

APPENDIX A

POLICY BASIS FOR THE PLAN

History of Missoula Open Space Planning

1968 Missoula Comprehensive Plan

Missoula first engaged in open space planning in the late 1960s and land use policies related to open space preservation and maintenance date back to Missoula's first comprehensive plan, which was adopted in 1968 by the City and the County. Specifically, that plan called upon the community to:

- “Expand and equitably distribute areas for open spaces, parks, recreational and cultural facilities within the urban area...”
- Preserve mountainous areas and water courses in the Planning Area for future generations.”

Since that first urban area comprehensive plan was prepared in 1968, land use policies pertinent to open space preservation and maintenance have been in effect. Plan documents have been encouraging expansion and equitable distribution of areas for open spaces, parks, recreational, and cultural facilities within the urban area. They have also encouraged preservation of mountainous areas and water courses in the planning area for future generations.

1975 Missoula's Policy Guide for Urban Growth

The 1975 update of the Comprehensive Plan, *Missoula's Policy Guide for Urban Growth*, expanded the policies of preservation of valued open space resources to include areas containing representatives of ecologically important habitat types. It identified the need to provide “... adequate space to serve recreational, environmental, health and safety needs of the community. The opportunity for Missoula to develop a uniquely large and beautiful open space area which links developed park facilities and all living and commerce areas is an idea in which Missoulians have expressed great interest and support.”¹ The 1975 plan also described potential tools for establishing the open spaces and recommended development of a detailed open space plan. The plan laid out the following policies:

- “those areas containing representatives of ecologically important habitat types are generally considered open space and should be so designated.
- Natural drainage patterns should be preserved and alteration by development should be minimized.
- Water front areas should be recognized as valuable land for recreation and open space and should be so developed.
- An open space pattern should be created which gives the community an aesthetically pleasing form and provides corridors which may be used as travel ways from one section of the community to another. Natural and man-made features should be beneficially utilized for this purpose.
- Cultural, scenic and historic values should be preserved.
- Density transfers and/or aggregations should be encouraged in order to preserve more private open space.

¹ Missoula, A Policy Guide for Urban Growth, pg. 26.

- Adequate space for parks should be provided throughout the City for a full range of outdoor recreational and cultural opportunities. Not only should activity areas be provided, but an emphasis should be placed on green open areas.
- Existing outdoor facilities should be fully utilized for recreational activities.
- Parks should be construed next to schools for better convenience and full use.
- The provision for landscaping in building areas, and creating open spaces, malls, plazas, etc. in commercial area is encouraged as an aesthetic consideration and to increase pedestrian access.
- A detailed open space plan should be generated through further studies of private and public land capabilities, private and public needs, and changing conditions.”

1976 Missoula County Parks, Recreation and Open Space Plan

The 1975 Plan was followed by the 1976 *Missoula County Parks, Recreation and Open Space Plan*. The 1976 Plan envisioned the system as containing four main types of open spaces: public lands, visual resource lands, conservation reserves, and deferred development areas. The Plan reaffirmed earlier open space policies and listed parks, both developed and undeveloped, as components in the open space system. Objectives of the open space system included:

- Protect all rivers and streams, especially the Clark Ford, Bitterroot and Blackfoot Rivers, and the Rattlesnake, Pattee, Grant, and Marshall Creeks, in their natural states.
- Restore and preserve the natural beauty of waterfronts and bottomland areas along rivers, lakes and streams.
- Identify recreational uses and values for natural resource lands that are compatible with environmental goals and other land uses.
- Provide natural areas for nature study, biological research and wildlife sanctuaries with limited public access and use.
- Preserve the unique natural features which lend aesthetic character to urban and rural settings.
- Establish and preserve open space through zoning, acquisition, easements, grants, donations, and other available means to prevent undesirable land uses in critical areas.

1990 Update of the Missoula Comprehensive Plan

The 1990 *Update of the Missoula Comprehensive Plan* reaffirmed the thinking expressed in earlier planning documents and lists out specific and pertinent goals, objectives, and recommended actions such as:

- Preserve open space within and around the urban area. Specifically,
 - preserve as open space land containing valuable resources or having environmental constraints from urban uses.
 - Preserve as open space land which is not needed for urban use within the time frame of this Plan;
 - Through a comprehensive approach to recreation planning and development, consider the relationship between recreational and open space opportunities within and outside the urban area boundaries.
- Provide a variety of indoor and outdoor recreational and open space opportunities for urban area residents. Specifically,
 - Use the park and open space requirement in the subdivision process judiciously and creatively, to provide usable land for active recreation and to preserve land with other open space values...

- Revise the current 1976 *Missoula County Parks, Recreation and Open Space Plan* either in conjunction with the Office of Planning and Program Development Office and County Park Board on a county-wide basis or develop an urban area update.
- Promote the natural beauty within and surrounding the urban area. Specifically,
 - Increase opportunities for easy access to natural areas and green spaces within and around Missoula;
 - Preserve areas with scenic open space value (river corridors, vistas) through carefully planned development, through land preservation techniques such as clustered development, transfer of development rights, conservation easements, and through public acquisition where possible and warranted...
 - Continue to work with private property owners to preserve scenic open space values through private conservation techniques or other cooperative means;
 - Continue the riverfront planning process initiated in the downtown area.
 - Study the possibility of applying special design standards to development within river corridors.
- Maintain and enhance desirable vegetation within existing and newly developed areas, specifically,
 - Preserve and enhance the urban forest...
 - Preserve critical plant communities such as species of limited distribution and riparian vegetation...
 - Continue the tree inventory program initiated by the parks department, develop maintenance reforestation plans and encourage tree planting within new and existing areas.
- Maintain wildlife as a viable presence in the urban area environment. Specifically,
 - eliminate development of those areas identified by wildlife experts as highly critical to wildlife survival...
 - encourage preservation of wildlife habitat through voluntary conservation techniques and appropriate design.

1993 The Visions Report: Missoula at a Crossroads

In 1991, the Citizens Advisory Committee on Open Space (OSAC) recommended to City and County elected officials that citizens and public agencies should work jointly to form a vision of an urban area open space system and work jointly to form a vision of such a system and develop tools and guidelines to make the vision a reality. In spring 1992, the Office of Community Development created an open space planner staff position and an open space planning position, to focus on preparing the plan.

Through the Vision 2020 planning process conducted in the Missoula Valley during 1992-93, open space once again emerged as an important value and influence upon the lives of many Missoulians. Specific open space references in *The Visions Report: Missoula at a Crossroads* included:

“Our vision of Missoula in 2020 include a strong interplay between the built and natural. We envision a wide variety of land uses, ranging from residential to commercial to land devoted to various forms of open space... we have designed the open areas to provide contrast and relief from, and to enhance and complement, the built areas; the resulting open space network of conservation lands, parks, boulevards, the urban forest, trails and corridors include these aspects:

- Wild areas all around Missoula still exist and are so designated.

- We have enhanced wildlife habitat and have encouraged areas to support wildlife; this includes identification and acquisition of critical ecosystems holding areas of high biodiversity and indigenous vegetation...
- We have maintained the hillsides open and undeveloped for the most part.
- The Clark Fork and Bitterroot rivers and Rattlesnake Creek are protected; the river banks are undeveloped, with public ownership, livestock restrictions, and protection of public access and riparian areas...
- We have a trail system valley-wide, linking open spaces and including greenway and trail corridors along the main rivers as well as a safe non-motorized pathway from one side of Missoula to the other.
- We have a well thought out park system interconnected by trails, including walkways and bike trails, with more and improved neighborhood parks having trees and grass, picnic tables and other support facilities, and with a mixture of built and natural open and park lands. The mixture of larger parks and small neighborhood parks is well dispersed throughout the urban area...
- Every living place has open space for people in/around it; open space achieved through design of the built environment.
- We have a flourishing urban forest and tree-lined streets and boulevards with water conserving vegetation...
- Community gardens are available, neighborhood plots are widespread, and some ‘garden streets’ exist.
- Visual resources are protected: no tall buildings (10+ stories) obscure the significant visual landscape and openness of Missoula.
- Less area is covered by paving, and more area is planted in native species.
- Significant open space in the form of productive farmland surrounds Missoula on the Valley Floor and contributes to the green belt encircling the main urban area.
- The whole open space network is monitored and well-maintained.”

Guidelines for Creating a Non-Motorized Trail Network in the Greater Missoula Area 1994

In 1993-94, the trails portion of an urban area open space system became better defined, through the non-motorized transportation plan prepared jointly by the City of Missoula, Missoula County, University of Montana, Montana Department of Fish, Wildlife, and Parks, and the Lolo National Forest. The following excerpt from *Guidelines for Creating a Non-Motorized Trail Network in the Greater Missoula Area* highlights the relationship of trails to open space and resource protection:

“Most recently, the City-County Growth Management Task Force has produced a working document entitled, *Planning for Growth in Missoula County*. This 1994 paper outlines the themes which frame the current growth management process. Open space preservation appears several times in the course of the paper’s presentation of community goals and guiding principles, considerations, and possible actions. Most notably: “Throughout the process of growth and change, we must preserve the valued characteristics of our communities. It is our mission to achieve two equally important goals: 1) to protect our critical lands and natural resources and 2) to enhance human resources.

The growth management document includes these more particular references to open space:

“.. Identify critical lands so that growth or development can be guided for their protection... Locate open spaces that are recreations near areas where development already exists or where it is desired... Accommodate growth, retain historical resources, and provide appropriate open spaces

in the design of development so that areas of greater density remain healthy, safe, and livable... Open space is valued more highly now... there is substantial economic value in Missoula County's quality of life... A primary objective of managing growth is to ensure the availability and affordability of infrastructure such as sewer, water, transportation, public safety, health and social services, public lands, parks and other open spaces, cultural resources, and education..."

1995 Missoula Urban Area Open Space Plan

An update occurred in 1995 to the open space plan. The goal of the *1995 Missoula Urban Area Open Space Plan* was to create an interconnected system of parks, trails, and open space. The plan presented a classification scheme and parkland standards for five types of urban parklands (pocket parks, neighborhood parks, community parks, regional parks, and visual green space). It did not address specific needs for urban parks within the existing or developing areas. The focus of the plan was on preservation of conservation areas and establishment of a natural resource-based open space system, which set the foundation for a very successful preservation effort funded through property taxes.

1998 Urban Area Comprehensive Plan

The *1998 Urban Area Comprehensive Plan* contains more specific policies and actions relating to open space planning in the urban area of Missoula. The plan was implemented in response to Missoula's rapid growth and development and the continued growth anticipated in the foreseeable future. The policy objectives encouraged planners to:

- Identify critical lands (e.g. riparian resources, wildlife habitat, and scenic land) so that growth or development can be guided for their protection.
- Recognize the substantial economic value in Missoula County's quality of life (natural open spaces, cultural activities, educational offerings, strong downtown area, and good community infrastructure like sidewalks and relatively low crime rate).
- Continue the Riverfront planning process initiated by the Missoula Redevelopment Agency.
- Encourage preservation of wildlife habitat through voluntary conservation techniques and appropriate design.
- Continue the tree inventory program initiated by the Missoula City Parks Department. Develop maintenance/reforestation plans and encourage tree planting within new and existing areas
- Use the park and open space requirement in the subdivision process judiciously and creatively, to provide usable lands for active recreation and to preserve land with other open space values.
- Preserve as open space land containing valuable resources or having environmental constraints to urban users.
- Through a comprehensive approach to recreation planning and development, consider the relationship between recreational and open space opportunities within and outside the urban area boundaries.
- Preserve areas with scenic open space value (river corridors, vistas) through land preservation techniques such as conservation easements, public acquisition, transfer of development rights, and land preservation techniques such as clustered development.
- Provide neighborhood open space and public and semi-public spaces for recreation and privacy.

