



**City of Missoula, Montana
City Council Committee Agenda Item**

Committee: Climate, Conservation and Parks

Item: 2415 South Hills Encroachment Permit Application – Encroachment into Peery Park

Date: May 31, 2022

Sponsor(s): Jeff Gicklhorn

Prepared by: Jeff Gicklhorn

Ward(s) Affected:

<input type="checkbox"/> Ward 1	<input type="checkbox"/> Ward 4
<input type="checkbox"/> Ward 2	<input checked="" type="checkbox"/> Ward 5
<input type="checkbox"/> Ward 3	<input type="checkbox"/> Ward 6
<input type="checkbox"/> All Wards	<input type="checkbox"/> N/A

Action Required:

Issue a variance to Resolution #8024 and subsequent Parks encroachment permit to Brian Weston for the encroachment from 2415 South Hills Drive into Peery Park.

Recommended Motion(s):

I move the City Council: Issue a variance to Resolution #8024 and subsequent Parks encroachment permit to Brian Weston for the approximately 1,300 sq ft encroachment from 2415 South Hills Drive into Peery Park, in exchange for a permit fee of \$3,140.63 with fund to be used explicitly for the improvement of Peery Park.

Timeline:

Committee discussion:	June 8, 2022
Council action (or sets hearing):	June 13, 2022
Public Hearing (if required):	Click or tap here to enter text.
Final Consideration	Click or tap here to enter text.
Deadline:	Click or tap here to enter text.

Background and Alternatives Explored:

In April 2021, Parks received a complaint from a neighbor that the homeowner at 2415 South Hills Drive had blocked off access to Peery Park and was making improvements to Parks property. Upon inspection and property boundary survey, a significant encroachment into the park was discovered. In compliance with Missoula Resolution #8024, stating a zero-tolerance policy for encroachments into City Parks, the Parks department contacted the homeowner to address the issue. The extent and age of the encroachment justifies issuing a variance to Resolution #8024, in exchange for appropriate fees as defined in the Resolution. The collection of these fees will explicitly be used for the further improvement of Peery Park.

Financial Implications:

The encroachment permit fee of \$3,140.63 was calculated as \$500.00 plus the estimated fair market value of the area covered by the encroachment permit. The per-square-foot area was calculated as per a recent comparable sale of an undeveloped Missoula Water property to a private homeowner approximately ½ mile south of this encroachment. That per-square-foot value was then adjusted for the approximate increase in property values observed between that sale

and this assessment. Funds from this encroachment permit would be explicitly for the improvement of Peery Park.

Links to external websites:

None