easement, the matter shall also be submitted to the Missoula City-County Planning Board for review, in accordance with the Montana Open-Space Land and Voluntary Conservation Easement Act; and

C. Upon receipt of the recommendations of the citizen's committee and if applicable, of the Planning Board, the Council may, in its discretion, hold a public hearing on the conservation proposal before taking action. (Ord. 2958, 1995; Ord. 2183 §6, 1981).

12.56.070 Citizens Advisory Committee on Open Space.

A. There is established a committee, known as the Citizens Advisory Committee on Open Space, which shall be appointed by the City Council and shall consist of twelve citizens. A city park and recreation board member designated by the city park and recreation board shall be one of the twelve members. The remaining eleven members shall be comprised of at least six of whom are qualified electors residing in the City, and the remainder of whom are qualified electors residing either in the City, or in an area within a four and one-half mile radius of the City. Each member of the Committee shall serve for a period of three years from date of appointment, with the initial terms being staggered to provide that the terms of four members of the Committee expire annually, except that every third year only three members' terms shall expire;

B. The Committee shall operate in accordance with bylaws approved by the City Council, which shall provide, among other things, that meetings of the Committee shall take place in accordance with the provisions of Montana law;

C. The City shall provide appropriate staff support for the Committee;

D. In appointing citizens to the Committee, the Council and Mayor shall require full disclosure by applicants of existing or potential conflicts of interest, and may consider the same in making appointments. Members of the Committee shall have a continuing obligation fully to disclose existing or potential conflicts of interest to the Committee, which shall have the

power to disqualify any one of its members for such a conflict. In no event may a Committee member who has an actual or apparent conflict of interest with respect to a particular proposed acquisition participate in any manner in the Committee's review of that acquisition;

E. It shall be the duty of the Committee to:

1. Do everything in its power to implement the Missoula Urban Area Open Space Plan (Ord. 1575, 1995); and
2. Provide the Council with written recommendations concerning open space conservation proposals, including proposed acquisitions and trail development proposals, pursuant to the guidance of the Missoula Urban Area Open Space Plan (Ord. 1575, 1995) adopted by the City and County in August, 1995 and any subsequent revisions. (Ord. 3011, 1996; Ord. 2958, 1995; Ord. 2498 §1, 1986; Ord. 2183 §7, 1981).

12.56.080 Committee's review of conservation proposals.

A. In its review of conservation proposals the Committee may hear testimony, require and consider reports, make on-site visits, and hold work sessions with or without expert assistance, for the purpose of determining the desirability of any proposed acquisition, and of recommending on what terms such an acquisition should occur if found desirable. In making these determinations, the Committee shall consider, along with any other matters it deems relevant, the following matters:

1. The selection criteria included in the Missoula Urban Area Open Space Plan (Ord. 1575, 1995);
2. Whether the conditions imposed upon or associated with the conservation proposal, including the specific legal conditions to be set forth in the grant instrument, and including also the guidelines proposed for managing the open space land to be acquired, are adequate to accomplish and ensure preservation and use in the most desirable manner, are fair, and are in the public interest;
3. Whether there are additional terms or conditions, or land management guidelines or policies, that should be incorporated in or set forth in relation to the proposal;
4. Whether the costs associated with the proposal are reasonably related to the land's value to the community as open space;
5. Whether the proposal will accomplish preservation at the least possible cost (for example, if a fee simple purchase is proposed, whether easements have been explored); and
6. Whether the extent of disbursements from the conservation bond necessary to carry through the proposal are reasonably related to the Missoula Urban Area Open Space Plan

(Ord. 1575, 1995), or whether the disbursements would give disproportionate emphasis to one parcel or type of land, to the detriment of the community's interest in preserving other parcels or types of land.

B. Upon concluding its deliberations with respect to a conservation proposal the Committee shall forward a written report to the Council expressing its findings and recommendations concerning the acquisition. Such a report may include minority recommendations, if any, and such appendices as the Committee may think desirable for the information of the Council (Ord. 2183 § 8, 1981). (Ord. 2958, 1995; Ord. 2183 § 8, 1981).

12.56.090 Alternative and supplemental sources of funds.

A. In connection with the acquisition of a particular parcel of open space land, the City may, for the purpose of defraying all or part of the purchase price (including ancillary expenses), accept and expend donations (whether of money, property, or services) from private parties and organizations; grants from governmental, charitable or other entities; and moneys specifically appropriated by other governmental entities for this purpose. In addition, the City may, in its discretion, appropriate funds for this purpose in accordance with the provisions and limitations of the Montana Open-Space Land and Voluntary Conservation Easement Act;

B. In addition, the City may, for the purpose of furthering its general open space acquisition program and having additional funds available for use in future acquisitions, accept donations, bequests, grants, and appropriated moneys and accumulate and expend them as set forth in subsections C through E below;