2002 Missoula County Growth Policy

In 2002, the *Missoula County Growth Policy* was adopted by the City and County and is intended to be a general county-wide planning document from which all other plans fit within. The Growth Policy

provides a framework for continued planning efforts in Missoula City and County.² The Growth Policy synthesizes over thirty years of existing planning work. It provides a framework for articulating existing goals and policies and establishes the legal and philosophical foundation upon which future plans and regulations will be based.³ Goals, objectives, and recommended actions contained in the 2002 Growth Policy are primarily derived from the 1998 Missoula Urban Area Comprehensive Plan and the 1975 Missoula County Comprehensive Plan.⁴

2015 Our Missoula, City Growth 2035 Plan

In 2015, the *Our Missoula, City Growth Policy 2035 Plan* was adopted. It contains more specific policies and actions relating to open space planning in urban areas, including the following:

- Great places offer better choices and access to live, work and recreate opportunities while also being grounded in a sense of purpose and direction. These places are defined by their character, and Missoula has a distinctive character. A community's character is the distinctiveness of a place and its results from the interaction of a variety of factors such as the [parks and open space]. The community character has been identified through listening sessions with the public, in promotional literature for economic and real estate development, and as part of a recent mapping project that delineated Missoula's characteristics in the form of a 'heat map'. Recreation, access to nature, the river, and conservation of open spaces are major themes in defining Missoula's character. Missoula residents utilize parks for play, recognize the value of open space for wildlife and vegetation/habitat, and wish to conserve agricultural lands for the scenic, cultural, and sustainable qualities.
- A primary character defining feature of Missoula is its connection with natural and scenic resources
- Outdoor recreation is an essential part of the Missoula community's lifestyle and character. The City maintains a multitude of parks, trails, and conservation lands. Parks and conservation lands protect environmentally sensitive areas, provide environments for wildlife, provide social gathering places, and buffer incompatible land uses. Parks, recreation and cultural opportunities improve our physical and mental health, create opportunities to develop and build community, and add to community identity. Parks and open space serve all citizens, regardless of demographics or diversity. Parks also provide for business, tourism, art and cultural interests.

The Missoula Parks and Recreation Department works to integrate the Open Space Plan into the community, enforcing it through their mission of “providing a safe and healthy quality of life through open spaces and recreation programs for all citizens of Missoula. Parks and Recreation improves community livability by providing citizens, visitors, and businesses with individual, social, environmental and economic benefits through access to parks, trails, the urban forest, facilities, open space, and recreation opportunities.”

Missoula County's Active Transportation Plan has set a goal to further develop and maintain a trails/greenway network connecting Missoula to surrounding public open spaces and waterways. Missoula's Active Transportation Plan defines open space as 'Land that is provided or preserved for a) park or recreational use, b) conservation of land or other resources, or c) historic or scenic purposes.

² Missoula County Growth Policy, 2002, pg. 1-1.

³ Missoula County Growth Policy, 2002, pg. 1-1.

⁴ Missoula County Growth Policy, 2002, pg. 3-2.

2016 Missoula County Growth Policy

An update to the *Missoula County Growth Policy* occurred in 2016. Pertinent goals and objectives of the *2016 Missoula County Growth Policy* include:

- Conserve vital natural resources, including surface and ground water, air quality, agricultural resources, iconic landscapes, fish and wildlife species and their habitats, and native plant communities.
 - Develop and implement regulatory and non-regulatory strategies to conserve vital natural resources and environmental functions.
- Promote the responsible use and enjoyment of publicly-owned lands and waters.
 - Maximize opportunities for access to publicly-owned lands and waters when consistent with resource management objectives.
- Reduce Missoula County's contribution to climate change while promoting resiliency and adapting to its impacts to the natural environmental communities.
- Sustain and promote the land and resource based industries of agriculture, timber, restoration, and recreation that are part of the local economy and heritage.
 - Conserve agricultural lands and timberlands.⁵

A high-priority goal of Missoula County Growth Policy is to conserve vital natural resources including surface and ground water, air quality, agricultural resources, iconic landscapes, fish and wildlife species and their habitats, and native communities. Conserving the highest priority lands and waters while allowing other public benefits such as public access utilizing open space bond funding and other public funding sources is an ongoing objective.⁶

The 2016 Missoula County Growth Policy describes numerous potential fiscal tools for plan implementation. The Plan also encourages continued data collection, inventory monitoring, evaluation, planning, public education, coordination among jurisdictions, and development of studies helpful in informing policy. Implementation focusing on programs specific to open space planning include further development of the Conservation Land Management Plan and the use of tools such as voluntary conservation techniques, clustered development, development design to reduce conflicts between uses, transfer of development rights, acquisition of land or development rights, and parks improvement and maintenance program.⁷

⁵ 2016 Missoula County Growth Policy, Chapter 2, pg. 1-24.

⁶ 2016 Missoula County Growth Policy 1.1.3

⁷ 2016 Missoula County Growth Policy

APPENDIX B

LEGAL BASIS FOR THE PLAN

Open-Space Land and Voluntary Conservation Easement Act

Montana Code Annotated 2017

76-1-101 Short title. This chapter may be cited as the “Open-Space Land and Voluntary Conservation Easement Act”.

76-1-605. Use of adopted growth policy.

(1) Subject to subsection (2), after adoption of a growth policy, the governing body within the area covered by the growth policy pursuant to **76-1-601** must be guided by and give consideration to the general policy and pattern of development set out in the growth policy in the:

- (a) Authorization, construction, alteration, or abandonment of public ways, public places, public structures, or public utilities;
 - (b) Authorization, acceptance, or construction of water mains, sewers, connections, facilities, or utilities; and
 - (c) Adoption of zoning ordinances or resolutions.
- (3) (a) A growth policy is not a regulatory document and does not confer any authority to regulate that is not otherwise specifically authorized by law or regulations adopted pursuant to the law.
- (b) A governing body may not withhold, deny, or impose conditions on any land use approval or other authority to act based solely on compliance with a growth policy adopted pursuant to this chapter.

76-6-102. Intent, finding, and policy.

(1) The legislature, mindful of its constitutional obligations under Article II, section 3, and Article IX of the Montana constitution, has enacted the Open-Space Land and Voluntary Conservation Easement Act. It is the legislature's intent that the requirements of this chapter provide adequate remedies for the protection of the environmental life support system from degradation and provide adequate remedies to prevent unreasonable depletion and degradation of natural resources.

(2) The legislature finds that:

- (a) the rapid growth and spread of urban development are creating critical problems of service and finance for the state and local governments;
- (b) the present and future rapid population growth in urban areas is creating severe problems of urban and suburban living;
- (c) this population spread and its attendant development are disrupting and altering the remaining natural areas, biotic communities, and geological and geographical formations and thereby providing the potential for the destruction of scientific, educational, aesthetic, and ecological values.
- (d) The present and future rapid population spread throughout the state of Montana into its open spaces is creating serious problems of lack of open space and overcrowding of the land;
- (e) To lessen congestion and to preserve natural, ecological, geographical, and geological elements, the provision and preservation of open-space lands are necessary to secure park, recreational, historic, and scenic areas and to conserve the land, its biotic communities, its natural resources, and its geological and geographical elements in their natural state;

- (f) The acquisition or designation of interests and rights in real property by certain qualifying private organizations and by public bodies to provide or preserve open-space land is essential to the solution of these problems, the accomplishment of these purposes, and the health and welfare of the citizens of the state;
- (g) The exercise of authority to acquire or designate interests and rights in real property to provide or preserve open-space land and the expenditure of public funds for these purposes would be for a public purpose; and
- (h) The statutory provision enabling certain qualifying private organizations to acquire interests and rights in real property to provide or preserve open-space land is in the public interest.

76-6-103. Purposes. In accordance with the findings in 76-6-102, the legislature states that the purposes of this chapter are to:

- (1) Authorize and enable public bodies and certain qualifying private organizations voluntarily to provide for the preservation of native plants or animals, biotic communities, or geological or geographical formations of scientific, aesthetic, or educational interest;
- (2) Provide for the preservation of other significant open-space land anywhere in the state either in perpetuity or for a term of years; and
- (3) Encourage private participation in such a program by establishing the policy to be utilized in determining the property tax to be levied upon the real property which is subject to the provisions of this chapter.

76-6-104. Definitions. The following terms whenever used or referred to in this chapter shall have the following meanings unless a different meaning is clearly indicated by the context:

- (1) “Comprehensive planning” means planning for development and shall include:
 - (a) preparation of general physical plans with respect to the pattern and intensity of land use and the provision of public facilities, including transportation facilities, together with long-range fiscal plans for such development as a guide for long-range development;
 - (b) programming and financing plans for capital improvements;
 - (c) coordination of all related plans and planned activities at both the intragovernmental and intergovernmental levels; and
 - (d) preparation of regulatory and administrative measures in support of the foregoing.
- (2) “Conservation easement” means an easement or restriction, running with the land and assignable, whereby an owner of land voluntarily relinquishes to the holder of such easement or restriction any or all rights to construct improvements upon the land or to substantially alter the natural character of the land or to permit the construction of improvements upon the land or the substantial alteration of the natural character of the land, except as this right is expressly reserved in the instruments evidencing the easement or restriction.
- (3) “Open-space land” means any land which is provided or preserved for:
 - (a) park or recreational purposes;
 - (b) conservation of land or other natural resources;
 - (c) historic or scenic purposes; or
 - (d) assisting in the shaping of the character, direction, and timing of community development.
- (4) “Public body” means the state, counties, cities, towns, and other municipalities.
- (5) “Qualified private organization” means a private organization:
 - (a) competent to own interests in real property;
 - (b) which qualifies and holds a general tax exemption under the federal Internal Revenue Code, section 501(c); and

- (c) whose organizational purposes are designed to further the purposes of this chapter.
- (6) “Urban area” means any area which is urban in character, including surrounding areas which form an economic and socially related region, taking into consideration such factors as present and future population trends and patterns of urban growth, location of transportation facilities and systems, and distribution of industrial, commercial, residential, governmental, institutional, and other activities.

76-6-106. Acquisition and designation of real property by public body. To carry out the purposes of this chapter, any public body may:

- (1) acquire by purchase, gift, devise, bequest, or grant title to or any interests or rights in real property, including land and water, that will provide a means for the preservation or provision of significant open-space land or the preservation of native plants or animals, biotic communities, or geological or geographical formations of scientific, aesthetic, or educational interest, or both;
- (2) designate any real property, including land and water, in which it has an interest to be retained and used for the preservation and provision of significant open-space land or the preservation of native plants or animals, biotic communities, or geological or geographical formations of scientific, aesthetic, or educational interests, or both.

76-6-107. Conversion or diversion of open-space land.

(1) Open-space land, the title to or interest or right in which has been acquired under this chapter, may not be converted or diverted from open-space land use unless the conversion or diversion is:

- (a) necessary to the public interest;
 - (b) not in conflict with the program or comprehensive planning for the area; and
 - (c) permitted by the conditions imposed at the time of the creation of the conservation easement, in the terms of the acquisition agreement, or by the governing body resolution.
- (2) Other real property of at least equal fair market value and of as nearly as feasible

equivalent usefulness and location for use as open-space land must be substituted within a reasonable period not exceeding 3 years for any real property converted or diverted from open-space land use. Property substituted is subject to the provisions of this chapter.

76-6-108. Conveyance or lease of open-space lands. A grantee may convey or lease any real property it has acquired or which has been designated for the purposes of this chapter. The conveyance or lease shall be subject to contractual arrangements that will preserve the property as open-space land and which are consistent with the express terms and conditions of the grant unless the property is to be converted or diverted from open-space land use in accordance with the provisions of 76-6-107.

76-6-109. Powers of public bodies – county real property acquisition procedure maintained.

- (1) A public body has the power to carry out the purposes and provisions of this chapter, including the following powers in addition to others granted by this chapter:
 - (a) To borrow funds and make expenditures necessary to carry out the purposes of this chapter;
 - (b) To advance or accept advances of public funds;
 - (c) To apply for and accept and use grants and any other assistance from the federal government and any other public or private sources, to give security as may be required, to enter into and carry out contracts or agreements in connection with the assistance, and to include in any contract for assistance from the federal government conditions imposed pursuant to federal

- laws as the public body may consider reasonable and appropriate and that are not inconsistent with the purposes of this chapter;
- (d) To make and execute contracts and other instruments necessary or convenient to the exercise of its power under this chapter;
 - (e) In connection with the real property acquired or designated for the purposes of this chapter, to provide or to arrange or contract for the provision, construction, maintenance, operation, or repair by any person or agency, public or private, of services, privileges, works, streets, roads, public utilities, or other facilities or structures that may be necessary to the provision, preservation, maintenance, and management of the property as the open-space land;
 - (f) To insure or provide for the insurance of any real or personal property or operations of the public body against any risks or hazards, including the power to pay premiums on the insurance;
 - (g) To demolish or dispose of any structures or facilities that may be detrimental to or inconsistent with the use of real property as open-space land; and
 - (h) To exercise any of its functions and powers under this chapter jointly or cooperatively with public bodies of one or more states, if they are authorized by state law, and with one or more public bodies of this state and to enter into agreements for joint or cooperative action.
- (2) For the purposes of this chapter, the state, a city, town, or other municipality, or a county may:
- (a) Appropriate funds;
 - (b) Subject to 15-10-420, levy taxes and assessments according to existing codes and statutes;
 - (c) Issue and sell its general obligation bonds in the manner and within the limitations prescribed by the applicable laws of the state, subject to subsection (3); and
 - (d) Exercise its powers under this chapter through a board or commission or through the office or officers that its governing body by resolution determines or as the governor determines in the case of the state.
- (3) Property taxes levied to pay the principal and interest on general obligation bonds issued by a city, town, or other municipality, or county pursuant to this chapter may not be levied against the following property:
- (a) Agricultural land eligible for valuation, assessment, and taxation as agricultural land under 25-7-202;
 - (b) Forest land as defined in 15-44-102;
 - (c) All agricultural improvements on agricultural land referred to in subsection (3)(a);
 - (d) All noncommercial improvements on forest land referred to in subsection (3)(b); and
 - (e) Agricultural implement and equipment described in 15-6-138(1)(a).
- (4) This chapter does not supersede the provisions of Title 7, chapter 8, parts 22 and 25.

