

Tipp Clark Fork River Property

Open Space Project - Level 2 Application



Project Location: Between the Kim Williams Trail and the Clark Fork River
(Geocode 04-2200-24-3-08-04-0000)

Acreage: ~16.5 Acres

Current Property Owner: Bryan Tipp

Project Type: Fee Simple Acquisition with Donated Value

Potential Cost to City: Up to \$130,000 (Including some due diligence costs – amount may be higher depending on negotiated water rights costs. Total will be determined before final OSAC discussion and vote.)

Project Overview:

Project Context:

The Tipp family has owned this 16.5 acre property located along the Clark Fork River for many years. Bryan Tipp, who currently owns the property, would like to donate a portion of the property's value in order for the property to be owned by the City, used as open space in perpetuity, and to be named after his father, Roy Tipp, who passed away several years ago and was an active community member, was an attorney in Missoula, and served as Secretary for the Missoula Irrigation District for many years.

The property is located in the unincorporated County, but borders City property which includes the Kim Williams Trail corridor. Various conservation values, as documented in the 2019 Missoula Urban Area Open Space Plan, would be conserved by protecting the property as it is located along the Clark Fork River in one of the Open Space Cornerstones and is within the "riparian ribbon." The property is in a mostly natural state, with a variety of native and non-native plant species, and provides valuable wildlife habitat, floodplain protection, water quality and quantity benefits, views and vistas, and potential recreational opportunities for the City.

Current and Proposed Uses of the Property/Project

The property is currently vacant, uncultivated, and largely left undisturbed, with the exception of several intermittent camp sites over the past several years. It is largely sloped towards the river to the north, and the terrain gets gradually steeper towards the eastern side of the property. Several human-created trails exist, but either parallel the Kim Williams Trail on the south side, or lead to an encampment site. Much of the property is difficult to access due to thick vegetation, and the entire north edge of the property borders the Clark Fork River.

Proposed uses for the property consist mostly of river corridor and floodplain protection, natural wildlife habitat protection, and recreational access and trails. If the City owns the property, there is also a high potential of use of the property for recreation programs both for hiking and mountain biking, as well as river-related recreational uses for youth and/or adult groups.

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	Provides access to the Clark Fork River and adjacent land.
Conserve agricultural lands	N/A
Conserve fish and wildlife habitat	Protects river corridor, riparian area, and other wildlife habitat types.
Conserve rivers, lakes and streams	Protects the Clark Fork River corridor adjacent to the property.
Protect scenic views	Protects scenic views of the river and adjacent property.
Make improvements to lands acquired or designated as open space that are accessible to the public	N/A

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 ✓	Refores./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		

Project Satisfies Local, County, & State Codes & 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 Recreation al Purposes	✓ Public Safety and Wellness	
	Parkland/Dev eloped Parks	✓ Parkland	✓ Scenic	✓ Cons. of Land or Other Natural Resources	✓ Community Design and Livability	
	Historic or Scenic Lands	✓ Trails	✓ Recreational	✓ Historic or 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			Equity	✓
		Riparian Land	✓			
	Urban Forest	✓				

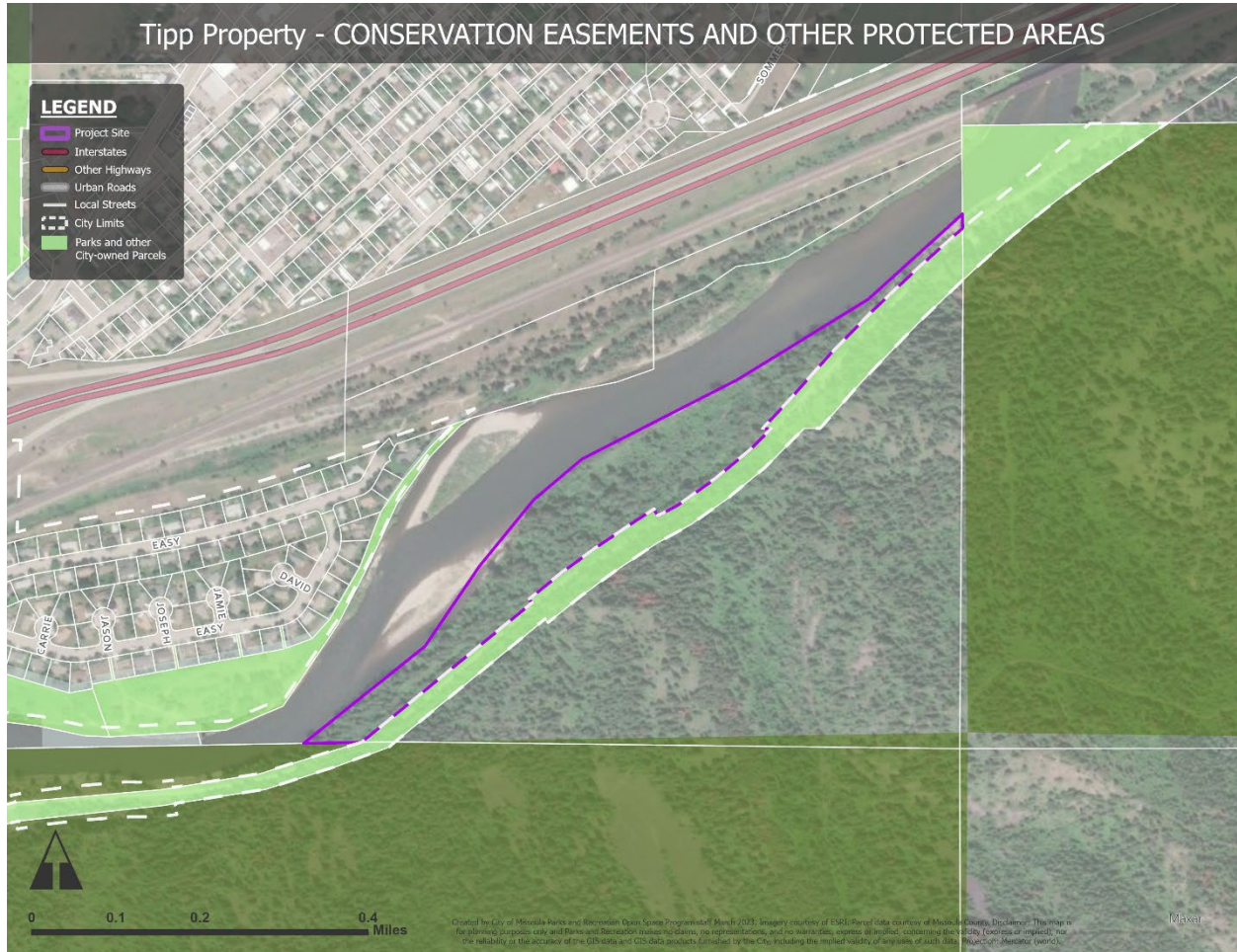
The Way(s) in Which the Project Contributes to Social Equity and Inclusion Objectives in the Missoula Community