C. There is established, in addition to the conservation bond fund described in Section 12.56.050, an earmarked fund known as the open space fund, in which shall be deposited all of the funds mentioned in subsections A and B above;

D. Disbursements from the open space fund may be made only in the manner and for the purposes set forth in Section 12.56.040 B and C. Until disbursements are made, or in case part of the fund remains unexpended after disbursements, the moneys in the fund shall be invested in a reasonable and prudent manner so as to insure the maximum rate of return on the money, and the interest so earned shall be deposited in and accumulated in the fund; and

E. If not in conflict with the specific terms of the grant, the City may sell, trade, or otherwise reasonably dispose of any property donated to it for purposes of open space acquisition (as distinguished from property donated as open space land), and deposit the proceeds in the open space fund. (Ord. 2958, 1995; Ord. 2183 § 9, 1981).

12.56.100 Open space land conservation by other organizations.

A. No provision of this chapter is intended -to or shall prevent any qualified private organization,

as that term is defined in the Montana Open-Space Land and Voluntary Conservation Easement Act from acquiring or holding open space land located within or near the City; and

B. When it is in the public interest to do so, the City may acquire, hold and administer open space land cooperative with other governmental entities or qualified private organizations, under such terms and conditions as will best fulfill the purposes and policies of this chapter. (Ord. 2958, 1995; Ord. 2183 §10, 1981).

12.56.110 Conversion or diversion of open space land.

A. No open space land acquired by the City shall be converted or diverted from open space use, including uses described in Section 12.56.030 (F), unless the provisions of the Montana Open-Space Land and Voluntary Conservation Easement Act have been fully complied with. In addition, no open space land acquired by the City, except land identified in Section 12.56.030 (F), may be converted or diverted from open space use unless:

1. The City Council has, after public hearing, made the findings called for in subsection B of this section and passed a resolution calling for a referendum on the matter of such conversion or diversion at a general or special City election; or
2. A petition calling for such a referendum, signed by fifteen percent of the registered voters in the City, has been submitted to the City in a regular manner; and in either case,
3. At the election upon such referendum, at least forty percent of the registered electors of the City vote upon the questions, and of those voting upon it, at least sixty percent vote in favor of conversion or diversion.

B. The City Council may not consider a resolution for a referendum on the conversion or diversion of any parcel of open space land until it has found, on the basis of the public hearing, either that:

1. Due to changed circumstances, the land has lost its value as open space land significant to the community; or
2. That there exists an overriding public interest in conversion or diversion of the land.

C. Any moneys or other valuable consideration received by the City in connection with any conversion or diversion of open space land are required to be deposited in the earmarked fund established by Section 12.56.090 (C); and

D. The referendum procedures established by subsection A of this section are special referendum procedures relating specifically to conversion or diversion of open space land, and in no way imply that the acquisition of open space land or other property by the City is a legislative act.



APPENDIX I

POLICY BASIS FOR THE PLAN

Since Missoula's first urban area comprehensive plan was prepared in 1968, land use policies pertinent to open space preservation and maintenance have been in effect. Plan documents have been encouraging expansion and **equitable distribution of areas for open spaces, parks, recreational and cultural facilities within the urban area. They have also encouraged preservation of mountainous areas and water courses in the planning area for future generations.**

The 1975 update of the Comprehensive Plan, *Missoula's Policy Guide for Urban Growth*, expanded the policies of preservation of valued open space resources to include areas containing representatives of ecologically important habitat types. It identified the need to provide "...adequate space to serve recreational, environmental, health and safety needs of the community. The opportunity for Missoula to develop a uniquely large and beautiful open space area which links developed park facilities and all living and commerce areas is an idea in which Missoulians have expressed great interest and support."³ It described potential tools for establishing the open space and recommended development of a detailed open space plan.

The 1975 Plan was followed by the 1976 *Missoula County Parks, Recreation and Open Space Plan*. The 1976 Plan envisioned the system as containing four main types of open spaces: public lands, visual resource lands, conservation reserves, and deferred development areas. The Plan reaffirmed earlier open space policies and listed parks, both developed and undeveloped, as components in the open space system.

The 1976 County Parks Plan preceded the development of the *1995 Urban Area Open Space Plan* and the *1997 Missoula County Parks and Conservation Lands Plan*. "The 1995 Open Space Plan covers similar topics, but at a greater scale than just parks and conservation lands. While the *1997 Missoula County Parks and Conservation Lands Plan* and the *1995 Urban Area Open Space Plan* were intended to mesh in purpose and function, they have different scopes and are intended to guide different processes."⁴

The *1975 Urban Area Comprehensive Plan Update* was followed by an update in 1990 and in 1998. Both plan updates reaffirmed the thinking expressed in the earlier planning documents. In 2002, the Missoula County Growth Policy was adopted by the City and County and is intended to be a general county-wide planning document from which all other plans fit within. The Growth Policy "provides a framework for continued planning efforts in Missoula City and County."⁵ The Growth Policy synthesizes over thirty years of existing planning work. It provides a framework for articulating existing goals and policies and establishes the legal and philosophical foundation upon which future plans and regulations will be based.⁶ Goals, objectives, and recommended

³ Missoula, *A Policy Guide for Urban Growth*, page 26.