76-6-110. Authorization and funding for planning commission.

- (1) The state, counties, cities, towns, or other municipalities in an urban area, acting jointly or in cooperation, are authorized to perform comprehensive planning for the urban area and to establish and maintain a planning commission for this purpose and related planning activities.
- (2) Funds may be appropriated and made available for the comprehensive planning. Financial or other assistance from the federal government and any other public or private sources may be accepted and utilized for the planning.

Missoula Municipal Code – Chapter 12.56

OPEN SPACE ACQUISITION

12.56.010 Short Title: This chapter may be cited as “The City of Missoula Open Space Conservation Ordinance.”

12.56.20 Purposes. The purposes of this chapter are:

- A. To implement, with respect to the City of Missoula, the Montana Open-Space Land and Voluntary Conservation Easement Act of 1969 and the 1995 Missoula Urban Open Space Plan;
- B. To establish procedures for the conservation of open space land located within or near the City’s borders; and
- C. To establish procedures for the administration and use of the proceeds of 1) the Missoula Conservation Bond, a five hundred thousand dollar general obligation bond issue authorized by a vote of the people November 4, 1980 (Ord. 2183 2, 1981), 2) A subsequent Missoula Conservation Bond, a five million dollar general obligation bond issue authorized by a vote of the people November 7, 1995, 3) other such bonds which may be issued, and 4) other funds, bequests, donations, or grants of money, property, service or other advantages and comply with any condition that is not contrary to the public interest earmarked for open space.

12.56.30 General policies. It shall be the policy of the City:

- A. To preserve significant open space land, including conservation land, parkland, trails, views and vistas, agricultural land, and urban forest, which, because of its aesthetic, scenic, recreational, historic or ecological value, it is in the public interest to preserve;
- B. To preserve conservation open space land and views and vistas in such a manner and under such conditions as to ensure that they remain substantially undeveloped for a significant period of time, preferably in perpetuity;
- C. To acquire and administer parks and trails, in such a manner as to ensure their availability for open space use;
- D. To make a vigorous effort to preserve open space land under terms and conditions involving the least possible outlay of public funds;
- E. To preserve our native forest, protect and enhance our planted forest, and encourage continued forestation of urban lands through acquisition and other means;
- F. To preserve significant agricultural lands in their historic use;
- G. In preserving open space land other than by gift, to utilize sources of funding other than the conservation bond fund to the maximum extent feasible, and thus to conserve the fund to the greatest extent practicable; and
- H. In some cases, funds may be used for the purchase of lands with the intent to pursue limited development or to hold land for prospective trade or sale from which the proceeds shall be used for acquisition of open space real property, in accordance with the goals of the open space plan. These lands are not to be subject to the provisions of Section 12.56.110 pertaining to the diversion of conversion of lands.

12.56.40 Types of acquisitions authorized.

- A. Acquisition of open space real property interests may be by purchase (whether by bargain sale or otherwise), gift, bequest, donation, grant, lease, easement, trade, or a combination of the above;
- B. Open space real property interest acquired by the city, or with the approval of the City, through a qualified private organization, or a public agency by acquiring fee or conservation easement in

accordance with the provisions of the Montana Open Space Land and Voluntary Conservation Easement Act, or other appropriate interests that the City determines are in the public interest; and

- C. The type of open space real property interest acquired shall be sufficient to ensure its preservation as open space land in accordance with the City policies listed in 12.56.030 A through H except in the event that the conditions enumerated in Section 12.56.100 occur.

12.56.50 Conservation Bond.

- A. Administration of Fund. The proceeds of the conservation bond shall be a special earmarked fund, dispersible only as provided hereinafter. The entire proceeds or, subsequent to disbursements, the remainder of the proceeds not disbursed, shall be invested so as to secure the maximum rate or return to the City, subject to the limitations and conditions set forth in Montana law, and subject also to the possible need to have all or part of the fund available for immediate disbursement. Proposed investments of the fund shall be reviewed by the Citizens Advisory Committee on Open Space established by Section 12.56.060 to insure that the time period of the investment is not inconsistent with anticipated needs for disbursement;
- B. Disbursements.
 - 1. Disbursements from the conservation bond shall only be such as are specifically authorized by the City Council.
 - 2. The City Council may in no event authorize disbursements from the fund until the review procedures specified in Section 12.56.060 have been fully complied with; and
- C. Restricted Purpose of Disbursements. Disbursements from the conservation bond fund may be made only for the purpose of acquiring open space real property interests and for trail development and matching other sources of funds for trail development. Open space real property interest acquired through disbursements from the conservation bond fund may be held in either the name of the City or a qualified private organization or public agency. Ancillary expenses of acquisition, including but not limited to payment of attorney's fees, appraisal fees, survey fees, and consultants' fees (whether direct charges to the City or reimbursements for expenses incurred by a landowner), may be drawn from the fund, so long as they are directly related to the acquisition of an open space real property interest in a particular parcel of land by the City or, with the approval of the City, by a qualified private organization or public agency.

12.56.60 Review procedures.

- A. Before any open space conservation proposal is presented to the City Council for approval (whether or not this proposal requires disbursements from the conservation bond fund), it shall be reviewed by the Citizens Advisory Committee on Open Space established by Section 12.56.070, and written recommendations from the Committee with regard to the proposal shall be forwarded to the Council as provided for in Section 12.56.070(E);
- B. In the case of the proposed acquisition of a conservation easement, the matter shall also be submitted to the Missoula City-County Planning Board for review, in accordance with the Montana Open-Space Land and Voluntary Conservation Easement Act; and
- C. Upon receipt of the recommendations of the citizen's committee and if applicable, of the Planning Board, the Council may, in its discretion, hold a public hearing on the conservation proposal before taking action.

12.56.70 Citizens Advisory Committee on Open Space.

- A. There is established a committee, known as the Citizens Advisory Committee on Open Space, which shall be appointed by the City Council and shall consist of eleven citizens, at least six of whom are qualified electors residing in the City, and the remainder of whom are qualified electors residing either in the City, or in an area within a four and one-half mile radius of the City. Each member of the Committee shall serve for a period of three years from date of appointment, with the initial terms being staggered to provide that the terms of four members of the Committee expire annually, except that every third year only three members' terms shall expire;
- B. The Committee shall operate in accordance with bylaws approved by the City Council, which shall provide, among other things, that meetings of the Committee shall take place in accordance with the provisions of Montana law;
- C. The City shall provide appropriate support for the Committee;
- D. In appointing citizens to the Committee, the Council and Mayor shall require full disclosure by applicants of existing or potential conflicts of interest, and may consider the same in making appointments. Members of the Committee, which shall have the power to disqualify any one of its members for such a conflict. In no event may a Committee member who has an actual or apparent conflict of interest with respect to a particular proposed acquisition participate in any manner in the Committee's review of that acquisition;
- E. It shall be the duty of the Committee to:
 - 1. Do everything in its power to implement the Missoula Urban Area Open Space Plan (Ord. 1575, 1995); and
 - 2. Provide the Council with written recommendations concerning open space conservation proposals, including proposed acquisitions and trail development proposals, pursuant to the guidance of the Missoula Urban Open Space Plan (Ord. 1575, 1995) adopted by the City and County in August, 1995 and any subsequent revisions.

12.56.80 Committee's review of conservation proposals.

- A. In its review of conservation proposals, the Committee may hear testimony, require and consider reports, make on-site visits, and hold work sessions with or without expert assistance, for the purpose of determining the desirability of any proposed acquisition, and of recommending on what terms such an acquisition should occur if found desirable. In making these determinations, the Committee shall consider, along with any other matters it deems relevant, the following matters:
 - 1. The selection criteria included in the Missoula Urban Area Open Space Plan (Ord. 1575, 1995);
 - 2. Whether the conditions imposed upon or associated with the conservation proposal, including the specific legal conditions to be set forth in the grant instrument, and including also the guidelines proposed for managing the open space land to be acquired, are adequate to accomplish and ensure preservation and use in the most desirable manner, are fair, and are in the public interest;
 - 3. Whether there are additional terms or conditions, or land management guidelines or policies, that should be incorporated in or set forth in relation to the proposal;
 - 4. Whether the costs associated with the proposal are reasonably related to the land's value to the community as open space;
 - 5. Whether the proposal will accomplish preservation at the least possible cost (for example, if a fee simple purchase is proposed, whether easements have been explored); and
 - 6. Whether the extent of disbursements from the conservation bond necessary to carry through the proposal are reasonably related to the Missoula Urban Area Open Space Plan (Ord. 1575, 1995), or whether the disbursements would give disproportionate emphasis to one parcel or

type of land, to the detriment of the community's interest in preserving other parcels or types of land.

- B. Upon concluding its deliberations with respect to a conservation proposal the Committee shall forward a written report to the Council expressing its findings and recommendations concerning the acquisition. Such a report may include minority recommendations, if any, and such appendices as the Committee may think desirable for the information of the Council (Ord. 21838, 1981).

12.56.90 Alternative and supplemental sources of funds.

- A. In connection with the acquisition of a particular parcel of open space land, the City, may, for the purpose of defraying all or part of the purchase price (including ancillary expenses), accept and expend donations (whether of money, property, or services) from all private parties and organizations; grants from governmental, charitable or other entities; and moneys specifically appropriated by other governmental entities for this purpose. In addition, the City may, in its discretion, appropriate funds for this purpose in accordance with the provisions and limitations of the Montana Open-Space Land and Voluntary Conservation Easement Act;
- B. In addition, the City may, for the purpose of furthering its general open space acquisition program and having additional funds available for use in future acquisitions, accept donations, bequests, grants, and appropriated moneys and accumulate and expend them as set forth in subsections C through E below;
- C. There is established, in addition to the conservation bond fund described in Section 12.56.050, an earmarked fund known as the open space fund, in which shall be deposited all of the funds mentioned in subsections A and B above;
- D. Disbursements from the open space fund may be made only in the manner and for the purposes set forth in Section 12.56.040 B and C. Until disbursements are made, or in case part of the fund remains unexpended after disbursements, the moneys in the fund shall be invested in a reasonable and prudent manner so as to insure the maximum rate of return on the money, and the interest so earned shall be deposited in and accumulated in the fund; and
- E. If not in conflict with the specific terms of the grant, the City may sell, trade, or otherwise reasonably dispose of any property donated to it for purposes of open space acquisitions (as distinguished from property donated as open space land), and deposit the proceeds in the open space fund.

12.56.100 Open space land conservation by other organizations.

- A. No provision of this chapter is intended to or shall prevent any qualified private organization, as that term is defined in the Montana Open-Space Land and Voluntary Conservation Easement Act from acquiring or holding open space land located within or near the City; and
- B. When it is in the public interest to do so, the City may acquire, hold and administer open space land cooperatively with other governmental entities or qualified private organizations, under such terms and conditions as will best fulfill the purposes and policies of this chapter.
- C. When it is in the public interest to do so, the City may provide funds from the conservation bond fund for acquisition of open space real property interests by or in the name of a qualified private organization or other public agency. If funds are provided to or for the benefit of a qualified private organization or public agency for the acquisition of an open space real property interest, the City shall enter into an agreement with the qualified private organization or public agency sufficient to ensure that such acquisition is and remains consistent with the general policies expressed in Section 12.56.030. Such agreement may provide the City with a revisionary interest in the open space real property interests.