If owned by the City and protected from future development, acquisition of this property would allow the City to increase access to and from the Clark Fork River, build more public trails for the community, and potentially expand opportunities for more recreational programs related to trail use, river activities, and other related activities. The property is bordered the Kim Williams Trail which serves as a Primary Commuter Trail for the City, and connects to east Missoula as well as the Milwaukee Trail to the west which is part of the planned national Great American Rail Trail.

Plan for Long-Term Management and Stewardship of the Property

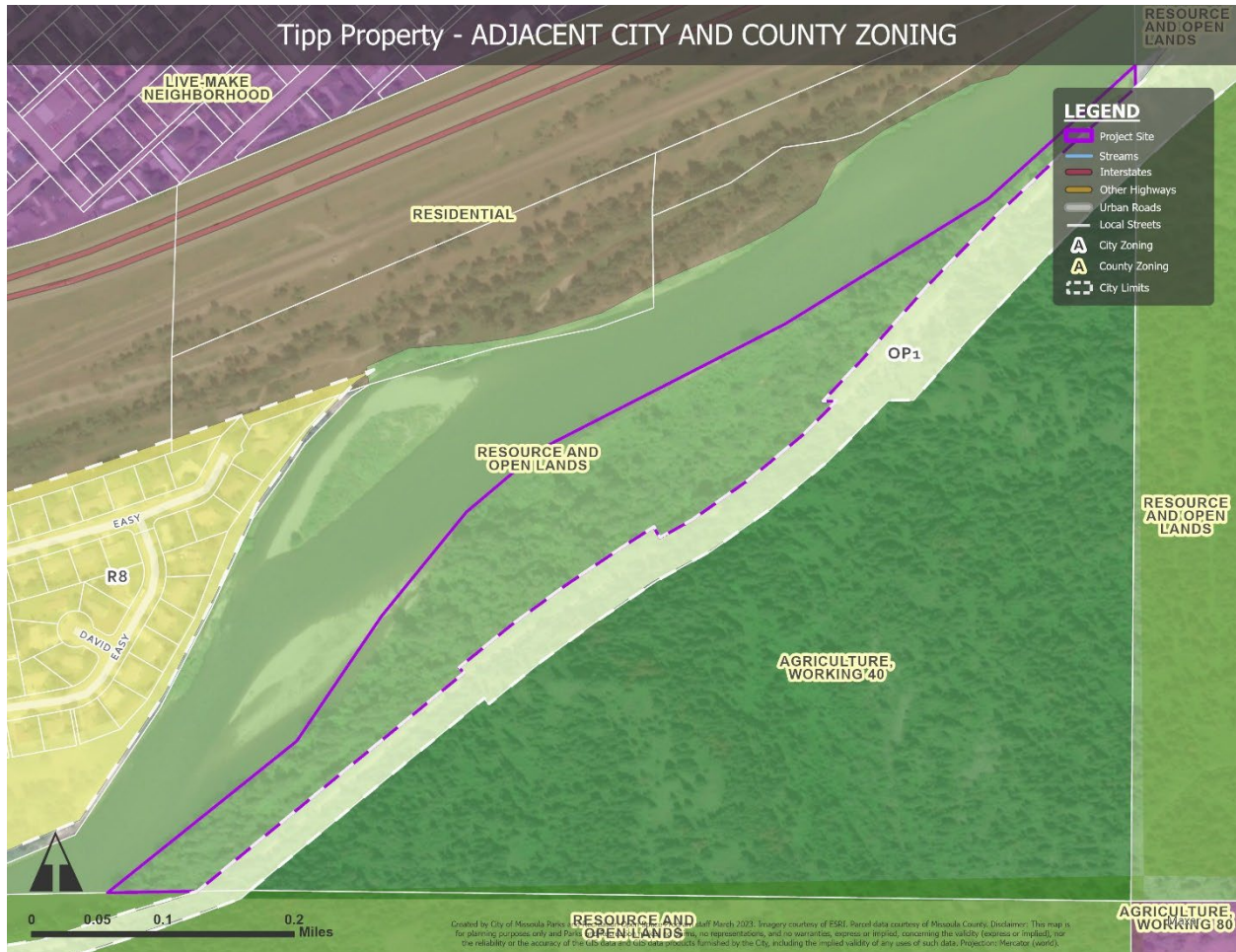
The City of Missoula has many years of demonstrated experience managing conservation lands in and around Missoula. This property would generally be managed as a natural area with potential future recreational trails.