⁴ Missoula County Parks and Conservation Lands Plan, 1997, page 2.

⁵ Missoula County Growth Policy, 2002, page 1-1.

⁶ Missoula County Growth Policy, 2002, page 1-1.

actions contained in the 2002 Growth Policy are primarily derived from the 1998 Missoula Urban Area Comprehensive Plan and the 1975 Missoula County Comprehensive Plan.⁷

The general goal for county planning is to “manage growth in a proactive rather than reactive way. Create a truly healthy community by: 1) protecting critical lands and natural resources, such as wildlife habitat, riparian resources, hillsides, air and water quality, and open spaces; and 2) enhancing human resources, such as health and safety, social, educational, recreational, and cultural services, employment, and housing and the valued characteristics of communities.”⁸

Pertinent goals and objectives from the 2002 Missoula County Growth Policy include:

Protect the natural environment and improve it where degradation has occurred.

- Integrate development patterns with preservation or enhancement of the environment.
- Minimize the impact of land development on surface and subsurface water.
- Protect areas critical for wildlife survival and minimize impacts on less critical wildlife habitat.
- Preserve critical plant communities such as species of limited distribution and riparian vegetation.
- Preserve and enhance the urban forest.
- Minimize the spread of noxious weeds.
- Preserve areas with scenic open space value (river corridors, vistas). Increase opportunities for preservation and appropriate use of natural areas and green spaces within and around Missoula.

Identify where in Missoula County certain types of growth should or should not occur and how the integration of development lands and open spaces can best be accomplished.

- Accommodate growth, retain historical resources, and provide appropriate open spaces in the design of development so that areas of greater density remain healthy, safe, and livable.
- Encourage the continuation of agricultural and forestry operations and protect them from adverse impacts of urban development. . . . Support local sustainable agriculture.
- Preserve and enhance natural vegetation and encourage landscaping that will protect soils, air and water quality, visual amenities, and other environmental features and will reduce conflicts between land use activities.

Encourage economic development to occur in ways that conserve and enhance natural and human resources.

- Provide community recreation opportunities that meet the needs of all citizens of the County.
- Locate recreational open spaces (parks, ball fields, golf courses, etc.) near areas where development already exists or where it is desired, and where the need for recreational space is established.

⁷ Missoula County Growth Policy, 2002, page 1-3

⁸ Missoula County Growth Policy, 2002, page 3-2

- Develop opportunities for public recreational use of rivers and lakes, while protecting environmental quality and private property.

Several implementation strategies applicable to open space planning are described in the *2002 Missoula County Growth Policy*. The strategies describe potential fiscal tools for plan implementation. They also encourage continued data collection, inventory monitoring, evaluation, planning, public education, coordination among jurisdictions, and development of studies helpful in informing policy. Implementation focusing on programs specific to open space planning include development of a “land conservation program to encourage use of such tools as voluntary conservation techniques, clustered development, development design to reduce conflicts between uses, transfer of development rights, acquisition of land or development rights, and a parks improvement and maintenance program.”⁹

The *1998 Urban Area Comprehensive Plan* contains more specific policies and actions relating to open space planning in the urban area, including the following:

- Identify critical lands (e.g., riparian resources, wildlife habitat, scenic land) so that growth or development can be guided for their protection.
- There is a substantial economic value in Missoula County’s quality of life (natural open spaces, cultural activities, educational offerings, strong downtown area, and good community infrastructure like sidewalks and relatively low crime rate).
- Continue the Riverfront planning process initiated by the Missoula Redevelopment Agency.
- Encourage preservation of wildlife habitat through voluntary conservation techniques and appropriate design.
- Continue the tree inventory program initiated by the Missoula City Parks Department. Development maintenance/reforestation plans and encourage tree planting within new and existing areas.
- Use the park and open space requirement in the subdivision process judiciously and creatively, to provide usable land for active recreation and to preserve land with other open space values.
- Preserve as open space land containing valuable resources or having environmental constraints to urban users.
- Through a comprehensive approach to recreation planning and development, consider the relationship between recreational and open space opportunities within and outside the urban area boundaries.
- Preserve areas with scenic open space value (river corridors, vistas) through land preservation techniques such as conservation easements, public acquisition, transfer of development rights, and land preservation techniques such as clustered development.
- Provide neighborhood open space and public and semi-public spaces for recreation and privacy.

⁹ Missoula County Growth Policy, 2002, page 4-12