12.56.110 Conversion or diversion of open space land.

- A. No open space land acquired by the City shall be converted or diverted from open space use, including uses described in Section 12.56.030(F), unless the provisions of the Montana Open-Space Land and Voluntary Conservation Easement Act have been fully complied with. In addition, no open space land acquired by the City, except land identified in Section 12.56.030 (H), may be converted or diverted from open space use unless:
 - 1. The City Council has, after public hearing, made the findings called for in subsection B of this section and passed a resolution calling for a referendum on the matter of such conversion or diversion at a general or special City election; or
 - 2. A petition calling for such a referendum, signed by fifteen percent of the registered voters in the City, has been submitted to the City in a regular manner; and in either case,
 - 3. At the election upon such referendum, at least forty percent of the registered electors of the City vote upon the questions, and of those voting upon it, at least sixty percent vote in favor of conversion or diversion.
- B. The City Council may not consider a resolution for a referendum on the conversion or diversion of any parcel of open space land until it has found, on the basis of the public hearing, either that:
 - 1. Due to the changed circumstances, the land has lost its value as open space land significant to the community; or
 - 2. That there exists an overriding public interest in conversion or diversion of the land.
- C. Any moneys or other valuable consideration received by the City in connection with any conversion or diversion of open space land are required to be deposited in the earmarked fund established by Section 12.56.090(C); and
- D. The referendum procedures established by subsection A of this section are special referendum procedures relating specifically to conversion or diversion of open space land, and in no way imply that the acquisition of open space land or other property by the City is a legislative act.

Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, phrase and words thereof, irrespective of the fact that any one or more sections, subsections, sentences, for any reason this ordinance should be declared invalid or unconstitutional, then the remaining ordinance provisions will be in full force and effect.

Montana's Constitutional Right to a Clean and Healthful Environment

The Constitution of the State of Montana

Article II. Declaration of Rights.

Section 3. Inalienable rights. All persons are born free and have certain inalienable rights. They include the right to a clean and healthful environment and the rights of pursuing life's basic necessities, enjoying and defending their lives and liberties, acquiring, possessing and protecting property, and seeking their safety, health and happiness in all lawful ways. In enjoying these rights, all persons recognize corresponding responsibilities.

APPENDIX C

IMPLEMENTATION TOOLS and CONSERVATION EASEMENTS PRIMER

Voluntary Land Conservation Tools

Acquisition by Purchase – Fee simple acquisition at full market value or below market value (*i.e.* bargain sale) are the most common methods for acquiring open space. Fee simple acquisition at bargain value, where the land is purchased at less than fair market value, stretches public funds and is the preferred option. The difference between the reduced price and the full price can become a donation for the seller's tax benefit.

Land Exchange – This involves the trading of private open land that is more desirable for resource protection for public land that may not function well as parkland or is located in an area where the acres of parkland available exceeds the goal for parkland in that area.

Conservation Easements – A conservation easement is a legal agreement between a landowner and a land trust or governmental entity whereby a landowner voluntarily agrees to limit certain uses of his or her land in order to conserve its natural and traditional values. In Montana, conservation easements are generally put in place to protect wildlife habitat, agricultural values, and scenic values, and in some cases to provide public recreational access. After a conservation easement is put in place the landowner still owns the land, manages it, and can sell or pass it on to the next generation. Conservation easements are typically perpetual and run with title to the land, meaning that all future owners of the property must follow the easement's terms. It is the land trust's job to ensure that the terms in the conservation easement are honored over time. See Appendix E for more information on conservation easements.

Deed Restrictions – These are covenants that limit or prohibit development and other land uses. They are generally privately applied and enforced, though the City own several parks and open space parcels that were transferred with deed restrictions, and the City must manage those parcels in accordance with the restrictions.

Recreational Easements – Generally used to obtain the right to construct a trail across private land to access public open space.

Acquisition by Donation of Land – Landowners donate land to the City, County, land trusts or other public and private conservation organizations for many reasons, but often with the wish for a conservation outcome for the property. Land may be transferred through a will or trust and may be donated for specific or general purposes.

These tools become even more effective when local governments partner with federal and state agencies and conservation organizations to leverage funds and other resources.

Regulatory Tools

Zoning – Zoning is a land use tool used by local governments to guide development and growth.

Subdivision Regulations – City and County subdivision regulations allow the governing body to impose conditions upon subdivision approval to mitigate impacts on natural resources and wildlife. Such conditions may include: 1) clustering lots away from wildlife habitat; 2) requiring no build/improvement zones; 3) requiring a reduction in lots; 4) building envelopes; and 5) requiring wildlife-friendly fencing. Two sections of both the City and County subdivision regulations encourage the preservation of open space beyond the parkland dedication requirements by clustering home sites: 1) Cluster Development Standards, and 2) Planned Unit Developments or Planned Variation.

Parkland Dedication – Certain types of development require a developer to set aside a portion of the land area proposed for development as park or open space land, or alternatively donate *cash-in-lieu* of parkland, which is expended on parks, trails and open spaces nearby.

Parkland Design Standards – The City and County subdivision regulations contain basic standards for acceptable types of open space within proposed subdivisions (preservation of natural feature, trails, *etc.*). The Master Parks & Recreation Plan provides more detailed standards for designing neighborhood parks including the size, shape, street frontage, topography, and visibility.

Riparian Setbacks – City zoning and subdivision regulations and County subdivision regulations prohibit development within an Area of Riparian Resource and an adjacent buffer area. The regulations do not create a standard distance for the setback from a stream or water body, rather it is determined on a case-by-case basis and has ranged from 20 feet for small ditches to over 100 feet for major rivers with significant wildlife corridors.

Floodplain Regulations – City and County regulations restrict development within the FEMA-mapped 100-year floodplain of rivers, creeks, and other water bodies to protect floodplain functions such as storm water storage and reducing downstream flooding.

Long-Range Planning – City and County growth policies establish the framework and guidelines for land-use planning throughout the entire county. Regional and vicinity plans are intended to provide more specific guidelines for land uses within plan boundaries. These long-range planning documents, in addition to other City and County adopted land use plans, contain many goals to encourage the preservation of open space and natural resources.

Transfer of Development Rights (TDR) – TDR enables a landowner to transfer potential development rights from sensitive lands to areas better suited for development. In fact, this tool can be used as an incentive not only to preserve open space and critical natural and cultural resources, but also to place new development in areas planned for growth through the City and County growth management processes.

Hazard Mitigation – Local governments engaged in land use planning and regulation can place conditions and restrictions on development in areas of high risk for hazards, such as the floodplain, wildland-urban interface or steep slopes. Such regulations can reduce the impacts of those hazards to people and protect areas more prone to natural forces, such as flooding and wildfire.

Financing Strategies

Open Space Bonds – Missoula's Open Space bonds have provided public funding for voluntary conservation projects in Missoula City and County. The bonds have allowed Missoula City and County to work with a variety of partners and private landowners to complete projects that conserve working lands, provide trails and access to rivers, protect water quality and wildlife habitat, and provide open space and scenic landscapes.

City of Missoula voters passed the state's first open space bond in 1980, in the amount of \$500,000, with a second city-wide open space bond in 1995, in the amount of \$5 million. Missoula County voters passed the first Missoula county-wide open space bond in 2006 in the amount of \$10 million. In 2018, 62% of Missoula County voters passed a new \$15 million open space bond for the purpose of conserving, enjoying, and enhancing open space land, including public access; conserving agricultural lands, fish and wildlife habitat, and rivers, lakes, and streams; protecting scenic views; and making improvements to open space lands.

General Fund Appropriation – The City and County can allocate funds from the annual budget for land acquisition.

Mill Levy – This is a property tax that requires voter approval. Although levy funds can be used for acquisition, development and maintenance is the more typical use. Levies can be enacted for a period of years or permanently. Tax is collected yearly so the advantage is that it is a known amount; a disadvantage is the relatively small amount of funds available compared to a bond. In 2018, 62% of City of Missoula voters voted to pass a city-wide open space *stewardship* mill levy to support stewardship and maintenance of City of Missoula’s conservation lands.

Non-conforming Parkland Sale – City ordinances allow for the sale of non-conforming parkland. Funds from the sale must be used to acquire parkland or improve existing parks in the area where the parkland was sold.

Impact Fees – The City collects development impact fees for parks and other city services. This money can be used to add new recreational features or facilities to existing or new parks. Fund expenditures must address impacts caused by growth.

Grants – State and federal programs are available to assist with open space acquisition. For example, the federal Land and Water Conservation Fund contributed toward purchasing the back side of Mount Sentinel. The Community Development Block Grant program awarded funds to help purchase a small neighborhood park in the River Road area. Additionally, federal transportation grants have been instrumental in expanding our bike/pedestrian trail system.

Special Improvement Districts (SIDs) – City SIDs and County Rural Special Improvement Districts can help fund park development.

Lease Income, Use and Program Fees, Concessions – For areas with public access for recreation, local governments can recoup costs through charging for programs, selling concessions, or bringing in revenue through leases or other fees for the use of land that are compatible with the open space values on the property.

Tax Incentives for Agriculture – Tax incentives that help agricultural landowners keep their lands in agricultural use can help preserve open space.

Local Option Sales Tax – New state law would need to be adopted to allow local governments to impose a local sales tax on goods and services such as lodging, restaurants, bars, and rental vehicles.

Other Tax Sources – Other potential sources for open space funding could come from existing state taxes but would require legislation. Examples include the state lodging, vehicle, and gas taxes.

CONSERVATION EASEMENTS PRIMER

What is a Conservation Easement?

A conservation easement is a voluntary legal agreement between a landowner and a land trust or government agency that limits certain uses of the land in order to protect its conservation values, such as scenic open space, wildlife habitat, rivers and streams, or agricultural uses. The primary land uses that a conservation easement limits are subdivision and development. After granting a conservation easement, the landowner continues to own the land and can sell the land or pass it on to his or her heirs.

Conservation easements “run with the title to the land,” which means that they are binding on the original grantor of the conservation easement and all subsequent owners of the property. Conservation easements are recorded in the public records of the county where the property is located. The organization or agency that holds the conservation easement is responsible for making sure the purposes and terms of the easement are upheld over time.

Each conservation easement is tailored to reflect the unique characteristics of the property, the intent of the landowner, and the public's interest in protecting important conservation values on the property. For example, a conservation easement on property containing rare wildlife habitat might limit development to one residence, while a conservation easement on a ranch might permit the construction of multiple residences and agricultural structures. Even the most restrictive conservation easements typically permit landowners to continue such traditional uses of the land as farming, ranching, and forest management. A conservation easement may apply to just a portion of a property. A landowner granting a conservation easement may voluntarily choose to grant public access to the property as part of granting the conservation easement, but granting public access is not required, and most properties with conservation easements remain private property.

Conservation easements can be donated or purchased. In the case of a purchased easement, the value of the easement is determined by appraisal, and the landowner and the organization or agency buying the easement negotiate the purchase price, which is often less than the full appraised value of the conservation easement.

Why do landowners grant conservation easements?

Landowners grant conservation easements for a variety of reasons: because they have deep connections to their land; because they are conservation-minded and want to preserve the natural features of the land for the next generation; because a conservation easement can be a helpful estate planning tool; or because there can be financial benefits associated with granting a conservation easement. The decision to grant a conservation easement is personal and reflects each landowner's unique situation, experience, and property.

Are conservation easements common?

Conservation easements are being used more and more often. In the five years between 1998 and 2003, the amount of land protected by local and regional land trusts using easements tripled to 5 million acres. Landowners have found that conservation easements can be flexible land use and financial tools, yet provide a permanent guarantee that the important conservation values of the land will remain intact. Conservation easements are used to protect all types of land, including coastlines, farm and ranchland, historical or cultural landscapes, scenic views, land with streams and rivers, trails, wetlands, wildlife areas, and working forests.

What is a land trust?

A land trust is a nonprofit organization that works to conserve certain natural or cultural features of land by undertaking or assisting in land or conservation easement acquisitions, and by stewarding land or easements. Most land trusts have a local or regional focus, but some land trusts work on a national or even global scale. Land trusts, some of which are more than 100 years old, are not government agencies. They are independent organizations that work with private landowners and public agencies to conserve land for its natural, recreational, scenic, historical and agricultural values. Some land trusts also work cooperatively with government agencies to assist those agencies in acquiring land or conservation easements or to offer expertise when public agencies go through land use planning processes. One advantage of partnering with local or regional land trusts is that they are closely tied to the communities they serve. Another advantage is that land trusts' nonprofit tax status makes available to landowners certain income and estate tax benefits. Because they are private organizations, land trusts can often be more flexible than public agencies and can act more quickly to protect important land if the opportunity arises.

Land trusts are responsible for enforcing the purposes and terms of the conservation easements that they hold. Land trusts monitor each conservation easement property on a regular basis, typically once a year, to confirm that the landowner's use of the property is consistent with the terms of the conservation easement. The land trust maintains written records of these monitoring visits. Monitoring visits also provide an opportunity for the landowner to keep in touch with the land trust. Many land trusts establish endowments to provide for long-term stewardship and enforcement of the conservation easements that they hold on lands that they own.

