

TEN SPOON VINEYARD AND WINERY

Open Space Project - Level 2 Application



Project Location: Rattlesnake Valley (4175 Rattlesnake Dr. - Tax ID: 3065406)

Acreage: ~21.5 Acres

Project Type: Conservation Easement (complete donation to City of Missoula) consisting of 100% of the property acreage.

Potential Cost to City: Up to \$40,000 (due diligence and consultant costs)

Project Summary/Description:

The Ten Spoon Vineyard and Winery is located in Rattlesnake Valley south of Fox Hollow Road, north of Creek Crossing Road, and skirted on the east side by Rattlesnake Drive. Current Ten Spoon property owners, Connie Poten and Andy Sponseller, would like to donate a Conservation Easement on their property to the City of Missoula.

The property includes a combined ~8 acres of working vineyards on the south side, wild grasslands on the north and west sides which provide stunning scenic vistas and views, as well as a residential structure, access roads, garden areas, trees, and a commercial building where the winery business is located. Though private, the winery and vineyard are considered to be a highly valued community asset as well as a local place for people socialize, walk around the property, and observe wildlife.

(Note: Some of the text in this document was written by Connie Poten.)

Current and Proposed Uses of the Property/Project

Currently, the property is used as a working vineyard and winery, a residential property, and a community gathering space. People also use the property for walking, observing wildlife, and for education related to the vineyard/winery and bee keeping.

Proposed uses include preservation of agricultural use of the property in perpetuity through a conservation easement. The landowners would like to keep the community use and feel of the property by granting the city a pedestrian walkway easement in the future. Limited housing will be allowed under

the conservation easement, providing living space for owners and agricultural workers via a building envelope included in the conservation easement.

How the Project Contributes to the Following Objectives of the 2018 Open Space Bond

2018 OS Bond Objective	How the Project Contributes to the Objective
Provide access to water and land	The landowners are currently working with the city on a perpetual access easement for a pedestrian walkway across the property (east/west).
Conserve agricultural lands	The land is currently agricultural, and the owners are working towards putting a conservation easement on the property to protect current agricultural values in perpetuity. The conservation easement will be donated to the City of Missoula.
Conserve fish and wildlife habitat	While not necessarily high-value wildlife habitat, the open space associated with the property provides wildlife with a preserved corridor for migration, feeding/foraging, bird nesting habitat (ground and tree/vine), and other wildlife values.
Conserve rivers, lakes and streams	The property is uphill from Rattlesnake Creek. Preservation of the property will protect the land from being developed, providing long-term surface and ground water benefits.
Protect scenic views	Currently, there are stunning scenic views both of the property itself, as well as views of the surrounding landscapes from the property. Mount Jumbo can be seen to the east, National Forest lands to the north, Missoula Valley to the south, and you can even see as far as the Bitterroot Valley during a clear day.
Make improvements to lands acquired or designated as open space that are accessible to the public	The landowners are currently working with the city to secure a perpetual pedestrian walkway easement. When constructed, this unpaved natural walkway will help connect surrounding neighborhoods to other open spaces and trails east and west of the property.

How the Proposed Project Furthers the Objectives of Public Policy or Programs

OS Bond Project Category (2018 Interlocal Agreement)	River Restoration and Access	Acquisition of Land/Easements/Interests	Refor./Restor. of Open Space Lands	Cons. Lands Trails and Trailheads	Trails (Construction)
Within/Adjacent to 2019 Cornerstones?	Within	Adjacent To	Outside of Greater Cornerstone Areas		

OS Type Satisfies Local, County, and State Codes and Regulations?	<u>2019 Missoula Urban Area OS Plan</u>	<u>CITY (MMC) Types (12.56)</u>	<u>CITY (MMC) Values (12.56)</u>	<u>STATE (MCA) Types (76.6 of 7.7.22)</u>	<u>2022 City of Missoula Strategic Goals</u>
	Conservation Lands (resource, habitat, scenic) ✓	Conservation Land ✓	Aesthetic ✓	Park and Recreational Purposes ✓	Public Safety and Wellness ✓
	Parkland/Developed Parks	Parkland	Scenic ✓	Cons. of Land or Other Natural Resources ✓	Community Design and Livability ✓
	Historic or Scenic Lands ✓	Trails ✓	Recreational ✓	Historic of Scenic Purposes ✓	Climate Action ✓
	Agricultural Lands (farms, ranches, forests, soils) ✓	Greenways ✓	Historic ✓	Shaping the Char., Dir., Timing of Comm. Dev. ✓	Economic Health ✓
	Corridors (trails, greenways, waterways, riparian, wildlife) ✓	Views and Vistas ✓	Ecological ✓		Organizational Excellence
		Agricultural Land ✓			JEDI
		Riparian Land			
		Urban Forest			