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



As shown in the map above, the Tipp property borders City-owned parkland located along the Kim Williams Trail to the south, as well as U.S. Forest Service lands and private lands south and east of the property. There are no conservation easements near the property.

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



As seen in the map above, the property is located in the unincorporated County. County zoning on the property, and within the Clark Fork River corridor, is Resource and Open Lands. This zoning does limit the property to the following uses:

- Agriculture
- Campgrounds
- Parks
- Developed outdoor recreation
- Passive recreation
- Resource extraction
- Administrative facilities

The Resource and Open Lands zone defines developed outdoor recreation uses generally as:

An establishment whose main purpose is to provide the general public with outdoor recreational opportunities requiring varying levels of developed facilities where tickets are sold or fees are collected for the recreational activity. Developed Outdoor Recreation activities generally capitalizing on natural landscapes and are typically dependent on rural locations. Examples include alpine skiing, Nordic skiing, mountain bike parks, zip lines, or shooting ranges.

An example of an area in the County currently located in the Resource and Open Lands zone is Snowbowl Ski Resort. To illustrate the types of uses allowed as developed outdoor recreation uses, here is a hypothetical example: The primary recreation activity is downhill skiing. The associated activities of a ski area can include things like lodges, restaurants, and hotels. However, on the flip side, a lodge, restaurant, or hotel isn't typically associated with something like a zip line. Development and activities that the landowner can and can't do in that zone can vary a lot, but there could definitely be some recreation-related development potential on the property (email correspondence with County planning staff).

There is also a County ordinance which does not allow for any new structures to be built closer than 125 feet from the river (annual high water mark?). Need to confirm.

Another consideration for future development is vehicular access. While there is no legally recorded vehicular access to the property, there is open public non-vehicular access via the Kim Williams Trail. The landowner claims historic access is available to the property. However, the landowner's highest-priority goal for the use of the property is for it to become a public open space and protected from development.

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

Water Rights

There are four water rights associated with the property per the Montana Department of Natural Resources (DNRC) Water Right Query System (<https://gis.dnrc.mt.gov/apps/WRQS>). Two of the water rights are for stock purposes from both a spring and unnamed tributaries of the Clark Fork River (5 GPM and unknown); one is a domestic and stock groundwater right (5 GPM); and the last is a 30 GPM irrigation surface water right from the Clark Fork River.

Water Right Number	Water Right Type	Water Right Status	Source Name	Source	Purposes	Maximum Flow	Maximum Volume	Maximum Acres
76M3538400	GROUND WATER CERTIFICATE	ACTIVE	GROUNDWATER	GROUNDWATER	DOMESTIC; STOCK	5 GPM	1.58	
76M3537600	PROVISIONAL PERMIT	ACTIVE	CLARK FORK RIVER	SURFACE	IRRIGATION	30 GPM	8	2
76M30133610	STATEMENT OF CLAIM	ACTIVE	SPRING, UNNAMED TRIBUTARY OF CLARK FORK RIVER	GROUNDWATER	STOCK	5 GPM		
76M30133609	STATEMENT OF CLAIM	ACTIVE	UNNAMED TRIBUTARY OF CLARK FORK RIVER	SURFACE	STOCK			

Mineral Rights

In a minerals assessment report for the property dated August 12, 2024 by Turner Paddock of Rocks Clamatis consulting firm, the author states that, "Given the geologic setting of the Tipp Property, it is my professional opinion that the likelihood of any commercial mineral development is so remote as to be negligible."

Any Known Hazardous Materials or Contaminants Currently Present on the Property

Based on data compiled by the Montana Department of Environmental Quality per their online mapping service

(<https://gis.mtdeq.us/portal/apps/webappviewer/index.html?id=f554f421c3e64f5599e76b5cb8dd3391>)

there are currently no known hazardous materials, solid waste sites, dumping sites, mines, or other remediation sites on the property.

However, the Clark Fork River is listed as impaired per the Clean Water Act for high various nutrient levels that exceed federal standards related to sustaining various uses including aquatic life and drinking water between the Blackfoot River and Rattlesnake Creek (https://mywaterway.epa.gov/waterbody-report/MTDEQ/MT76M001_030/2021).

