

## RESOLUTION 8205

A RESOLUTION OF THE MISSOULA CITY COUNCIL TO EXPEND UP TO \$175,000 OF 2006 OPEN SPACE BOND PROCEEDS TOWARD THE PURCHASE OF A CONSERVATION EASEMENT ON 168 ACRES OF THE OXBOW CATTLE COMPANY PROPERTY, A WORKING FARM AND RANCH LAND IN THE MILLER CREEK AREA OF MISSOULA AND PAY A PORTION OF TRANSACTION COSTS ASSOCIATED WITH THE PURCHASE OF THE CONSERVATION EASEMENT.

WHEREAS, the City of Missoula adopted the *Missoula Urban Area Open Space Plan 2006 Update* (“Open Space Plan”), which provides a vision for continuing to expand upon our open space and trail systems throughout the greater Missoula Area;

WHEREAS, the Open Space Plan prioritizes conservation of agricultural land, which contributes significantly to an open space system by providing visual attractiveness and open vistas and serving other natural functions and contributions to wildlife habitat;

WHEREAS, a portion of the property is located in the Bitterroot River open space cornerstone, as depicted in the City’s Open Space Plan. Cornerstone lands contain significant open space values and represent the highest geographical priority areas for protection;

WHEREAS, The Oxbow Cattle Company-Miller Creek property is also connected to other private lands that are protected with conservation easements. Conserving the 168-acre project area would expand the conservation footprint in this area, providing fluid connectivity of protected open space connecting to the Bitterroot River;

WHEREAS, the property contains important agricultural resources. Based upon the Natural Resources and Conservation Service’s (NRCS) soil classifications, the property includes 92% important agricultural soils, with 104 acres designated as prima farmland if irrigated and 51 acres of locally important soils;

WHEREAS, the property contains important wetland resources. More than a mile of Miller Creek, a westslope-cutthroat trout stream, meanders through the Oxbow Cattle Company-Miller Creek property. Westslope cutthroat trout are a Montana State Species of Concern and several populations in the headwaters of Miller Creek are genetically pure;

WHEREAS, the Montana Natural Heritage Program species of concern reports identify 18 plant and animal species of concern and one special status species within the township and range of the project area. The property also provides important habitat and connectivity for a host of other species, including elk, mule deer, white-tailed deer, red-tailed hawk, western meadowlark and mountain bluebird.

WHEREAS, Oxbow Cattle Company is a local cattle ranching operation that provides natural, grass-finished beef throughout the Missoula Community and beyond;

WHEREAS, in November 2006, Missoula County citizens voted to approve a \$10,000,000 Open Space Bond that authorizes the Missoula County Commissioners to use the bond monies to protect open space lands and acquire commuter and recreational trails throughout the County with \$5,000,000 being allocated to the City of Missoula for open space and trails within the Missoula Planning Region, as guided by the Open Space Plan; and

WHEREAS, Article II, Section 2.1 of the April 5, 2007 Interlocal Agreement between the City of Missoula and the County of Missoula Related to Open Space Acquisition and Use of Open Space Bond Proceeds (Interlocal Agreement) establishes the general purposes of the open space bond;

WHEREAS, this project will carry out the purposes of the bonds by conserving working ranches, farms, and forests; protecting wildlife habitat; managing for growth; providing open space and scenic landscapes; protecting the water quality of rivers, lakes, and streams and paying non-personnel related transaction costs;

WHEREAS, the property has significant scenic and open space values as recognized in the Montana Open Land and Voluntary Conservation Easement Act, § 76-6-101 Mont. Code Ann.;

WHEREAS, on July 13, 2017, a quorum of the Open Space Advisory Committee unanimously passed a motion recommending the Missoula City Council authorize the expenditure of up to \$175,000 in 2006 Open Space Bond funds for the 168 acre Oxbow Cattle Company project;

NOW THEREFORE, BE IT RESOLVED, the Missoula City Council authorizes the expenditure of up to \$175,000 of the City's portion of the 2006 Open Space Bond funds to help purchase a conservation easement across 168 acres of agricultural land and open space in the Lower Miller Creek area of Missoula, near the Bitterroot River, and cover a portion of the transaction costs associated with purchasing the conservation easement.

PASSED AND ADOPTED this 21<sup>st</sup> day of August, 2017.

ATTEST:

/s/ Martha L. Rehbein

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Martha L. Rehbein  
City Clerk

APPROVED:

/s/ John Engen

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John Engen  
Mayor

(SEAL)