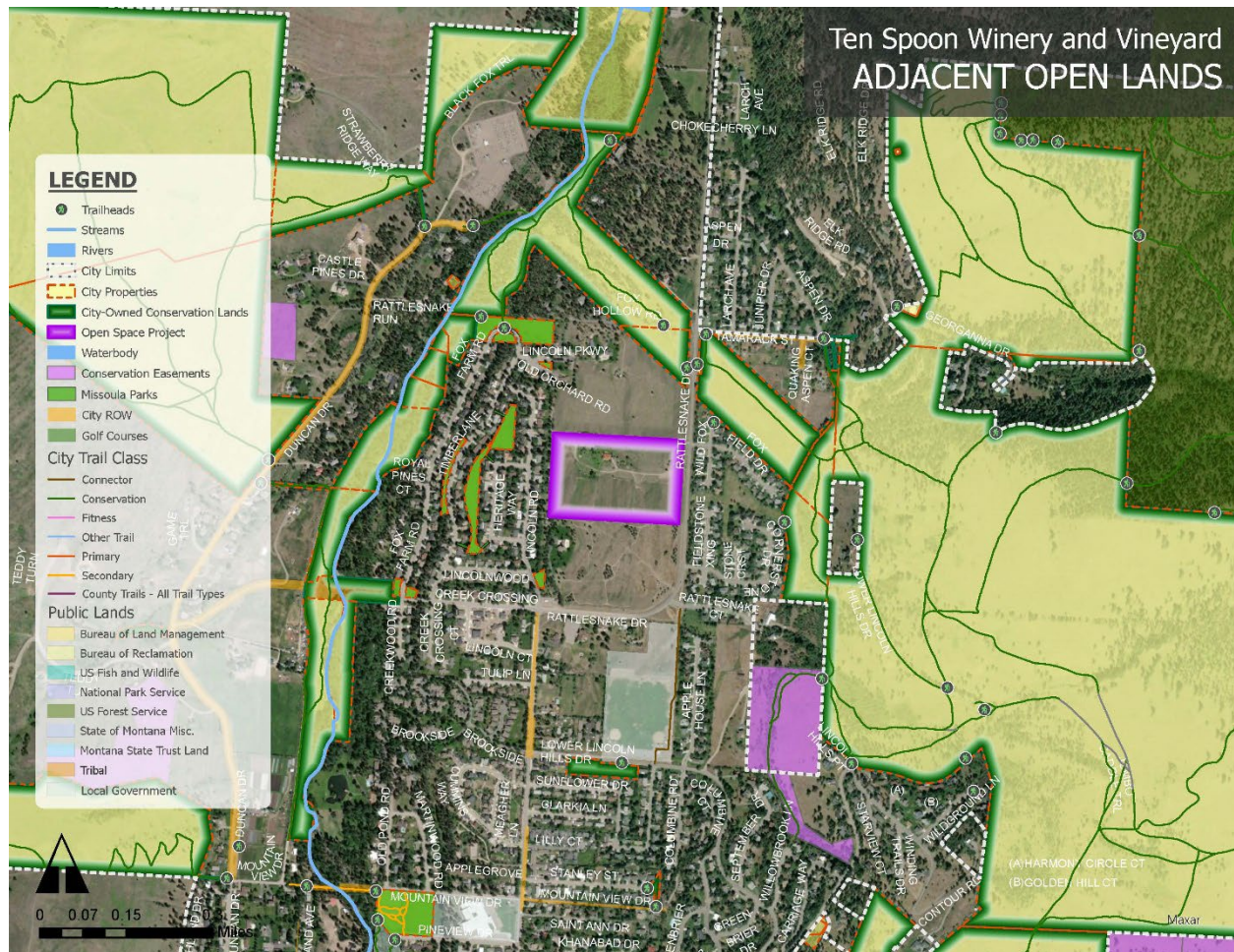
The Way(s) in Which the Project Contributes to Social Equity and Inclusion Objectives in the Missoula Community

Currently, the Ten Spoon property is utilized by the public for community events, parties, weddings, races, and other activities. The public is allowed, during business hours, to walk the property, socialize, and observe wildlife. However, a pedestrian trail easement is currently being drafted which will allow for public access through the property in perpetuity, regardless of race, gender, national origin, religion, sex, etc.

Plan for Long-Term Management and Stewardship of the Property

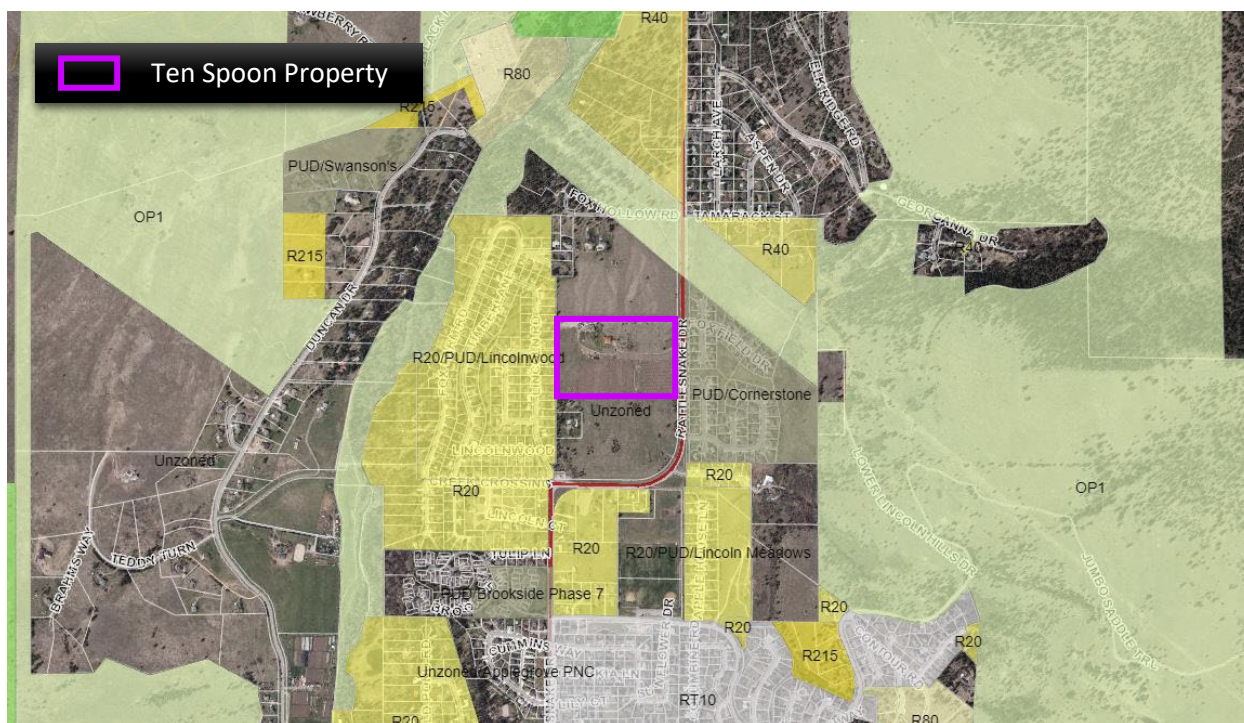
Conservation easements are perpetual protections on the land they are associated with. Each conservation easement document includes specific language which ensures attributed conservation values of the property endure. Likewise, mechanisms for protecting those values are included in the document, and are enforced by the easement holder. The City of Missoula, as the easement holder, will monitor the property on a regular basis to ensure the property is being managed accordingly.

Adjacent or Nearby Existing or Proposed Conservation Easements and/or Other Protected Areas



As referenced in the map above, lands represented by the lighter purple color are other nearby conservation easements, the light yellow/green lands with the darker borders are city-owned conservation lands, and the green lands with dashed orange borders are city parks. The project site, and the accompanying properties to the north and south, are some of the only undeveloped areas in the neighborhood.

Types of Land Use on Adjacent Properties and Properties in Close Proximity



As seen in the map above, most of the land surrounding Ten Spoon that is not currently zoned Open Space (OP1) is either already developed, zoned as R20 or R40, or zoned as Planned Unit Development (PUD). Current developed housing lots surrounding the property and other undeveloped properties north and south, range from 1/3 acre to 1/5 acre in size. While the Ten Spoon property is currently unzoned, based on current city processes and practices, if the property owners decided to develop instead of preserving through a conservation easement, it is likely the density of future homes on the property could be similar. Conservatively, there could be the potential for at least 40 homes constructed under a future R20 zone, and possibly more.