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 existing natural resources on the property and to allow responsible public access to and through the site. Under City ownership, there is potential for improving natural resource values on the site including vegetation management and improved wildlife habitat. As access and recreation are considered to be defined open space values per local and state codes and ordinances, as does open space bond ballot language, increased recreational opportunities are possible if the property is owned by the City. Increasing access from the Kim Williams trail and/or the Clark Fork River itself would add recreational value and create potential for City recreation program use over time.

Likewise, under City ownership, wildlife habitat, riparian vegetation and other site improvements can be made along with the allowance of responsible recreation.

Fee Title Acquisition Details

See summary information on Page 1.

Project Funding Narrative

Appraised Value: Per an appraisal commissioned by the City and reviewed by both parties, the value of the ~16.45 acres is around \$200,000.

Donated Value: The landowner would like to name the property after his father, Ray Tipp. Ray owned the property prior, was an attorney in Missoula, and served as Secretary for the Missoula Irrigation District for many years. Per City of Missoula policy, "Naming of Public Parks and Recreation Lands and Facilities (Adopted 8/9/11)," if a public park or recreation facility is to be named after an individual, the following parameters must be met in addition to being deceased for at least two years:

- 1) Has made a significant land and/or monetary contribution (51% or more) to the particular park or recreational facility at issue;
- 2) Has had a contribution made "in memoriam" to the park representing 51% or more of the land or facility development costs and the name has been stipulated as a condition of the donation;
- 3) Has performed extraordinary or outstanding public service for the good of the community in regards to parks, trails, and/or open space;
- 4) Was an outstanding community leader who made significant civic contributions to the City and gave highly productive support to the Parks Department; or
- 5) Was an outstanding regional or statewide leader who contributed significantly to the promotion of parks and recreation and/or land conservation.

Number 2 above is relevant to this particular project, so the landowner is committed to contribute 51% or more of the project costs in order to name the property after his father.

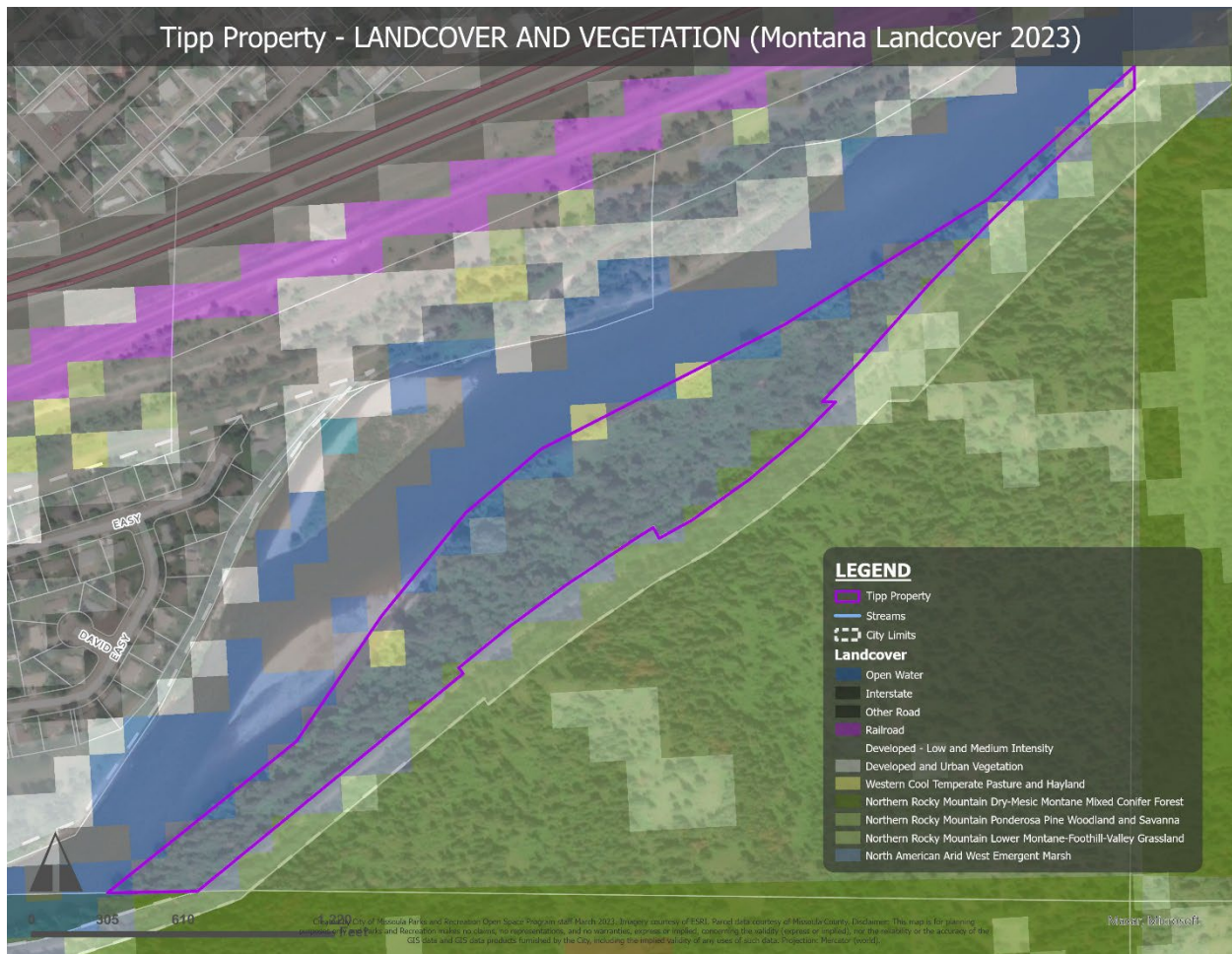
Below is the budget and list of funding sources for this project. Currently, as the potential purchase of water rights is being discussed with the landowner, the total project costs and total anticipated open space bond fund request is unknown but would be likely higher than what is shown below:

<u>Preliminary Project Budget</u>	Amount	% of Total Cost
~16.5 Acres - Fee Simple Acquisition	~\$200,000	TBD
Due Diligence (Title Report, Appraisal, Closing Costs, etc.)	~\$30,000	TBD
Water Rights	TBD	TBD
Total Estimated Project Costs	TBD	

Anticipated Funding Sources	Amount	% Total Cost	Status
Landowner Donation*	~\$117,300	51% of acquisition-related costs	Committed
Open Space Bond - City	~\$112,700 (could be more depending on additional cost of water rights)	49% of acquisition-related costs + water rights	(Requesting)
Total Anticipated Funds	TBD		

Wildlife Habitat/Native Plant Communities

Landcover/vegetation includes mostly Northern Rocky Mountain Lower Montane Riparian Woodland and Shrubland, and mixed evergreen-deciduous open tree canopy (2023 Montana Landcover Framework, Montana Natural Heritage Program). See map below for vegetation sites on and around the Tipp property.

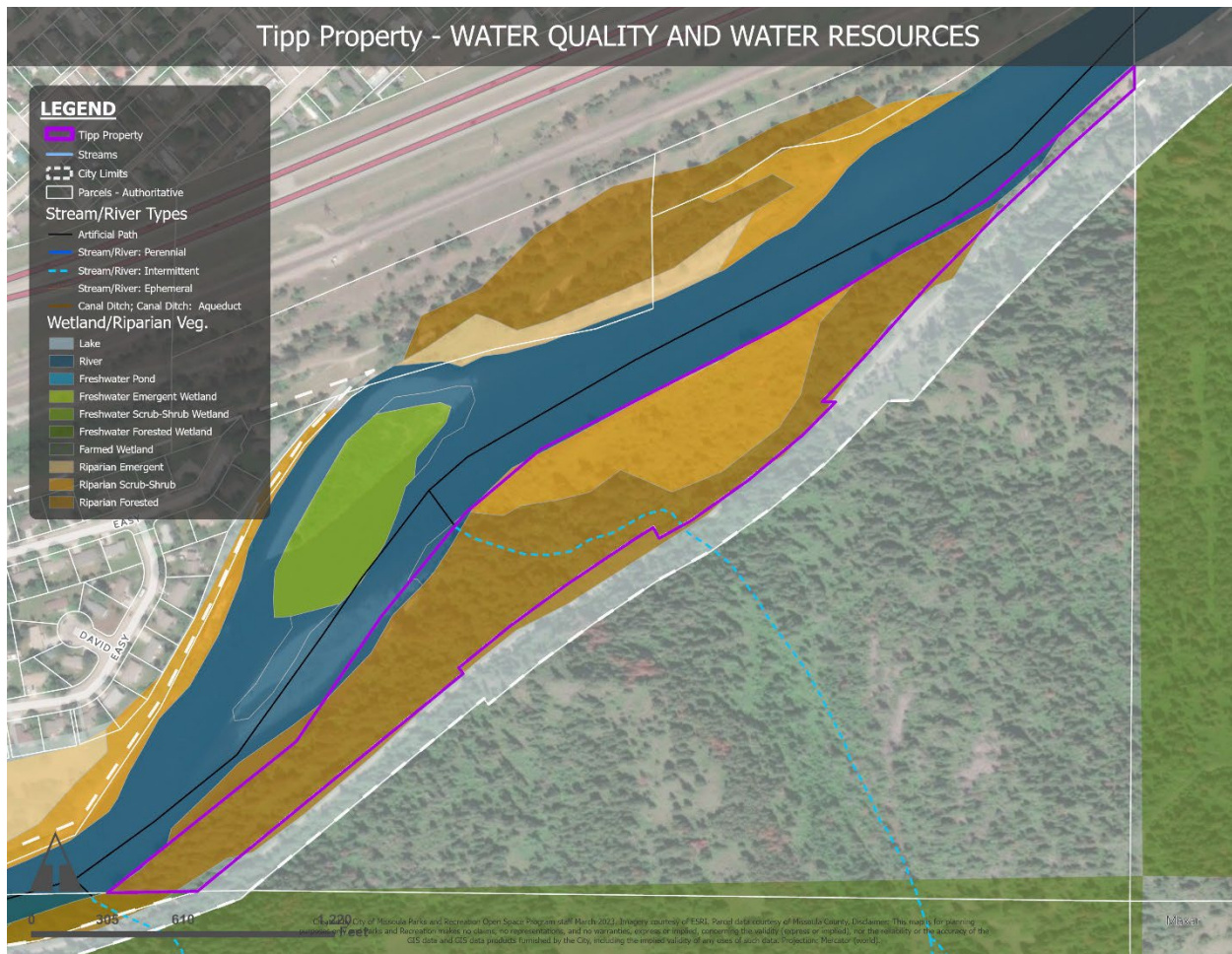


Threatened and Endangered Species:

The Clark Fork River serves as native habitat for bull trout (*Salvelinus confluentus*), which is listed Federally as threatened under the Endangered Species Act. According to the U.S. Fish and Wildlife Service, bull trout specifically require, "...cold, clean, complex, and connected habitats," and various activities impact bull trout survival including development and land use changes, decreased water quality, river/stream barriers, and non-native species that compete for food or prey on bull trout.

Water Quality and Water Resources

The Tipp Property is generally classified as riparian according to the U.S. Fish and Wildlife Service National Wetlands Inventory (see map below). There is also one intermittent stream located on the property that flows seasonally into the Clark Fork River near the center of the property (NRCS National Hydrography Dataset). :

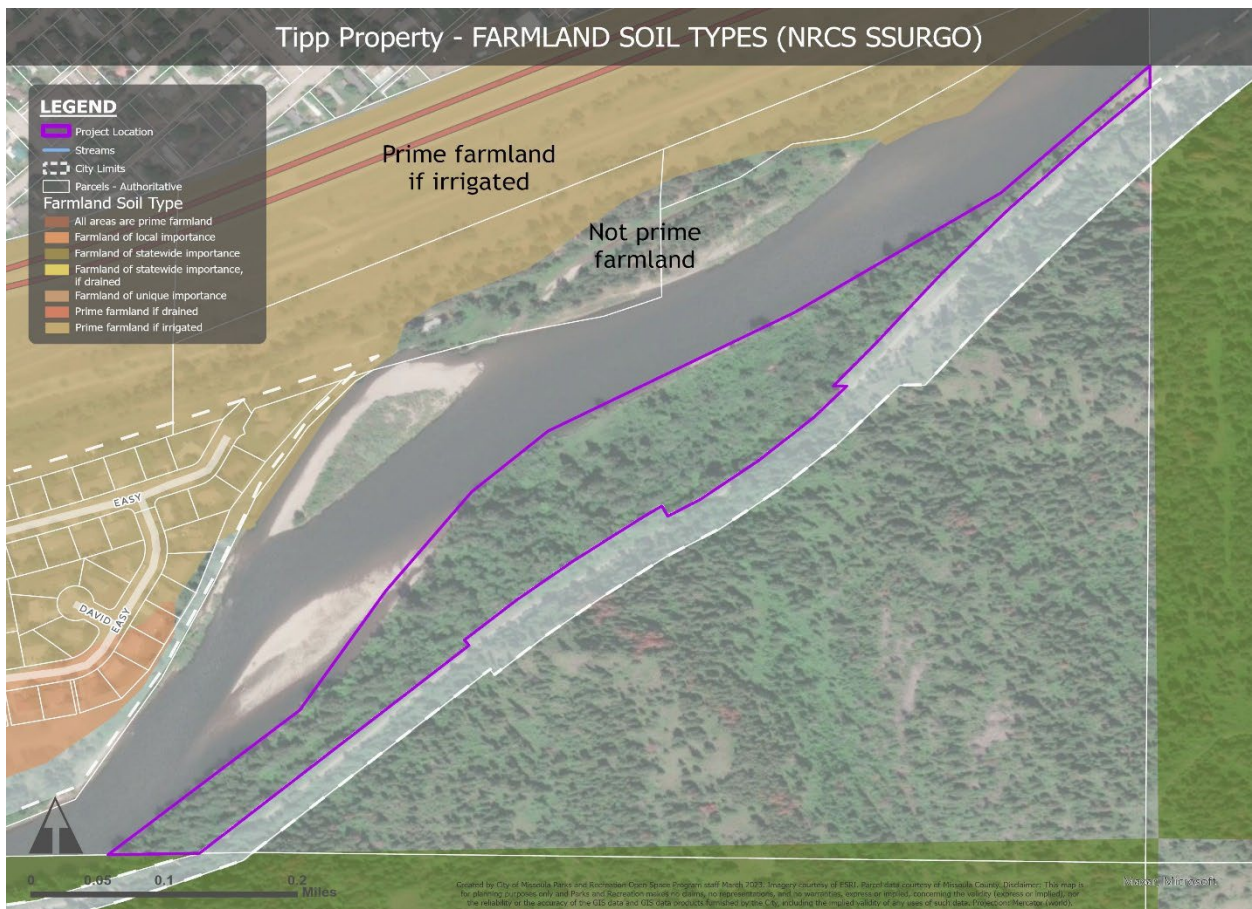


The parcel is also mostly located in either the FEMA 100-year floodway or the flood fringe. Improvements like boat ramps are included in this area. Any construction would require a 310 permit in addition to compliance with any requirements related to the riparian area restrictions in subdivision regulations. See the map below courtesy of Missoula County:



Agriculture and Working Lands

As seen in the map below, there are no agricultural soils on the property. However, at some point grazing was apparently active on the property historically. There is no known irrigation infrastructure, but some water rights exist on the property.