DRAFT

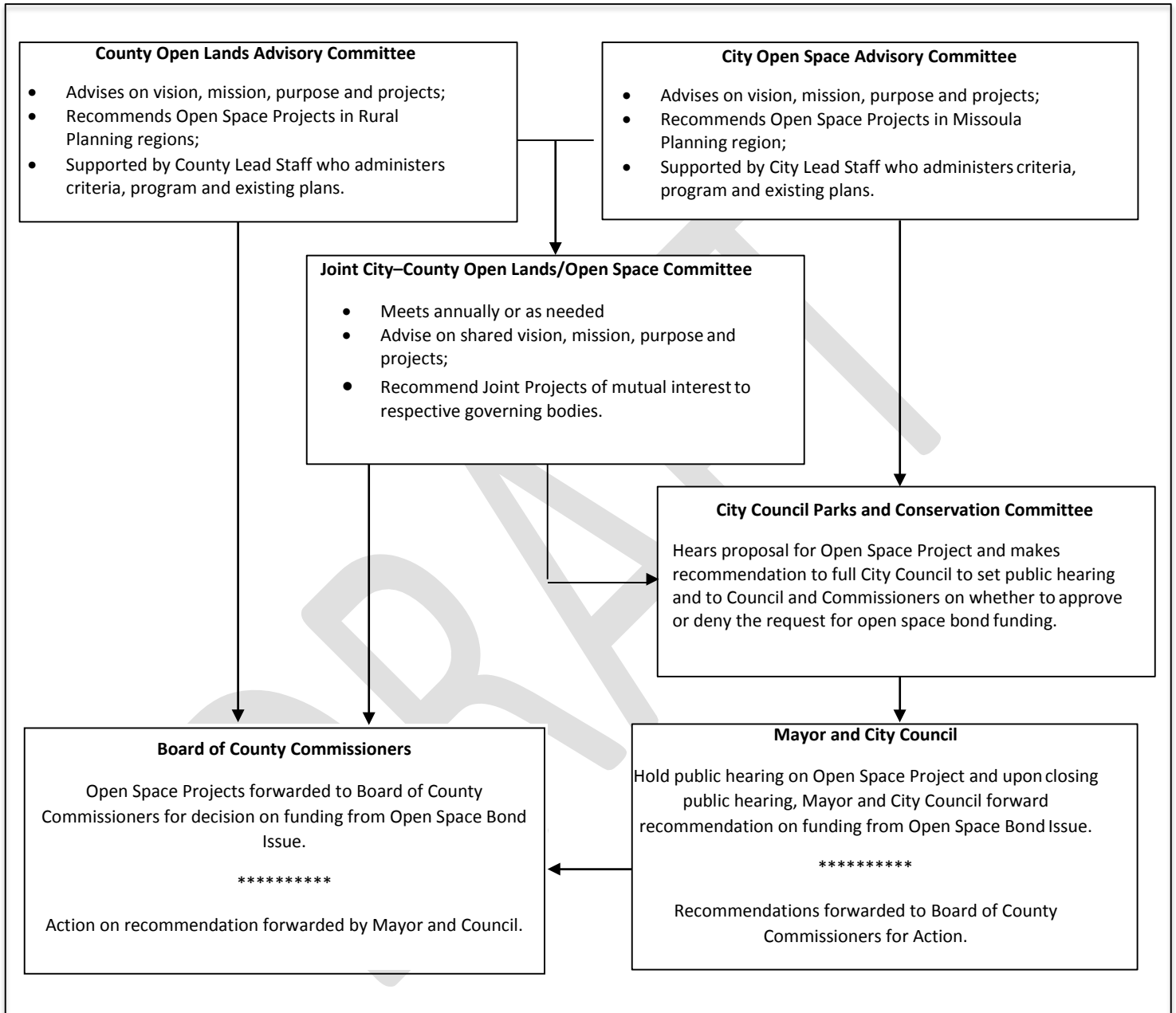
APPENDIX D

MISSOULA OPEN SPACE BONDS LANGUAGE

	1995 Open Space City	2006 Open Space County	2018 Open Space County
Ballot Language	The issuance of open space conservation bonds; namely, authorizing the City Council of Missoula, Montana, to contract an indebtedness on behalf of the City by the issuance of general obligation bonds in the sum of \$5,000,000.00, maturing in a period not to exceed 20 years from the date thereof and bearing interest not to exceed the rate of 7% per annum (or such other rate as may from time to time be authorized by the Legislature of the State of Montana), for the purpose of acquiring funds for the open space acquisition trust fund, moneys from which fund may be expended for the purpose of acquiring, in fee, by easement, or otherwise, open space land in or near the City, guided by the open space plan recently adopted by Missoula local governments such as some Mount Jumbo lands, lands at the South end of Mount Sentinel, Fort Missoula area lands, upper South Hills lands, North Hills, Clark Fork River Corridors, areas for recreational playing fields, or for acquiring and establishing community trails consistent with the Open Space plan, and for defraying costs related to such acquisition.	Shall the Board be authorized to issue and sell general obligation bonds of the County, for the purpose of preserving open space in Missoula County by: purchasing land, easements, and other interests in land from willing landowners for the following purposes: protecting the water quality of rivers, lakes and streams; protecting wildlife habitat; conserving working ranches, farms and forests; providing access along rivers, lakes and streams; managing for growth; providing open space and scenic landscapes; providing recreational and commuter trails; paying non-personnel related transaction costs associated with an approved project; paying costs of initial clean-up and weed control associated with an approved project; and paying costs associated with the sale and issuance of the bonds in the amount not to exceed Ten Million and No/100 Dollars (\$10,000,000.00), of which \$5,000,000 will be allocated to the City of Missoula and of which \$5,000,000 will be allocated to the County, which bonds shall bear interest at a rate to be determined by the Board at a competitive sale, payable semiannually during a term of not to exceed twenty (20) years and redeemable on any interest payment date after one-half of their term?	Shall the Board shall be authorized to issue and sell general obligation bonds of the County in one or more series in the aggregate principal amount not to exceed Fifteen Million and No/100 Dollars (\$15,000,000.00) for the purpose of providing funds to pay costs of conserving, enjoying, and enhancing open-space land, to include providing public access to water and land; conserving agricultural lands, fish and wildlife habitat, and rivers, lakes, and streams; protecting scenic views; and making improvements to lands acquired or designated as open space that are accessible to the public, by purchasing land, easements, or other interests in land from willing landowners and paying for improvements and costs related to or serving lands acquired or designated as open space, including transaction and project costs and fees, all with citizen input, and costs associated with the sale and issuance of the bonds, which bonds shall bear interest at a rate or rates to be determined at the time of sale, be payable semiannually during a term not to exceed twenty (20) years for each series of bonds, and be subject to the County annual independent audit;

APPENDIX E

2019 Decision Making Structure for Open Space Bond Projects for City and County



APPENDIX F

MAPPED RESOURCES

MAP NOTES FOR 2019 OPEN SPACE MASTER PLAN

Prepared by Andrew Stickney, Senior GIS Specialist, Missoula County Community and Planning Services

Cartographic Standards

The maps in this document provide a graphic representation of the existing natural and recreational resources within the proposed planning area for general reference purposes. The information shown on these maps typically reflects the general landscape and site-specific details may not be included. Consequently, any boundaries shown, including property boundaries, are approximate and these maps should not be used to make decisions or inferences about individual properties, homes, or businesses.

Open Space Cornerstones Definitions

Open space cornerstones were first proposed and adopted in the 1995 Missoula Urban Area Open Space Plan. The 2006 Missoula Urban Area Open Space Plan Update (City of Missoula) again articulated the importance of the cornerstone area concept set forth in the 1995 plan and displayed the open space cornerstones. The 2019 Missoula Urban Area Open Space Plan Update (this document) contains proposed revisions to the 2006 cornerstones based on currently available data.

In this appendix, the term “current cornerstones” refers to the adopted cornerstones as depicted in the 2006 open space master plan, while the term “proposed cornerstones” refers to the revised cornerstones proposed in the 2019 open space master plan.

Common Data Notes for All Maps

Base Layers Sources

The following base layers are shown on all maps unless otherwise noted:

- ☐ The proposed open space master plan area boundary (2019)
- ☐ Major Roads and Highways (2018)
- ☐ Major Waterways (2000)

These layers are created and maintained by GIS staff in either Missoula County’s GIS Division or Community and Planning Services.

Public Recreation Lands and Conservation Easement Sources

When public recreation lands are shown, the following sources are used. Recreation land ownership sources include the U.S. Forest Service (2019), Montana Department of Fish, Wildlife, and Parks (2018), Missoula County, (2018), and the City of Missoula for both their conservation lands (2017), and city parks (2019). Recreation access sources include the U.S. Forest Service – Lolo National Forest (2009), Montana Department of Fish, Wildlife, and Parks (2017), and the City of Missoula (2017). Conservation Easement data (2018) was originally obtained from the Montana State Library’s Natural Resource Information System and is now maintained by Missoula County Community and Planning Services GIS staff

Land Ownership Sources

When referenced on these maps, land ownership information (2019) is maintained by Missoula County using cadastral mapping information from the Montana State Library (2019) and the Montana Department of Revenue.

Individual Map Notes

This section discusses other layers shown on individual maps. These layers may rely on data obtained from other sources and may have other limitations. These sources and limits will be specified in the notes for each map and in the bibliography at the end.

Current Public and Protected Lands

This map displays current public recreation lands, recreation access points, conservation easements, and selected land ownership in the planning area. This map is intended to display areas whose primary use is for public recreation or conservation uses and not private development.

2019 Cornerstone Maps

These two maps explore relationships between the proposed open space cornerstones and the area within the master plan project area.

Without Aerial Imagery

The first map explores the relationship between the proposed cornerstones, current public recreation lands, and conservation easements.

With Aerial Imagery

The second map displays the proposed cornerstones and conservation easements overlaid on top of 2017 NAIP imagery (U.S. Department of Agriculture, Farm Service Agency) and highlights the relationship between the cornerstones and the natural landscape.

Cornerstone Revisions Map

This map displays both the current and proposed cornerstones, public recreation lands, and conservation easements. Unlike the other maps, each cornerstone on this map has a unique color and label in the legend key. This map emphasizes the changes to the current open space cornerstones that are proposed in the 2019 plan update and their relationship to land currently under conservation easement or used for public recreation.

Wildlife

This map displays the proposed cornerstones and natural resource habitats for predominant wildlife and plant species within the report's study area as determined by Missoula County Community and Planning Services natural resource staff. Important Bird Areas data (2015) were obtained from the Montana Audubon Society. Focal Areas from the State Wildlife Action Plan (Montana Department of Fish, Wildlife, and Parks, 2017) and distribution data for fish (2018), bighorn sheep (2019), and elk winter range (2018). Canada lynx critical habitat, as published in the federal register, was obtained from the U.S. Fish and Wildlife Service (2014), while modeled Canada lynx habitat was obtained from the U.S. Forest Service (2017), U.S. Bureau of Land Management (2009), and Montana Department of Natural Resources and Conservation (2016), and is used with permission from these agencies.

Important Soils

This map displays the proposed cornerstones and soils of importance to agricultural operations within the open space master plan's study area as determined by soil scientists with the U.S. Department of

Agriculture (2017). Only soils of statewide importance or prime farmland if irrigated are shown. Soil data in other classifications are omitted from the map. The soils data is available at <https://websoilsurvey.sc.egov.usda.gov/>.

Water Resources

This map displays the proposed cornerstones and mapped wetland and riparian areas within the open space master plan area. Data for the wetland and riparian areas were obtained from the Montana Natural Heritage Program (2016).

2006 Open Space Bond Projects

This map displays the proposed cornerstones, and open space land acquisition or conservation easement projects that used funds from the 2006 open space bond initiative approved by Missoula County residents. Only projects that have been approved by either the Missoula City Council or Missoula Board of County Commissioners, completed, and officially recorded by the Missoula County Clerk and Recorder's office are shown. Open space project data was originally obtained from the Montana State Library's Natural Resource Information System and is now maintained by Missoula County Community and Planning Services GIS staff (2019). Conservation easements and public recreation lands are also shown.

Trails and Trailheads

This map displays the proposed cornerstones and selected recreational trails and trailheads within the open space master plan area. The U.S. Forest Service – Lolo National Forest provided information on its trails (2009) and trailheads (2009). The Montana Department of Fish, Wildlife, and Parks provided information on trails (2017) and trailheads (2017). Missoula County Community and Planning Services provided information on County trails (2018), and the City of Missoula Parks and Recreation provided information on their trails (2019) and trailheads (2017) on conservation lands. While information is current as of the publication dates for each source, trail conditions may have changed and may no longer reflect what is shown on the map.