Water and Mineral Rights and Any Other Rights Appurtenant to the Property

Based on findings from the DRAFT document *Report of Investigation: Mineral Potential Underlying Severed Surface Estate (2003)* for the Ten Spoon parcel, there are no substantial concentrations of minerals in the immediate area. The study states that, "...there is exceedingly low potential for significant concentrations of either metals or coal to exist at depth beneath the property." And that, "The aggregate of the information available thus indicates there is effectively no commercial value to the mineral estate."

There are four water rights associated with the Ten Spoon property with well sources for commercial, domestic, irrigation, and stock, respectively. Each have an associated flow rate of 45 Gallons Per Minute.

Any Known Hazardous Materials or Contaminants Currently Present on the Property

Based on data included on the Montana Department of Environmental Quality online mapping service (<https://gis.mtdeq.us/portal/apps/webappviewer/index.html?id=f554f421c3e64f5599e76b5cb8dd3391>) there are currently no abandoned mines or other mining sites, storage tanks, solid waste sites, disposal

sites, junked vehicles, petroleum releases, superfund facilities or areas, or other know hazardous materials or contaminants on the property.

If Applicable, Please Describe any Existing or Proposed Plans for Restoration of Natural Resources and/or Open Space Values on the Property

The intent of this project is to protect the current conservation values of the property. In addition to the conservation easement, the property owners are working with the City of Missoula to donate a pedestrian walkway easement to provide perpetual access across the property for future generations.

Conservation Easement Details

Total Acreage of Deeded Property: 21.5 Acres

Size of Area to be Included in the Conservation Easement: 21.5 Acres (100%)

Number of Current and Future Building Envelopes and/or Building Sites and Types of Buildings Permitted:

1 Building Envelope; 4 Total Living Structures Allowed (Winery with Living Space and Food Service Space, Future Barn with Living Space, Future Home Life Estate, and Current Residence)



Any Existing and/or Proposed Commercial Activities on the Property: Currently the property is used as a commercial winery and associated vineyard. The winery has been in existence since 1998. The property owners would like to preserve the winery and vineyard and other similar or associated future types of agriculture on the site in perpetuity.

Project Funding Narrative

This application is for up to \$40,000 of 2018 Open Space Bond funds to be used for city costs related to due diligence and project management. The entire cost of the conservation easement value will be donated to the city by the landowners. The landowners are also donating a pedestrian only walkway easement through the property to preserve access in perpetuity. Much of the needed reimbursement to the city for project costs are for consultant services to manage the project during Open Space Program staff turnover, as well as the drafting of the Conservation Easement and walkway easement language and accompanying review and revision processes. A Conservation Easement Donation Agreement was also drafted by the consultant team. Costs for consultant work will range from \$15,000 to \$20,000, title work will likely be up to around \$10,000, and other costs will include those associated with closing and other due diligence tasks. The City of Missoula have also contributed significantly to the project through staff costs associated with input and assistance from multiple departments.

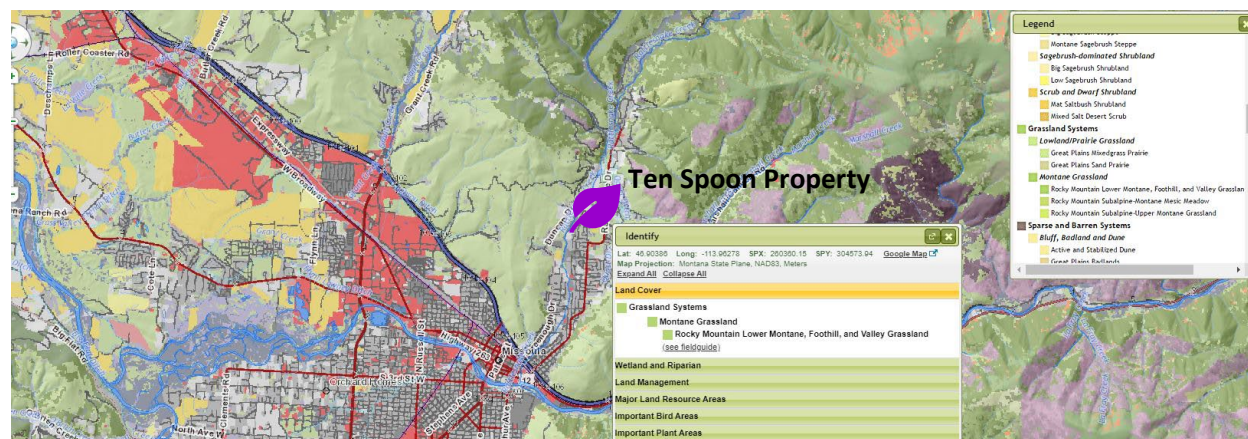
The estimated cost of the conservation easement value of the property from recent appraisal is approximately \$3.2 million. The percentage of public funds to provide due diligence and related city project expenses will only account for around 1.3% of the total donated value.

Wildlife Habitat/Native Plant Communities

While vegetation on the property is largely non-native, it is generally identified as Rocky Mountain Lower Montane, Foothill, and Valley Grassland which generally include cool season bunchgrasses, herbaceous cover less than 25%, and shrub cover less than 10%. However, the site has been farmed and cultivated extensively, though the landowners have worked hard over the past several decades to establish a non-native bunchgrass community on the east and north side of the property.

Current vegetation on the site also includes the following: Native species include blue bunchgrass, mullein, wildflowers, junipers, and ponderosas. Grasses provide forage for whitetail deer, bees, and birds. This field was mostly knapweed in 1991. The property owners brought in micro bugs that eat the roots of knapweed, and sowed ryegrass, pubescent and crested wheat grass, brome, and fescue grass. Alfalfa, clover, buckwheat, and rye grain are tilled in the vineyard each year. The entire property is certified organic by the state of Montana.

Vegetation Communities Map:



Habitat for Biodiversity Layers identified in the Montana Natural Heritage Program database show a general "Level 4" out of 10 for general predicted biodiversity for mammal species. Predicted biodiversity for birds is shown to be a Level 7 for predicted biodiversity. On an observational level, property landowners have identified the following wildlife species during recent years:

Wildlife Passing Through

Mountain lions

Bobcats

Bears

Coyotes

Foxes

Wolves have been present. Landowners saw one in neighboring field to the north a couple of summers ago and on Mt. Jumbo last year (2022). They have also been spotted near the substation on the west side of Rattlesnake Creek, so they likely do traverse through the area to Mt. Jumbo from the creek.