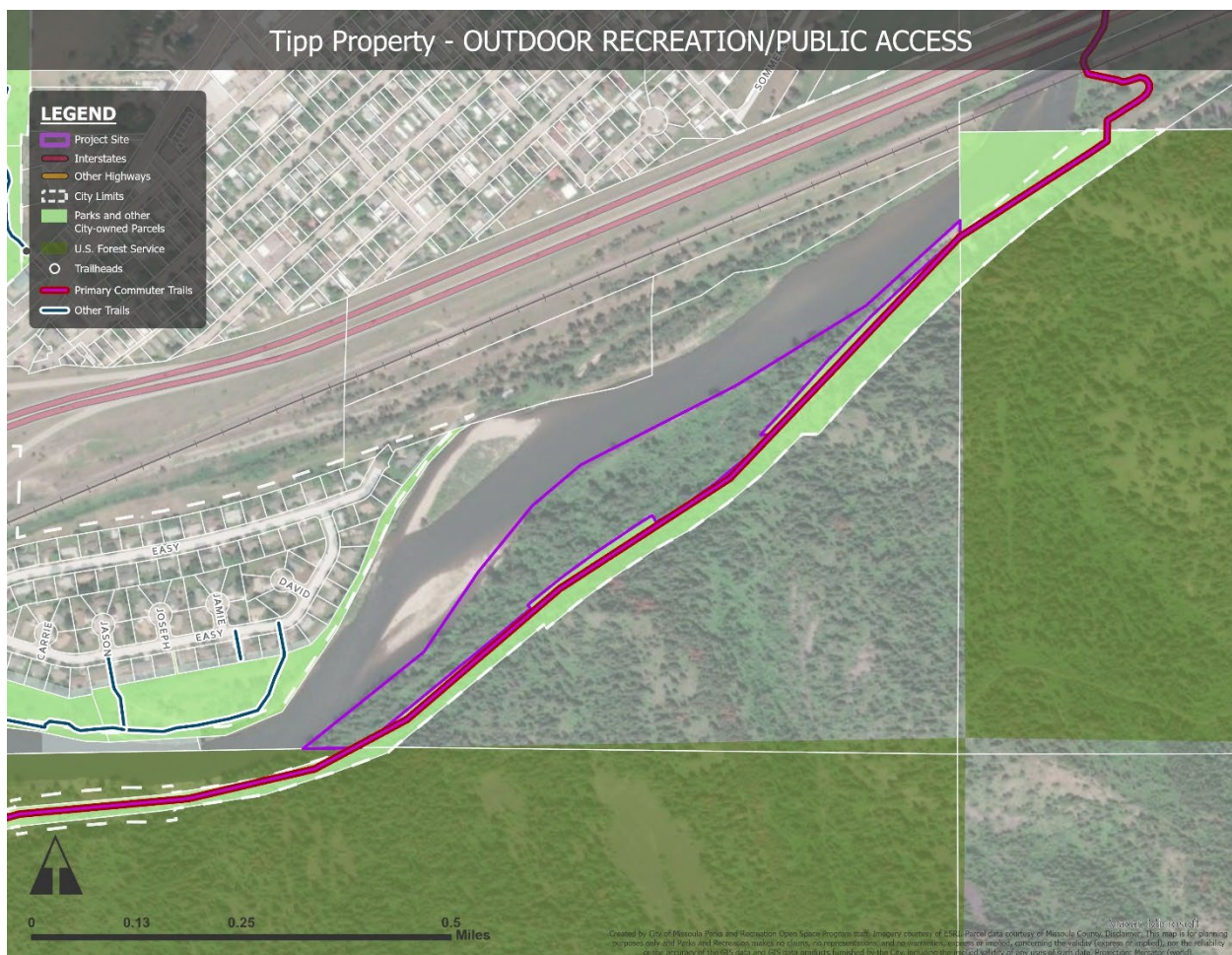


Outdoor Recreation/Public Use and Benefits

The Tipp property borders current City property to the south and east which has a natural surface multi-use pathway (Kim Williams Trail), as well as U.S. Forest Service property both to the south and northeast. The Clark Fork River flanks the northern shore of the property as well, allowing for potential future public access from the river.

The Kim Williams Trail is currently classified as a City Primary Commuter Route as it connects directly to East Missoula just east of the Tipp Property where it goes under I-90. While not currently paved, this trail serves as a fairly accessible recreational or commuter route as it is mostly flat and has a road base/gravel surface. Other trails connect to the Kim Williams trail from both U.S. Forest Service and University of Montana lands further west.

The Tipp property's topography on the west end is level enough for a potential trail entrance, and much of the property would be conducive for future trails and day activities such as picnicking and nature hikes. Access from the river would allow for other potential recreational opportunities including use from current and potential future kids and adult recreation camps and activities. There is also the potential for educational opportunities for local grade schools and/or the University as the site is fairly natural and includes some intact wildlife habitat, including riparian areas along the river.