RESOURCES CONSIDERED FOR CORNERSTONE MAPPING

Notes to consider:

- ☐ The data layers we examined include what is available and appropriate in map-able format for scale of project.
- ☐ They depict natural resources that are relevant to open space in the county, as deemed relevant by various natural resource entities/agencies.
- ☐ The order of resources listed does not indicate priority level.
- ☐ The list below denotes presence of the resource within a cornerstone, not a further assessment based on amount or location of a resource within a cornerstone.
- ☐ Not all layers included below are depicted in the public maps provided in the plan.

The resources considered in creating the Cornerstone Map include:

- Soils of Farmland Importance - Prime farmland if irrigated
- Soils of Farmland Importance – Statewide Importance
- Predominant Non-Human Land Cover
- Open Space Bond projects – Inclusion
- Public Lands or Conservation Easement – Inclusion or Connection

- Grizzly Bear Occupied Habitat (NCDE population)
- City of Missoula Bear Buffer Zone (likely high bear conflict area)
- USFWS Critical Lynx Habitat and Modeled Lynx Habitat
- Elk Winter Range
- Bighorn Sheep Habitat
- Bald Eagle Habitat Suitability Model – Optimal or Moderate Suitability
- Presence of Fish Species of Concern – Westslope Cutthroat Trout
- Presence of Fish Species of Concern – Bull Trout
- Montana Important Bird Area
- State Wildlife Action Plan – Terrestrial Focal Area
- Mapped Wetland and Riparian Areas
- Regulatory Floodplain
- Missoula Hillside Visibility Analysis – Most Visible Locations
- Missoula County Wildfire Risk Assessment (High or Moderate Risk)
- Wildland-Urban Interface (Wildland fire – WUI Interface or WUI Intermix)

Resources Found in each Cornerstone

- Big Sky
 - Soils of Farmland Importance - Prime farmland if irrigated
 - Predominant Non-Human Land Cover
 - Public Lands or Conservation Easement – Inclusion or Connection
- Butler and LaValle Creek – including Proposed Expansion
 - Soils of Farmland Importance - Prime farmland if irrigated
 - Soils of Farmland Importance – Statewide Importance
 - Predominant Non-Human Land Cover
 - Open Space Bond Projects – Inclusion of projects
 - Public Lands or Conservation Easement – Inclusion or Connection
 - Grizzly Bear Occupied Habitat (NCDE population)
 - Elk Winter Range
 - Presence of Fish Species of Concern – Westslope Cutthroat Trout
 - Mapped Wetland and Riparian Areas
 - Missoula Hillside Visibility Analysis – Most Visible Locations
 - Missoula County Wildfire Risk Assessment - High or Moderate Risk
 - Wildland-Urban Interface (Wildland fire – WUI Interface or WUI Intermix)
- Clark Fork and Bitterroot Rivers– including Proposed Expansion
 - Soils of Farmland Importance - Prime farmland if irrigated
 - Soils of Farmland Importance – Statewide Importance
 - Predominant Non-Human Land Cover
 - Open Space Bond projects – Inclusion
 - Public Lands or Conservation Easement – Inclusion or Connection
 - Grizzly Bear Occupied Habitat (NCDE population)
 - City of Missoula Bear Buffer Zone (likely high bear conflict area)
 - Elk Winter Range
 - Bighorn Sheep Habitat

- Bald Eagle Habitat Suitability Model – Optimal or Moderate Suitability
- Presence of Fish Species of Concern – Westslope Cutthroat Trout
- Presence of Fish Species of Concern – Bull Trout
- Montana Important Bird Area
- State Wildlife Action Plan – Terrestrial Focal Area
- Mapped Wetland and Riparian Areas
- Regulatory Floodplain
- Missoula Hillside Visibility Analysis – Most Visible Locations
- Missoula County Wildfire Risk Assessment (High or Moderate Risk)
- Wildland-Urban Interface (Wildland fire – WUI Interface or WUI Intermix)
- Grant Creek North
 - Soils of Farmland Importance – Statewide Importance
 - Predominant Non-Human Land Cover
 - Public Lands or Conservation Easement – Inclusion or Connection
 - Grizzly Bear Occupied Habitat (NCDE population)
 - City of Missoula Bear Buffer Zone (likely high bear conflict area)
 - Elk Winter Range
 - Missoula Hillside Visibility Analysis – Most Visible Locations
 - Wildland-Urban Interface (Wildland fire – WUI Interface or WUI Intermix)
- Grant Creek South– including Proposed Expansion
 - Soils of Farmland Importance - Prime farmland if irrigated
 - Public Lands or Conservation Easement – Inclusion or Connection
 - Grizzly Bear Occupied Habitat (NCDE population)
 - Bald Eagle Habitat Suitability Model – Optimal or Moderate Suitability
 - Presence of Fish Species of Concern – Westslope Cutthroat Trout
 - Presence of Fish Species of Concern – Bull Trout
 - State Wildlife Action Plan – Terrestrial Focal Area
 - Mapped Wetland and Riparian Areas
 - Regulatory Floodplain
 - Wildland-Urban Interface (Wildland fire – WUI Interface or WUI Intermix)
- Mount Jumbo and Marshall Canyon– including Proposed Expansion
 - Predominant Non-Human Land Cover
 - Open Space Bond projects – Inclusion
 - Public Lands or Conservation Easement – Inclusion or Connection
 - Grizzly bear occupied habitat (NCDE population)
 - City of Missoula Bear Buffer Zone (likely high bear conflict area)
 - USFWS Critical Lynx Habitat and Modeled Lynx Habitat
 - Elk Winter Range
 - Bighorn Sheep Habitat
 - Bald Eagle Habitat Suitability Model – Optimal or Moderate Suitability
 - Presence of Fish Species of Concern – Westslope Cutthroat Trout
 - Mapped Wetland and Riparian Areas
 - Missoula Hillside Visibility Analysis – Most Visible Locations
 - Missoula County Wildfire Risk Assessment

- Wildland-Urban Interface (Wildland fire – WUI Interface or WUI Intermix)
- Mount Sentinel
 - Predominant Non-Human Land Cover
 - Public Lands or Conservation Easement – Inclusion or Connection
 - City of Missoula Bear Buffer Zone (likely high bear conflict area)
 - Bald Eagle Habitat Suitability Model – Optimal or Moderate Suitability
 - Missoula Hillside Visibility Analysis – Most Visible Locations
 - Wildland-Urban Interface (Wildland fire – WUI Interface or WUI Intermix)
- North Hills
 - Soils of Farmland Importance – Statewide Importance
 - Predominant Non-Human Land Cover
 - Open Space Bond projects – Inclusion
 - Public Lands or Conservation Easement – Inclusion or Connection
 - Grizzly bear occupied habitat (NCDE population)
 - City of Missoula Bear Buffer Zone (likely high bear conflict area)
 - Elk Winter Range
 - Bald Eagle Habitat Suitability Model – Optimal or Moderate Suitability
 - Missoula Hillside Visibility Analysis – Most Visible Locations
 - Wildland-Urban Interface (Wildland fire – WUI Interface or WUI Intermix)
- South Hills and Mt. Dean Stone – including Proposed Expansion
 - Soils of Farmland Importance - Prime farmland if irrigated
 - Soils of Farmland Importance – Statewide Importance
 - Predominant Non-Human Land Cover
 - Open Space Bond projects – Inclusion
 - Public Lands or Conservation Easement – Inclusion or Connection
 - City of Missoula Bear Buffer Zone (likely high bear conflict area)
 - Modeled Lynx Habitat
 - Elk Winter Range
 - Missoula Hillside Visibility Analysis – Most Visible Locations
 - Missoula County Wildfire Risk Assessment
 - Wildland-Urban Interface (Wildland fire – WUI Interface or WUI Intermix)

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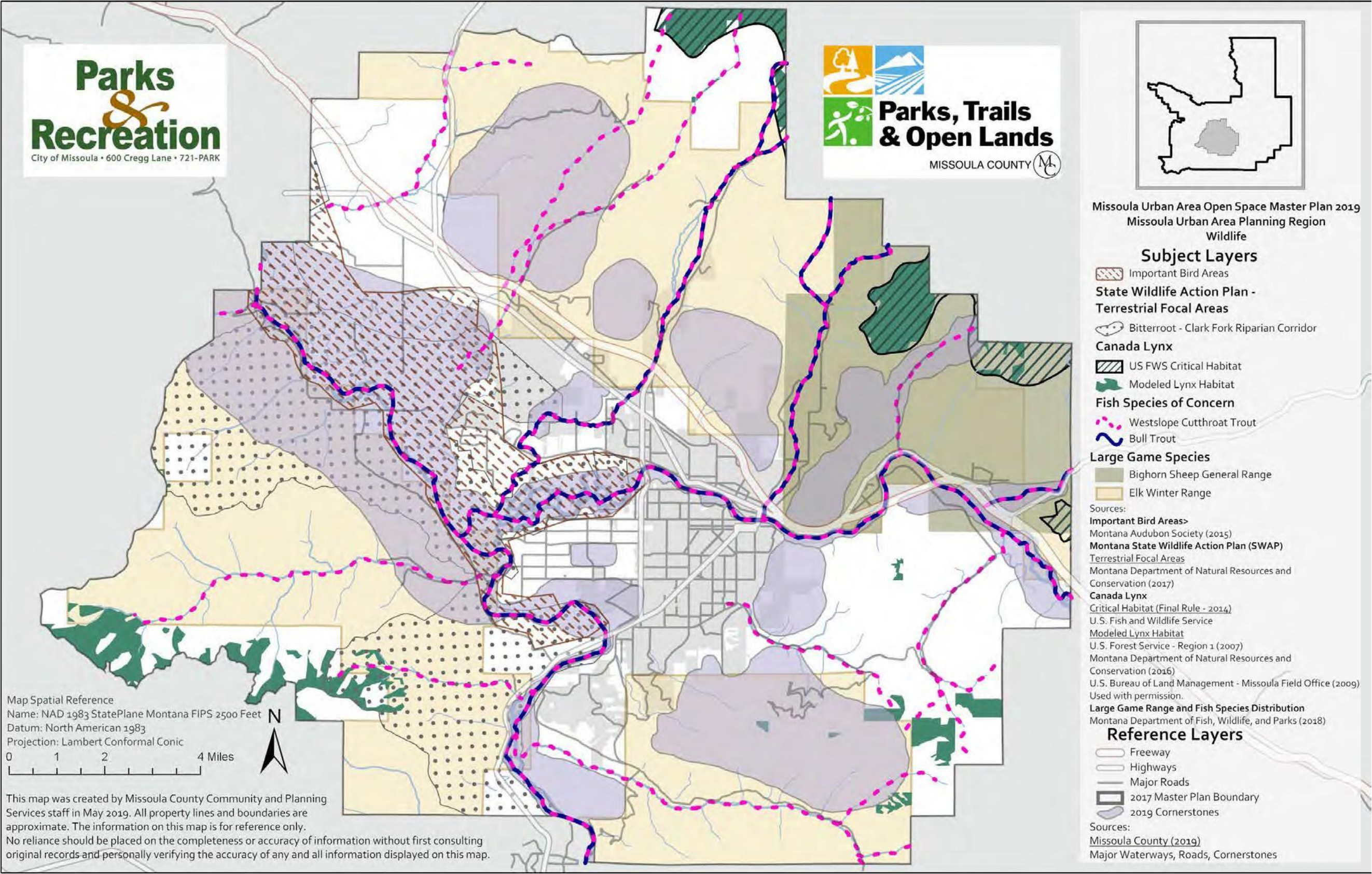
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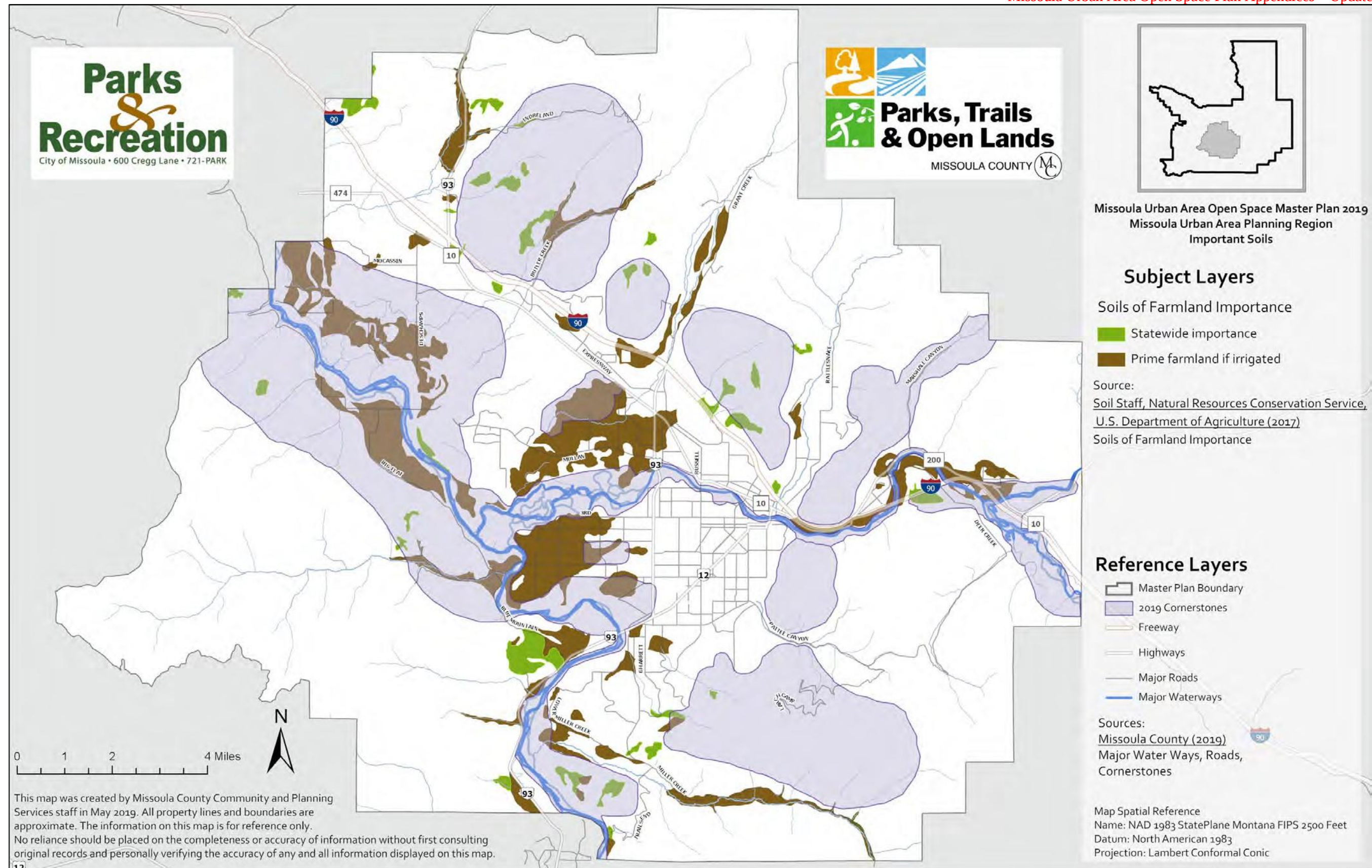
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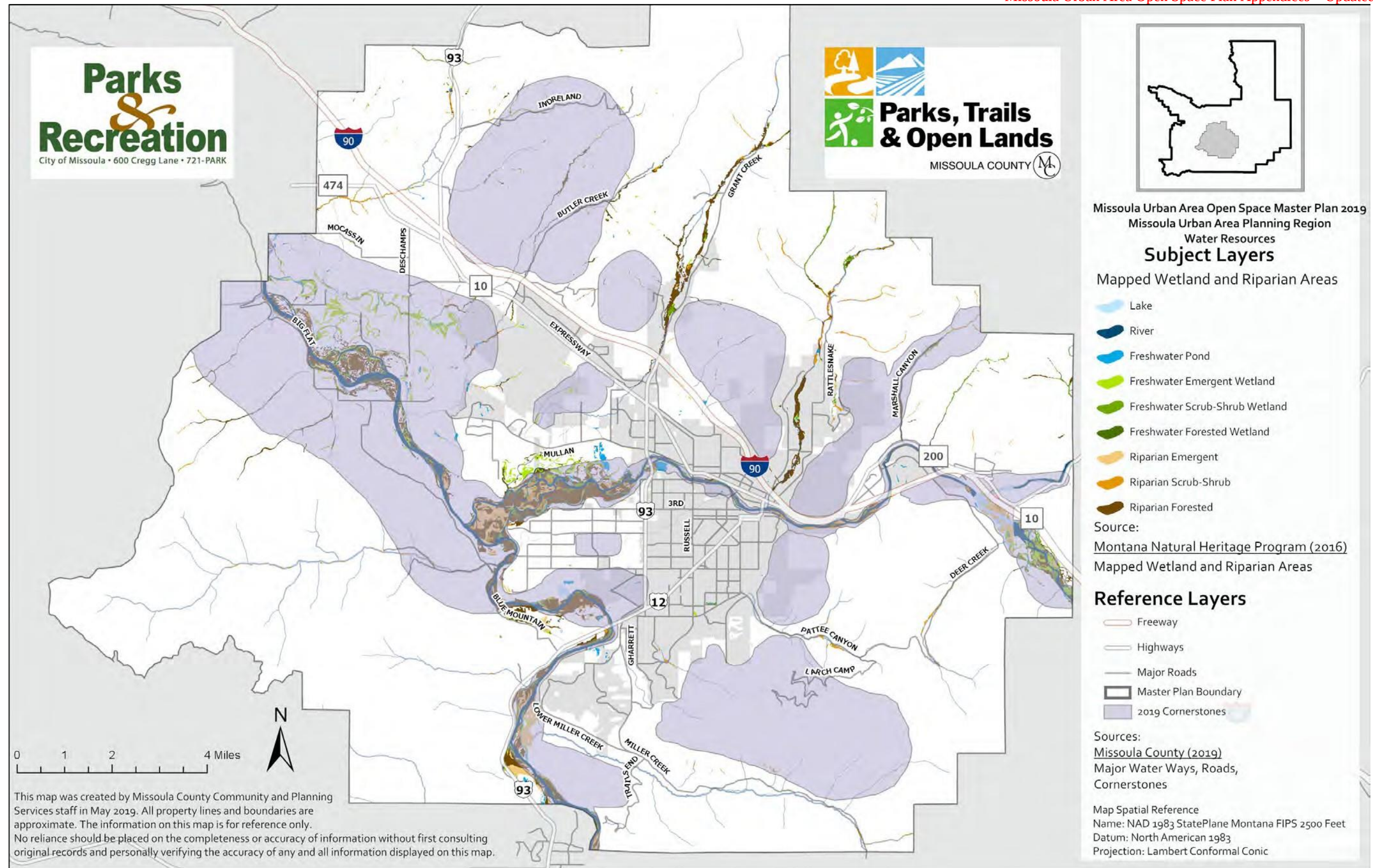
SUPPLEMENTAL CORNERSTONE MAPS