Ground Nesting Birds

Nighthawks

Killdeer

Meadowlarks (State bird)

Magpies

Birds Nesting in the Grapevines

Robins

Blackbirds

Bluebirds

Others

Seasonal Birds

Great Horned owls

Pygmy owls

Juncos

Bohemian and Cedar Waxwings

Sparrows

Swallows

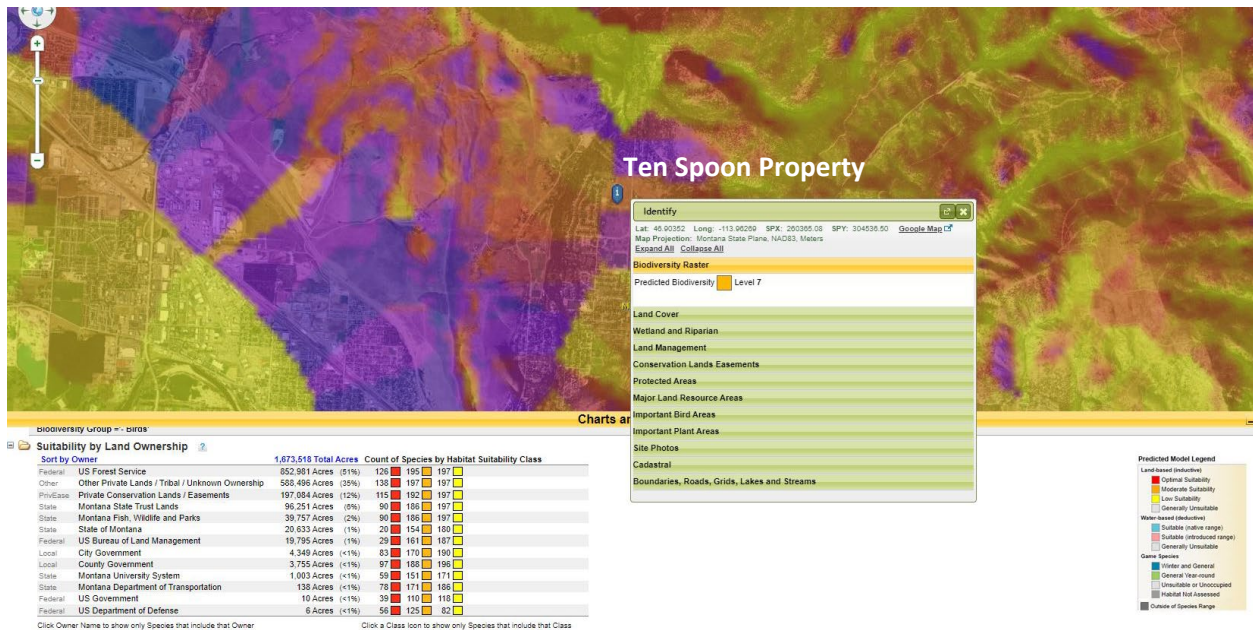
Many other songbirds

Several Hawk species frequent the vineyard and field, including Red Tail, Swainson, Sparrow Hawks