Scenic and Aesthetic Values

The Tipp Property is scenic in and of itself as it largely consists of natural habitat both within the property and on the north end where there is extensive riparian habitat along the Clark Fork River. The property abuts the Kim Williams Trail and U.S. Forest Service property to the south and east and affords spectacular views of nearby Mount Jumbo to the northwest and Mount Sentinel to the south. There are also views of the Clark Fork River along the entire northern shore.

Cultural and Historic Resources

While there are not any specific known cultural or historic resources on the property, there was likely some form of historic grazing on the property.

Other Documentation and Maps

The property is located directly in one of the 2019 Open Space Cornerstones, which includes riparian areas and river/stream corridors like the Clark Fork and Bitterroot Rivers. Riparian corridors (ribbons) are heavily emphasized in the 2019 Missoula Urban Area Open Space Plan as a critical open space resource for the City and County.

2019 Open Space Cornerstones Map:

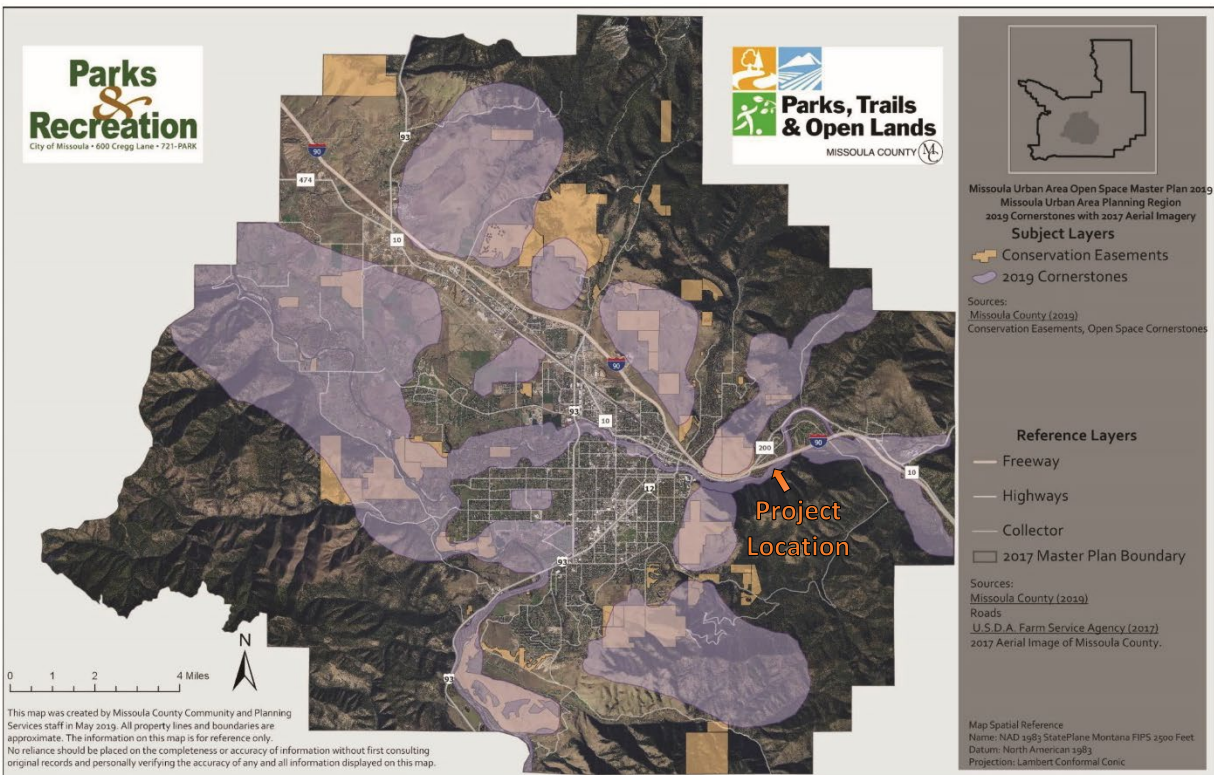


Figure 3. Updated Cornerstone Map

Proof of Current Ownership and Legal Description:

FACTS **TAXES** **PERMIT** **VOTE** **BOCS**
FLOOD **WATER** **SEPTIC** **AIR** **CAMA**

Tax ID: 258109 Tax Year: 2024
PLSS: T13NR19W-24 Levy: 04-1583-1-2

Geocode: 04-2200-24-3-08-04-0000

Legal:
S24, T13 N, R19 W, PT SE1/4 N OF R/H SO OF RIVER

Owner(s):
TIPP BRYAN CHARLES

Mail: PO BOX 3778 MISSOULA, MT 59806-3778

Prop:

Physical Address(es):(Click address to zoom)
No Physical Address

Survey Info: (Based on Legal)

SUB: 1074-122
COS: 1010-977
1074-122
1010-977
640-1020
705-379
Deeds

Property Type: VAC_R - Vacant Land - Rural

- BOR AC/Sqft: 16.45 / ~716562.00
- CIS AC/Sqft: 16.45 / ~716448.30
- Res/com/Obly: 0/0/0

Living Units: