

## CONSERVATION COMMITTEE REPORT

September 30, 2009

09:05–10:00 am

140 West Pine Street

**Members Present:** Marilyn Marler (chair), Pam Walzer, Ed Childers, Dave Strohmaier, Bob Jaffe, John Hendrickson, Stacy Rye, Dick Haines, Renee Mitchell, and Jason Wiener, Jon Wilkins

**Members Absent:** none

**Others Present:** Mayor Engen, Jackie Corday, Mike Mueller

### I. ADMINISTRATIVE BUSINESS

#### A. Approve minutes.

Minutes of August 26, September 2 and September 9 were approved as submitted.

### II. FINAL CONSIDERATION AGENDA ITEMS

#### III. CONSENT AGENDA ITEMS

A. Confirm the reappointments of John Pierce, Barbara Stanley and John Horrell to the Greenough Park Advisory Committee for a term commencing October 1, 2009 and ending September 30, 2013 ([memo](#)).—Regular Agenda (Mayor Engen) (Referred to committee: 09/14/09)

**MOTION: The committee recommends Council confirm the reappointments of John Pierce, Barbara Stanley and John Horrell to the Greenough Park Advisory Committee for a term commencing October 1, 2009 and ending September 30, 2013.**

It was moved to confirm the appointments to the Greenough Park Advisory Committee. There was no discussion and the vote was unanimous.

### IV. REGULAR AGENDA ITEMS

A. Consider an ordinance amending Missoula Municipal Code Title 8, entitled "Health and Safety," Chapter 8.28, entitled "Garbage and Rubbish" to provide for special management of garbage in specific areas within the City of Missoula where there is conflict with bears ([memo](#)).—Regular Agenda (Pam Walzer and Urban Wildlife Subcommittee) (Referred to committee: 09/14/09)

#### **INFORMATIONAL ITEM, REMOVE FROM AGENDA**

Pam Walzer – the Urban Wildlife Sub-committee has spent the last year meetings and drafting changes to the garbage ordinance to require in certain areas special management of waste to prevent access by bears. A draft is included in the referral and also the areas affected by this ordinance. The next step will be to bring the ordinance to this committee for review, and to a public hearing. Several of the key members are unable to meet at this time so this will be referred in February of next year. The plan is to provide education and outreach the first year of implementation and no fines. The goal is to make the ordinance workable and enforceable. The ordinance does not require home owners to have bear proof cans but to manage to prevent bear access. This ordinance is related to the garbage issue only as the City already has a wildlife feeding ordinance in place.

B. Purchase of conservation easement from Anderson family with 2006 Open Space Bond funds for the Spooner Creek Ranch ([memo](#)).—Regular Agenda (Jackie Corday) (Referred to committee: 09/28/09)

**Motion: The committee recommends the City Council set a public hearing on October 26, 2009 to consider a [resolution](#) for the purchase of conservation easement from the Anderson family with 2006 Open Space Bond funds for the Spooner Creek Ranch.**

Jackie Corday – this is a recommendation by OSAC and staff to set a public hearing to protect an important wildlife area in the Miller Creek area. This will be the first joint city county project as the property is on the edge of Missoula Planning Region. This is a proposal for a conservation easement on a 207 acre ranch in the Upper Miller Creek Valley with a value of 1.8 million dollars

at a cost of only \$200,000. As a joint project, the County will contribute a majority of the funds, \$175,000, and the City will contribute \$25,000 using 2006 Open Space bonds. The conservation easement will be held by the Rocky Mountain Elk Foundation (RMEF).

Mike Muller – The RMEF has negotiated the purchase of a conservation easement for a total of \$200,000 from the Anderson family on 207 acres of their Spooner Creek Ranch located twelve miles up Miller Creek Road. This has been a working ranch since 1966 with agriculture and ranching done by several generations. The conservation easement was recently appraised at \$1,800,000. The Andersons' will donate \$1,600,000. of that value. The land is adjacent to land owned by the Forest Service, The Nature Conservancy and State lands.

The easement allows the landowners to build additional agricultural structures continue all agricultural practices and to replace the existing three residences if needed within the two designated building areas.

The easement protects a productive farm and ranch which includes hay production, livestock grazing, logging, riparian habitat, elk summer and winter range and water quality. This is also an important wildlife link to connect the Sapphire Mountains with the Bitterroot Valley. Approximately 150-200 elk utilize the property almost year round.

Discussion:

It was asked as to what public access would be allowed and Mr. Mueller responded that there is no public access on the property but the road around the property is a public road (Miller Creek Road) that gets you to public lands.

Bob – is there a restriction on the number of residential units.

Jackie – the easement allows for the three houses currently in existence but not any additional.

Mike – no subdivision of the property is allowed with this easement.

Jason – I move to set a public hearing for Oct 26.

Haines – comment as a member of the RMEF it bothers me that we can't have public access and I won't support this unless there is public access.

Bob – I can see Mr. Haines's perspective but there are other important the values that are being protected such as agriculture and there is not much room for public access on a working ranch. There is more than one goal here to consider.

Dick – a working ranch is not legitimate excuse for the lack of public access.

Marilyn – the land owners could participate in block management in which the owner has control of access.

Pam – I am in favor of this project and given the financial information wherein the City will only contribute \$25,000 to keep the ranch in its current state that can be viewed and wildlife protected is minimal. I appreciate the amount the family is donating.

Bob – I would support block management and was it a consideration when looking at this easement?

Jackie – in this case where the family was donating 89% of the value of the easement we didn't push the issue of public access. This is a working ranch and they didn't want public access and block management was not suggested at this time.

Mike – these are all good comments and those of you familiar with RMEF know we are interested in public access and work to open up public lands. In this case the land owners are giving up the right for subdivision. This is a huge gift by the family who already has a concern about the road use, trash, shooting, and noise. Management of public access is also challenging and we would need help by Fish Wildlife and Parks. They can attest to management issues on already popular areas. RMEF supports public access but again management is a challenge for a

land trust which doesn't have the staff to monitor and management. There is already a lot of access around the area to public lands and this is a small acreage ranch.

Stacy – this is a great donation and I am very appreciative of the Anderson family generosity.

Dick – one last comment is the family could have a no vehicle, foot only access on a designated route by the land owner.

Jon – there is access to other public lands without going through this property and I am fine with no public access on this property and I call for the Question on the motion to set a public hearing. The motion on the question passed unanimously.

The motion to set the public hearing passed with Mr. Haines voting in opposition. The item will be on regular committee reports.

**V. NON-AGENDA ITEMS**

**VI. HELD AND ONGOING AGENDA ITEMS - PER COMMITTEE CHAIR – Marilyn Marler**

A. Support for City employee cash for Bus Commuters Program ([memo](#)).—Regular Agenda (Ben Schmidt and Nancy Wilson) (Referred to committee: 08/24/09) held

**ADJOURNMENT** - The meeting adjourned at 10:05 am.