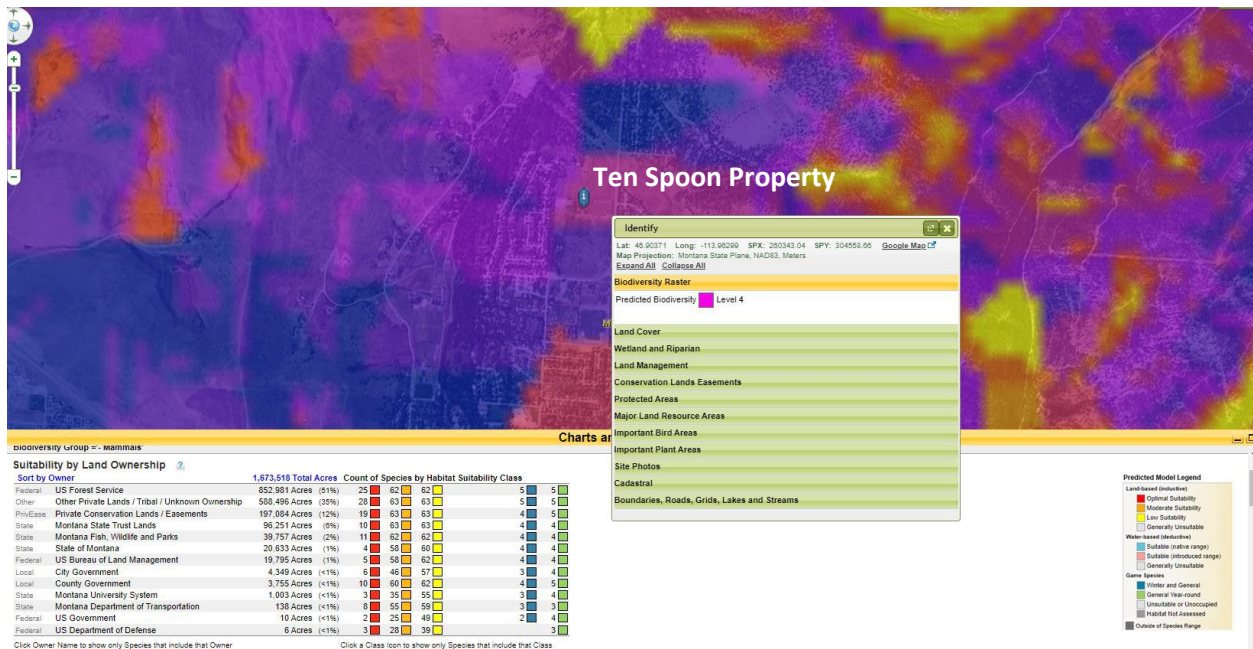
Bald and Golden Eagles

Osprey

Bird Species Predicated Biodiversity Map

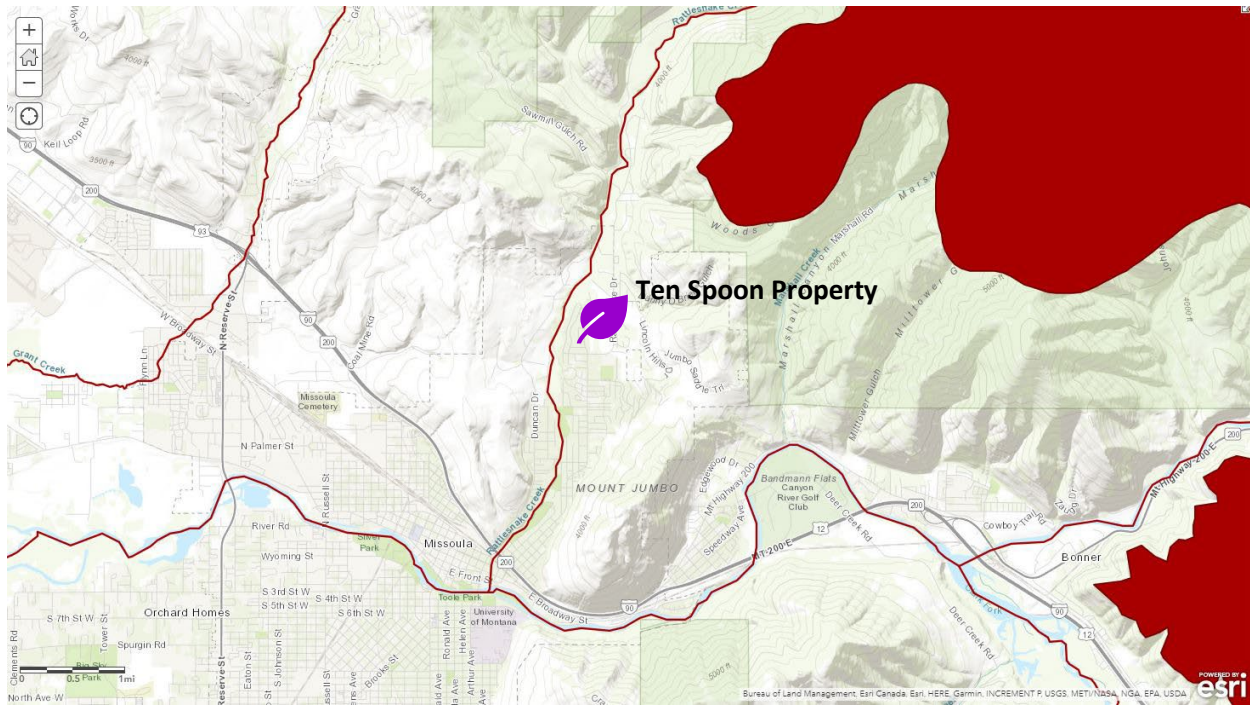


Wildlife Species Predicted Biodiversity Map



Threatened and Endangered Species

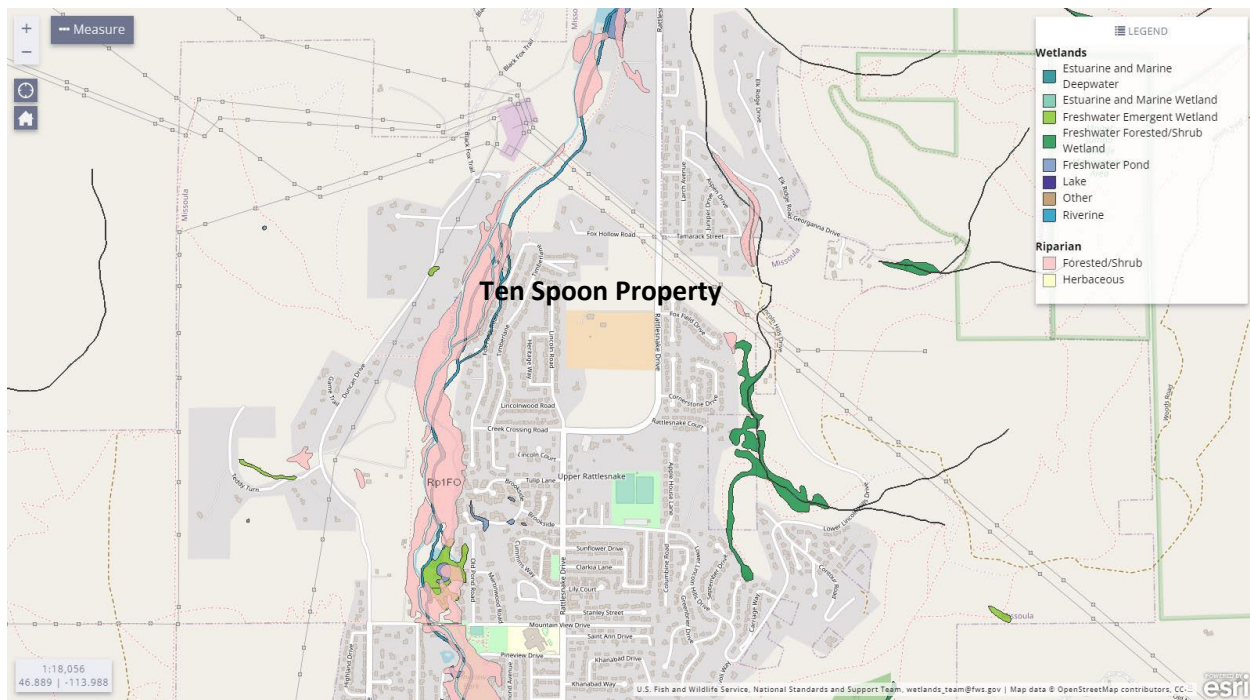
Critical habitat for threatened and endangered species does not exist on the property. However, habitat for Canada Lynx exists to the northeast above Marshall Mountain, and Rattlesnake Creek is considered habitat for Bull Trout. This property, along with other larger tracts of land in the Rattlesnake area, could negatively impact water quality in the creek and wildlife connectivity potential if it is developed. Below is a map from the US Fish and Wildlife services interactive map showing the areas of concern in red:



The landowners have taken care over the years to control and eliminate noxious and other weeds on the property.

Water Quality and Water Resources

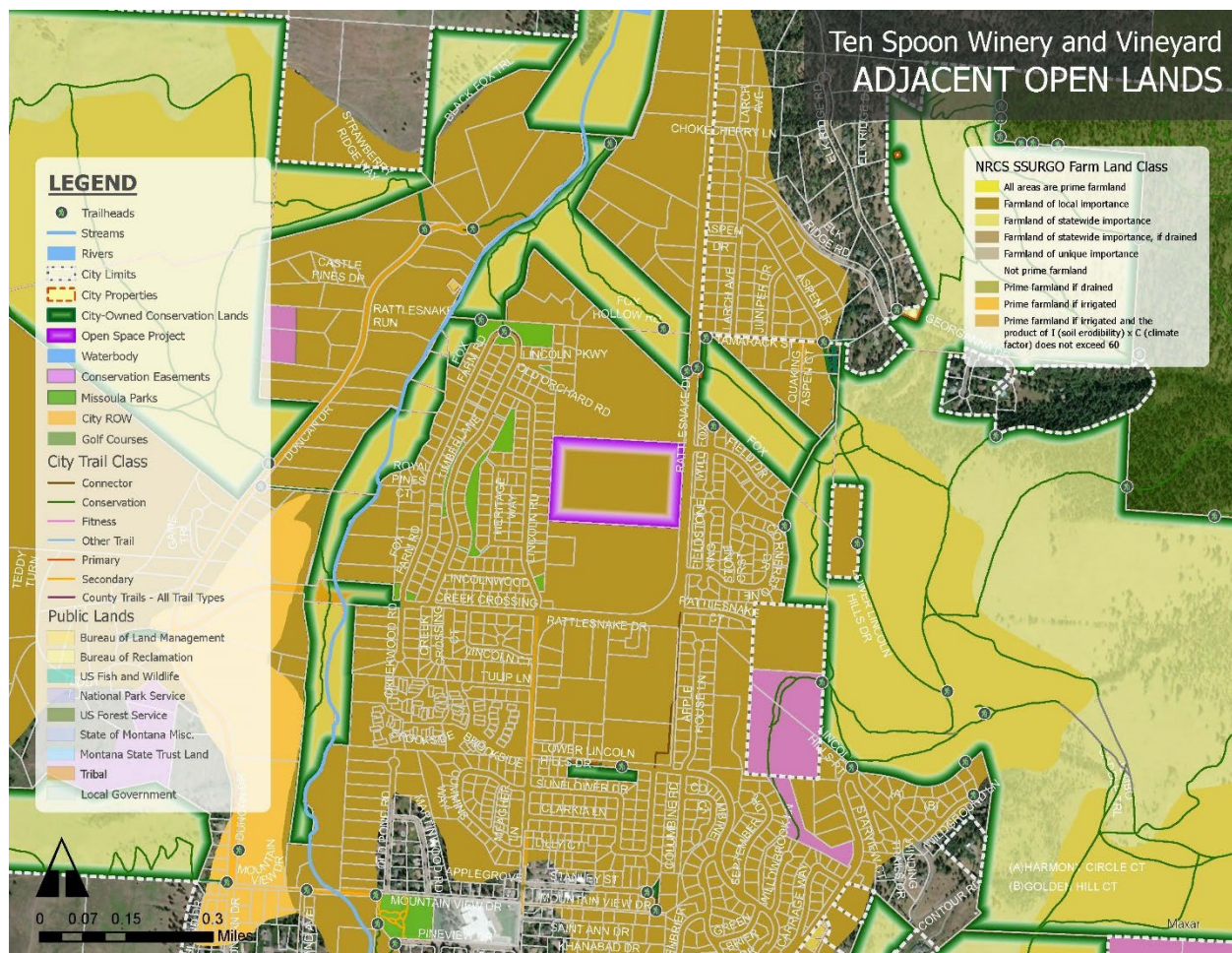
Wetland and riparian areas do not exist on the property, but exist along Rattlesnake Creek as well as east of the property along the foothills of Mt. Jumbo (see map below – property in orange).



The Ten Spoon property is located in between several wetland and riparian areas, and is at a higher elevation than Rattlesnake Creek. As such, the site likely has water quality and quantity implications for protecting the creek if kept in its current state. If developed, the site would likely have a higher percentage of impervious surfaces, and pollutants from residential developments. While the winery and vineyard no doubt consume water resources, water consumption is estimated to be much higher if the property becomes a 40+ home development. The proposed use of conservation via a conservation easement will ensure the impacts and/or protections of local water resources remains relatively the same.

Agriculture and Working Lands

As a “farmland of local importance,” based on soils data from the Natural Resources Conservation Service (NRCS), the property is located in an area highly valued for its farmland character and soils (100%). While not ideal for certain types of farming, the property is naturally suited for a vineyard, with excessive drainage, and other soil and climatic properties befitting the vineyard or other similar agricultural uses long-term. See map below for the location of suitable soils:



The conservation easement will protect small-scale agriculture. The vineyard has the capacity to produce twenty tons or more of grapes. Across the creek, the PEAS Farm complements the vineyard. The Rattlesnake Valley was once made up of small farms growing fresh produce and fruit for Butte and

Anaconda, too polluted with arsenic from copper mining and smelting to grow food. Today, this working farm and open space retain the historic, rural character of the valley. The Ten Spoon annual grape harvest is a community event, keeping agriculture part of the fabric of Missoula.

The Big Sky Beekeepers care for hives on the east side of the property and teach classes on how to raise bees, and extract honey. This agricultural education contributes to pollinator conservation. The field provides plentiful flowers and grasses for the bees.

Two wells and a complete irrigation system service the property. The water from underground streams flowing from the Rattlesnake National Wilderness Area is above EPA standards. The property has a perfected 28-acre, one-foot-deep water right. It protects groundwater from pesticides. The eight-acre vineyard is fully irrigated with drip irrigation to conserve water.

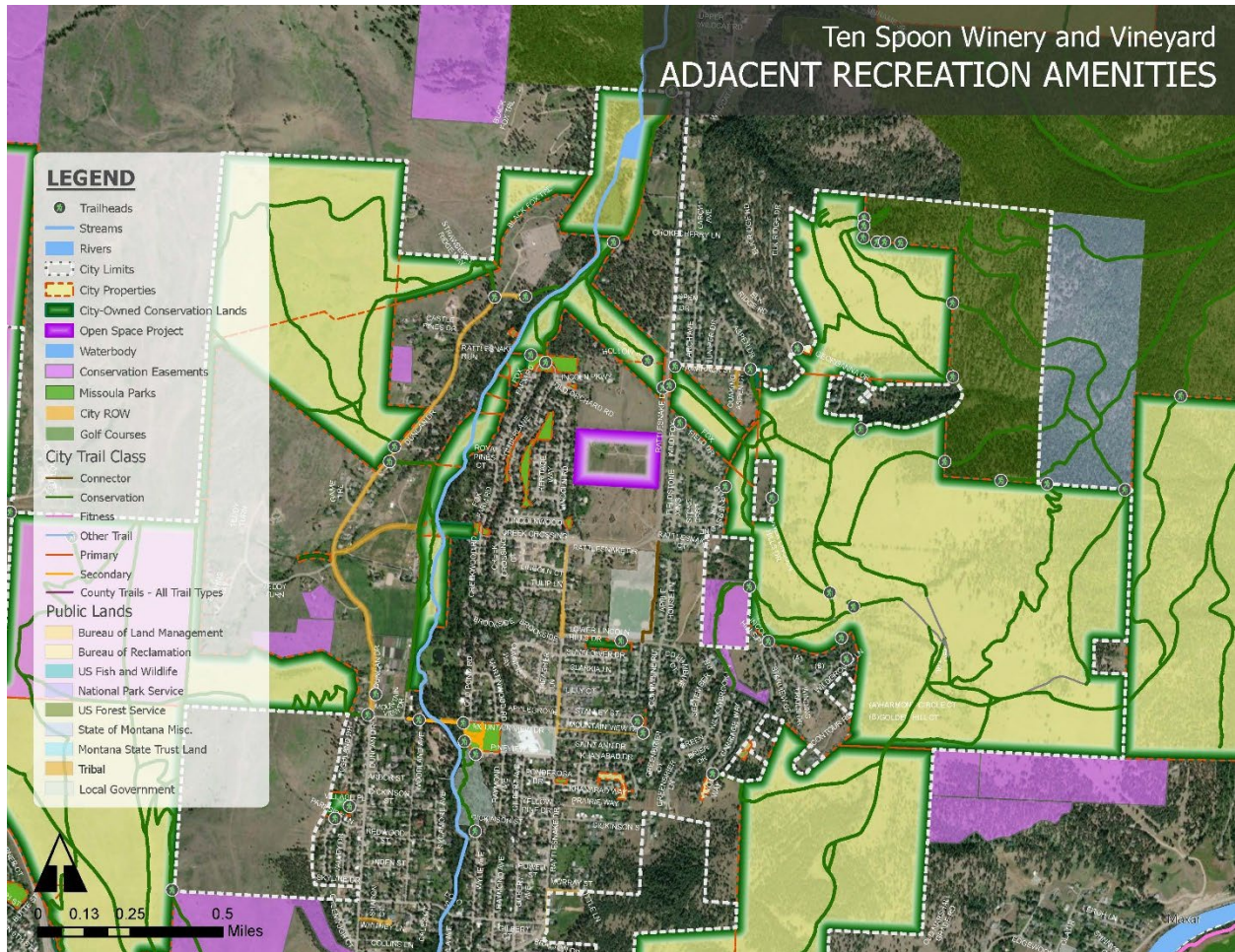
The properties north and south of Ten Spoon are both currently largely undeveloped. Discussions have occurred in the past related to long-term preservation of those properties, but the future of those properties is currently unsure. If those properties are developed, it will be even more critical to have the Ten Spoon property conserved in perpetuity for all of the conservation values presented in this application, including agricultural values, water quality/quantity values, scenic values, and wildlife corridor and open space values.

Outdoor Recreation/Public Use and Benefits

The winery and property are open to the public, with pedestrian access and a parking lot. Ten Spoon has views of Mt. Jumbo and the Rattlesnake National Wilderness Area. Outdoor events include the start and finish post for foot races and bike races and festivals such as the Rattlesnake Watershed Festival. Ten Spoon hosts many events from weddings to memorials. On weekend evenings, parents bring their children to play in the sandpit while they meet friends, socialize, listen to local musicians, with picnics or wood-fired pizza.

Ten Spoon is near a trail network connecting the North Hills, the Rattlesnake National Wilderness and Recreation Area, and Mt. Jumbo. The subdivision of Lincolnwood has dedicated city park land that accesses the midpoint of the Ten Spoon property. Separate from this conservation easement project, Ten Spoon is currently working with the city to grant a walkway easement so Lincolnwood residents can walk through the property to get to the trails without having to walk or drive around the field. This trail would have virtually no known negative impacts on the conservation values of the property. While not planned to necessarily be a completely accessible/ADA trail, the entire property is fairly flat and the natural surface pedestrian walkway will have a very slight slope, if any. This walkway and property conservation project is not likely to have any direct impacts on public services or infrastructure, though the walkway will tie into future pathways and trails, potentially having some climate and active transportation benefits.

The city will likely be constructing a trail or pathway along Rattlesnake Drive east of the property. The future donated pedestrian walkway through the Ten Spoon property will help connect the Lincolnwood subdivision to that future trail. This will provide even more connectivity to public lands and city park and open space properties. See below for a map showing adjacent recreational amenities in the area, including trails, trailheads, and public lands:



Scenic and Aesthetic Values

The property has phenomenal scenic value as a local vineyard and natural corridor. The property has been managed in a way that preserves the bunch grass field on the east side of the property, as well as the vineyard on the south side. Views to the property exist from all around, including local recreational trails, and the views from the property in all directions are quite scenic. There are some residential homes to the west and east of the property, but most of the viewshed includes the surrounding mountains and hills in all directions including the Rattlesnake Wilderness, Mount Jumbo, Missoula Valley, and even as far south as the Bitterroot Valley. The property is also easily viewed from Rattlesnake Drive on the way up to the heavily used Rattlesnake Trailhead, as well as people traveling to Mount Jumbo and Woods Gulch Trailheads, and others.

Below are several photos of the Ten Spoon property to illustrate the scenic quality of the property:



Photos Courtesy of westernmontanawedding.com and eventective.com

Cultural and Historic Resources

The following history was written by Connie Poten and mostly refers to the entire “field” on which the Ten Spoon property is located, including those owned by the families north and south of the property.

Pre-development, similar to the surrounding land, the “field” properties were an open ponderosa forest. The Salish and other tribes traveled through the field over the Jumbo saddle to the Road to the Buffalo along the Blackfoot River, avoiding ambush by the Blackfeet in Hellgate Canyon. They burned Mount Jumbo, and likely this field, every ten years to destroy cover for the Blackfeet.

In the early 20th century, a German Baron named “Ratcliffe” owned much of the upper Rattlesnake and historically planted apple trees. His apple barn is now Smoke Elser’s barn at the base of the saddle of Mount Jumbo. There is a remnant of his stone castle northwest of Smoke’s place.

Mr. Klapwyk, an illiterate, industrious Swiss immigrant, worked for the German Baron, and bought the land when he died. Klapwyk developed Lincoln Hills, and tried to develop the hillside to the north of the saddle—you can see the road zigzagging there, which is used as a trail now—but the incline was too steep. He sold much of the land, about 1,000 acres including the field, to Montana Power. Smoke Elser used the field as horse and mule pasture.

In 1991, Connie Poten, JB Yonce and John and Sue Talbot bought the field from Sunlight Development, a subsidiary of Montana Power. The field was divided into thirds. Subsequently, JB Yonce sold his 21.5 acre parcel to Holly and Mark Mohorcich, who live there now. The Talbots sold their south 21.5 acre parcel to Clay and Dawn Christian, who live there now. Connie Poten and Andy Sponseller continue to live on the middle 21.5 acre parcel.

The entire field includes those three parcels plus five acres in the NE corner, owned by the city as a powerline corridor.

The property is currently used as an education resource for those interested in vineyards and winery’s as well as bee keeping and management. This creates the potential for future cultural/historical education on those and other related subjects.

Other Documentation and Maps

Proof of Current Ownership: [Link to the Missoula County parcel viewer and associated documents](#)

Legal Description:

Tract M-2B of Certificate of Survey No. 3944, located in the E1/2NE1/4 of Section 11, Township 13 North, Range 19 West, P.M.M., Missoula County, Montana.

Parcel ID/Sidwell Number: 3065406

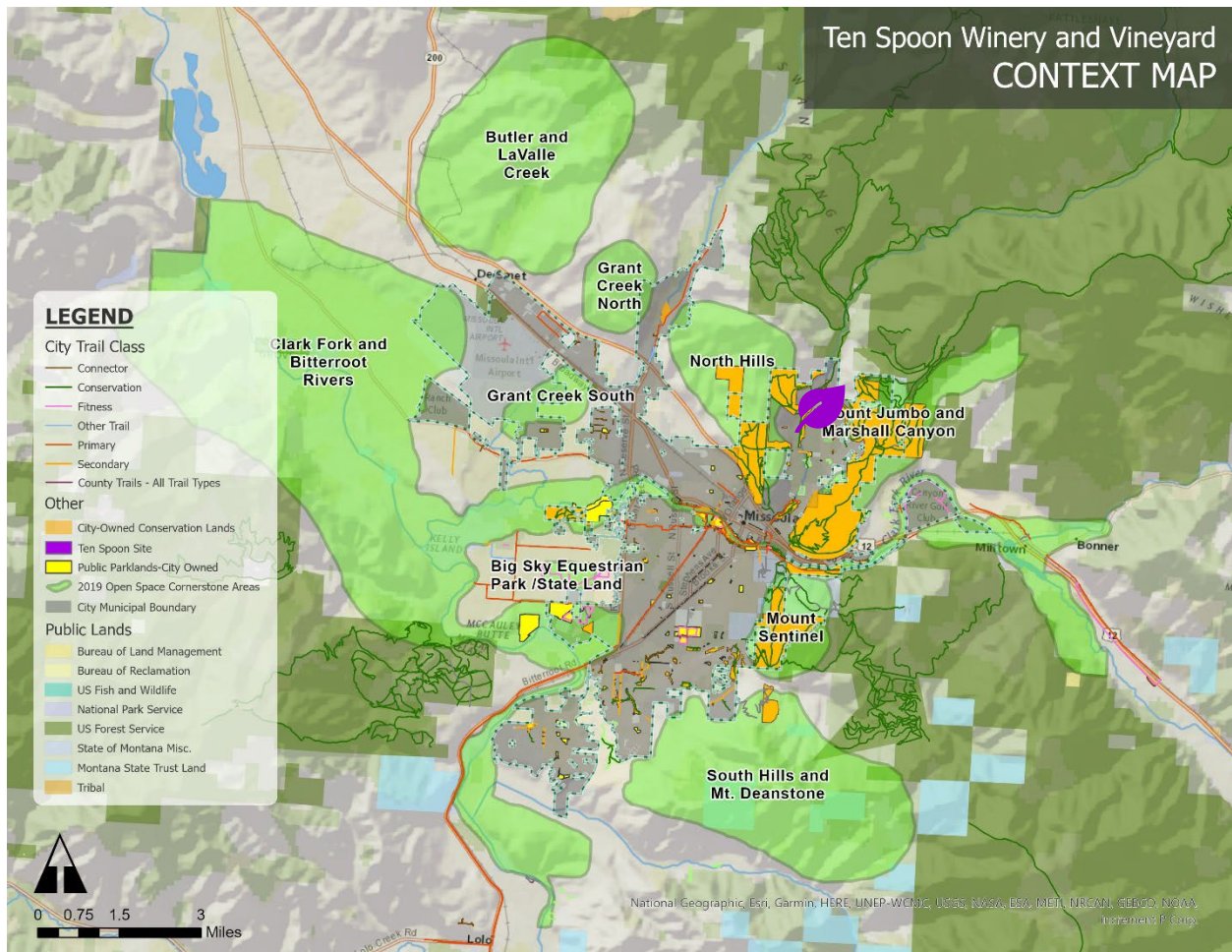
Property Size: 20.510 acres.

Conservation Easement Summary: The Ten Spoon Conservation Easement is written to protect current conservation values of the property, which include agricultural, scenic, natural, open space, recreational, educational, watershed, and other associated values in the face of rapid development and growth in the greater Missoula area. Conservation values are documented in the following way (DRAFT):

Preservation of the Property through this Easement provides significant public benefit to the people of the City of Missoula, State of Montana,

Missoula County, and the United States by protecting, preserving, and providing the following significant open space resources in perpetuity, in accordance with 26 U.S.C. § 170(h)(4)(A) and § 76-6-101 et. seq., Mont. Code Ann.:

- a. Open-space lands, which maintain the rural, agricultural, and natural scenic qualities of the area as supported by clearly-delineated land conservation plans and policies of the federal government, the State of Montana, Missoula County, and the City of Missoula, as described in greater detail below; and,
- b. b. Scenic open space and scenic views of historic Montana landscapes, working farms and ranches, and working agricultural lands, as enjoyed by members of the general public traveling by vehicle and non-motorized transportation through the Rattlesnake Valley on Rattlesnake Drive or the surrounding non-motorized trail network; and,
- c. c. Scenic views from the property, which is accessed by members of the public, of surrounding protected open-space and public lands including Mount Jumbo, Mount Sentinel, Mount Dean Stone, the Bitterroot Mountains, the Rattlesnake Greenway along Rattlesnake Creek, the Rattlesnake Wilderness, and other public or conserved lands; and,
- d. d. Retention of significant open-space land for the benefit of wildlife, including but not limited to, whitetail deer, black bear, fox, mountain lion, raptors, bluebirds, migratory birds, ground nesting birds like nighthawks, meadowlarks and killdeer, small mammals, and other wildlife that frequent the Rattlesnake Valley in an important wildlife corridor; and,
- e. e. Open-space land for natural resource conservation and outdoor recreational, cultural and educational opportunities for the general public; and,
- f. f. Water and watershed protection for the Rattlesnake Creek watershed, a source of water for City of Missoula residents and home to a variety of aquatic species including west slope cutthroat trout, a Montana species of conservation concern, and bull trout, a species listed as threatened under the federal Endangered Species Act.



As represented by the purple leaf icon above, the Ten Spoon Vineyard and Winery is located in the Rattlesnake area between the Mount Jumbo and Marshall Canyon cornerstone and the North Hills cornerstone. It provides a critical corridor and connection between areas already preserved in the area, and protects existing high value farmland and scenic values with access to many recreational amenities and natural open spaces.