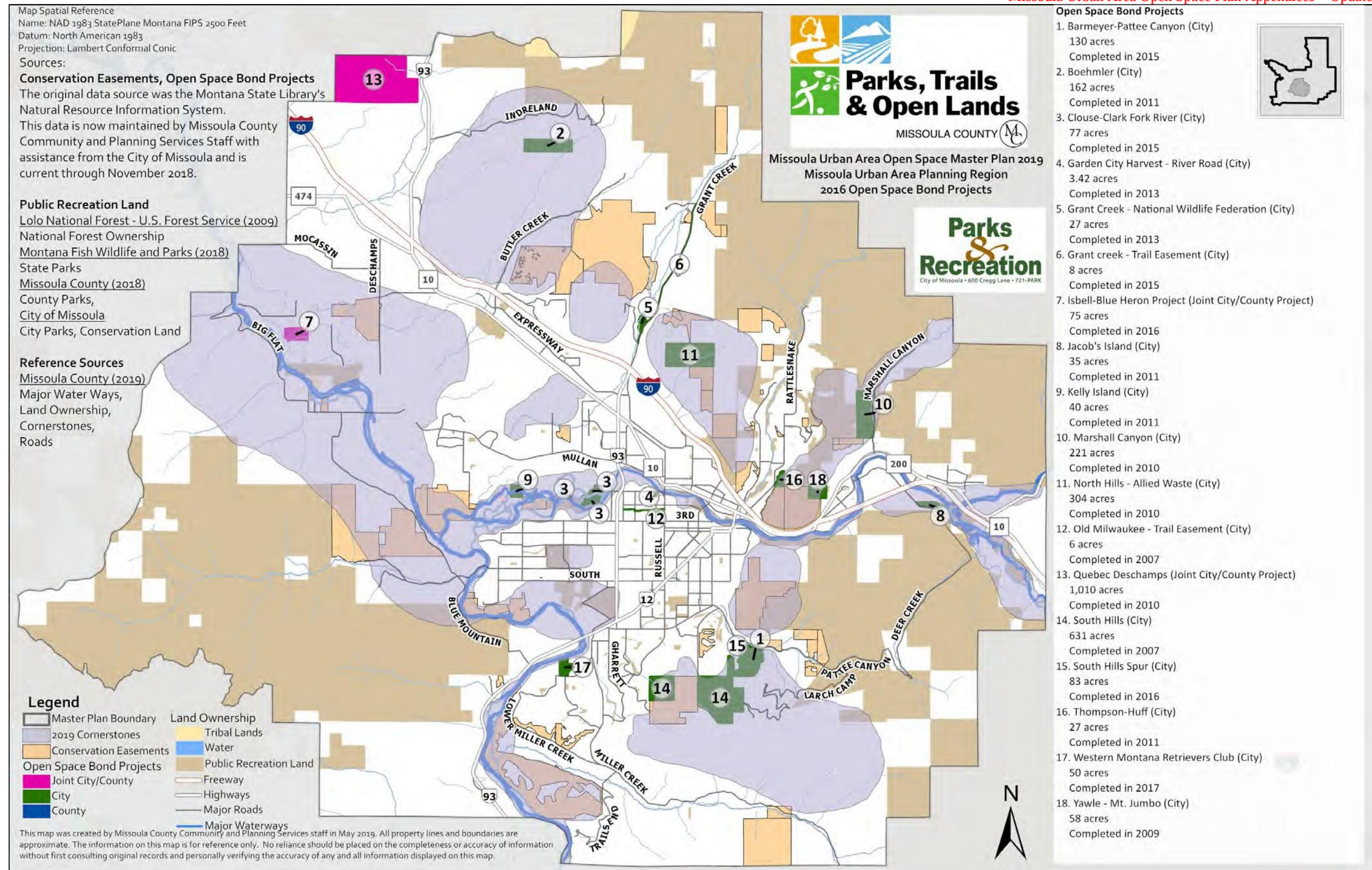
Map 1. Wildlife Resources



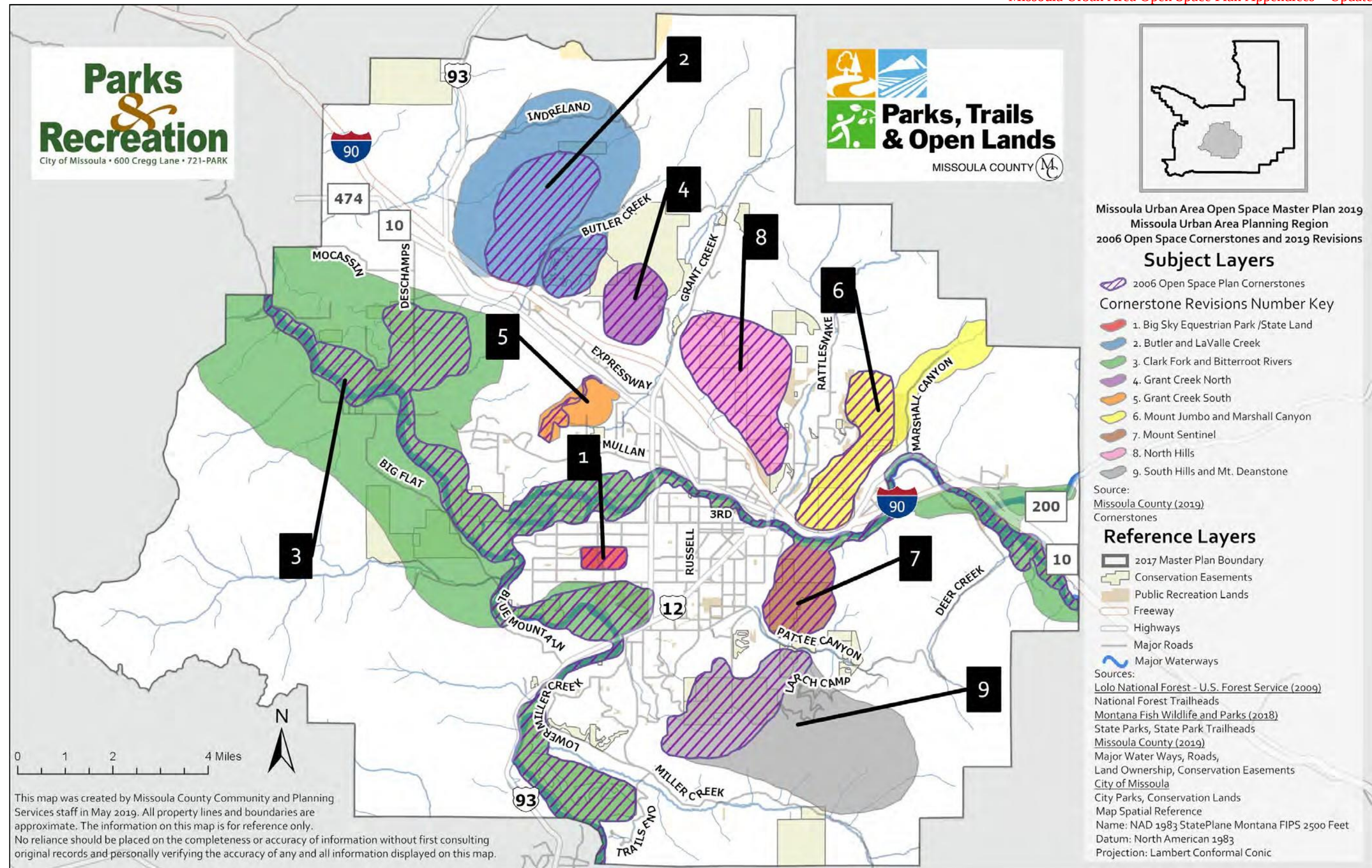
Map 2. Important Soils



Map 3. Water Resources: Wetland and Riparian Areas



Map 4. 2006 Open Space Bond Projects



Map 6. 2006 Open Space Cornerstones and 2019 Revisions

APPENDIX G

OPEN SPACE OPEN HOUSE QUESTIONNAIRE RESULTS SUMMARY

Introduction

Missoula County Parks, Trails, and Open Lands (County) and the City of Missoula Parks and Recreation (City) held an open house on February 6, 2018 from 6:00 to 8:00 p.m. at Hellgate Elementary. The open house was held as part of the Parks, Recreation, Open Space, and Trails (PROST) planning effort. The goal of the open house was to get comments and feedback from the public on their vision for the next 20 years of open space in the Missoula Valley, including their values and priorities. After participants arrived at the open house and were given a brief introduction into the project, they were asked to fill out a questionnaire using the information at each station. After the open house, the questionnaire and supplemental materials were modified slightly and made available as an online questionnaire, which was open through the end of February.

Methods

We received 53 written questionnaires from the open house and 147 online questionnaires making 200 questionnaires submitted in total. All the questionnaire answers were entered into an Excel spreadsheet, with each answer in a separate column. The questionnaire contained three types of questions, as well as a mapping exercise (see below for full questionnaire). Questions one, two, four, and five asked participants to choose answers from a list based on importance. These results were summarized by counting the number of times each option was selected. The mapping exercise asked participants to identify additional key areas that should be prioritized for protection by placing a pin on a map. Pin locations were summarized and mapped by density.

Questions one(a), two(a), three, four(a), six, and seven were open-ended questions. After reading through the responses, themes were determined that would best represent and group responses and each theme was given a code (see Table 1 for full list of themes and codes, and Appendix B for a description of each general theme). Next codes were assigned to each response. In some cases, a response was given two codes. Answers that did not fit into one of the themes and were not similar to any other responses were placed in an ‘other’ category. Some questions had a simple no (nothing to add) or a yes (agreeing with the question) and these were categorized as such. If no response was given, then the answer was labeled as ‘no response’. The frequency of each code was calculated by question.

Question two was the only question to include a Likert scale, asking participants to indicate their level of agreement on a scale of one to four, with one being strongly agree and four being strongly disagree. Responses were summarized by the percent of participants that indicated one, two, three, or four as their answer.

Table 1. List of identified themes and assigned codes for each theme.

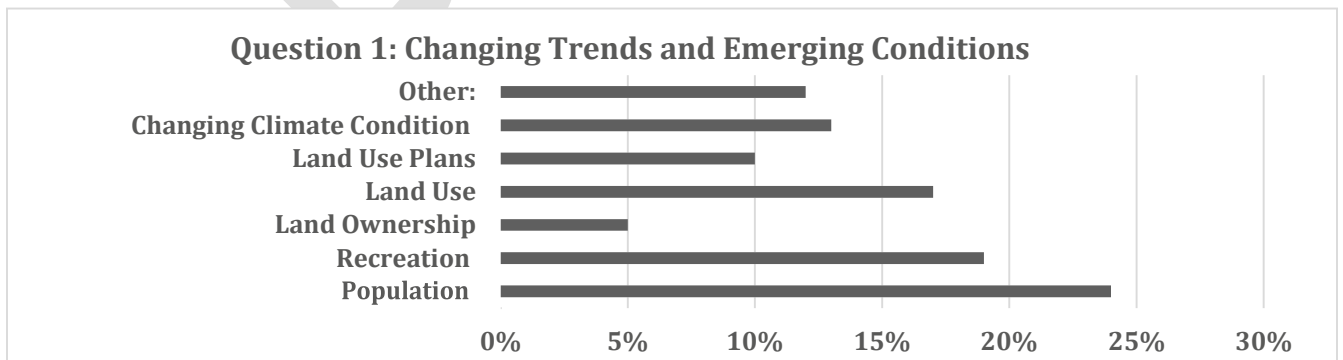
ACS	Access to Lands	MBT	Motorized Vehicles, Transportation
ADDR	Addresses (trouble with online map)	MCTH	Health of Urban Trees
AG	Agriculture (loss of land, soils, and food security)	MUSE	Multiple Recreational Users
ASO	Against More Open Space	NAC	Native American Tribe Consideration
CARBON	Carbon Sinks	NCP	Native Plant Communities\Invasive Weeds

CAT	Change Names, Descriptions on Plan	NO	No, Nothing to Add
CON	Connectivity	NR	No Response
COST	Ability to Pay for Open Space/Management Costs	OMC	Residence Outside Missoula City
DEM	Population\Demographic Shifts	OTR	Other
DISC	Disc Golf	PARK	Parking Issues
DPC	Diversifying Outreach	PART	Agencies/Organizations/Private Partnerships
DVP	Development Pressures	PLACE	Specific Places for Protection\Development
ECN	Economics	PRO	More Open Space/New Bond
EDU	Education	QAS	Quiet Areas/Solitude
FIRE	Fire (Buffers, Escape Corridors)	QLH	Quality of Lands/Habitats
FOR	Forested Lands	RNEW	Renewable Energy/Transportation
GOOD	Good Plan	SAF	Safety & Policing
HOUSE	Affordable Housing	SAH	Scenic and Historic
HWC	Human\Wildlife, Human\Human Conflicts	THANKS	Thank you, Keep it Up
IMP	Human Impacts to Open Spaces	TR	Trail
INP	Integrate Neighborhoods in Plan	UI	Urban Interface
IRD	Increased Recreation Demand	WI	Water Issues
IRD	Need to Address Demand of Recreation	WILD	Wildlife Habitat\Issues\Protection
KEEP	Keep Lands Natural	WILL	Wilderness
LNP	Light/Noise Pollution	WL	Wetlands
MAIN	Maintenance/Management	YES	Yes, Looks/Sounds Good

Results and Discussion

Question one asked participants to choose the top two changing trends and emerging conditions that they find most important to consider in a new Open Space Plan, and the list to choose from included the following: population growth, land ownership, land use, recreation, changing climate conditions, and land use plans. If an answer was given that was not one of the given options, it was placed in the ‘other’ category. Population and recreation were the most frequent responses, with 24% choosing population and 19% choosing recreation. The next most common response was land use at 17% (see Figure 1).

Figure 1. Frequency of responses regarding changing trends and emerging conditions considered most important to consider in a new open space plan.



Question One(a) asked participants if there were any changing trends or emerging conditions that were not included in the list for question one, and responses were categorized in a more qualitative analysis. Out of 214 responses, 33% had no response to the question and 10% had nothing to add. However, 57% of people listed additional trends or conditions they would like to see considered. The most prominent themes in these answers were affordable housing and development pressure, at 10% and 8% of all responses, respectively.

Question two included a Likert scale that ranged from 1 to 4, with one indicating strongly agree and 4 indicating strongly disagree, regarding the draft open space vision statement. Sometimes answers were not given as whole numbers or no answer was given, and these were placed in an other/no response categories. 1 (strongly agree) was used 58%, 2 (somewhat agree) was used 26%, 3 (somewhat disagree) was used 7%, and 4 (strongly disagree) was used 5% (see Figure 2, below).

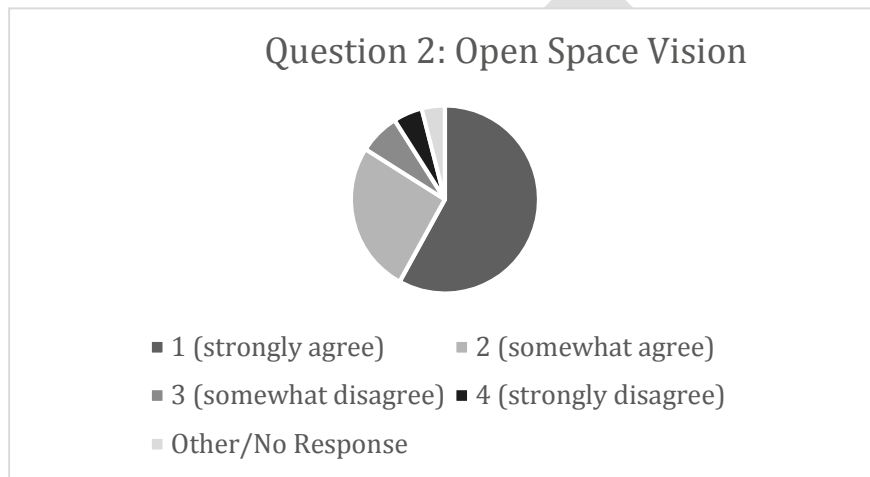


Figure 2. Agreement with the draft open space vision statement.

Question three asked participants if they felt the five major open space types reflected a coherent system, and if not what they would want to be included. Out of 200 answers, 55% said YES and 15% were NR. Out of the 200 answers, 28% included additional suggestions. The most prominent themes were agriculture at 10%, followed by wildlife habitat and suggestions for different terms at 8%.

For question four, participants were asked to choose the three most important open space values and priorities from a list. The most common selection was wildlife habitat, corridors, and fisheries, followed by quality of life/health benefits, and ecosystem services (Figure 3). The frequency of other items on the list were 5% and lower.

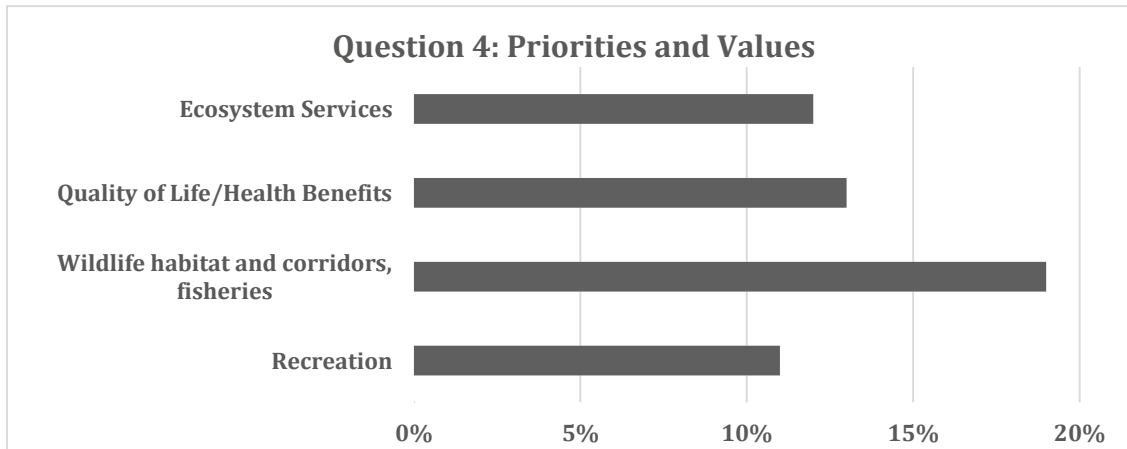


Figure 3. Most important open space values and priorities of respondents.

The follow up question to number four asked if there was a value not listed that was important to them. Out of all responses, 47% were no response and 18% indicated they had nothing to add. Of the answers, the most prominent themes were access to lands at 16%, quiet area/solitude and the desire to keep lands natural at 8%.

Question five asked participants to choose the three most important types of open space from a list of six, which included conservation lands, parks and developed parks, historic or scenic, agricultural lands, corridors, and trails. The most frequent choice was conservation lands, followed by corridors (Figure 4).

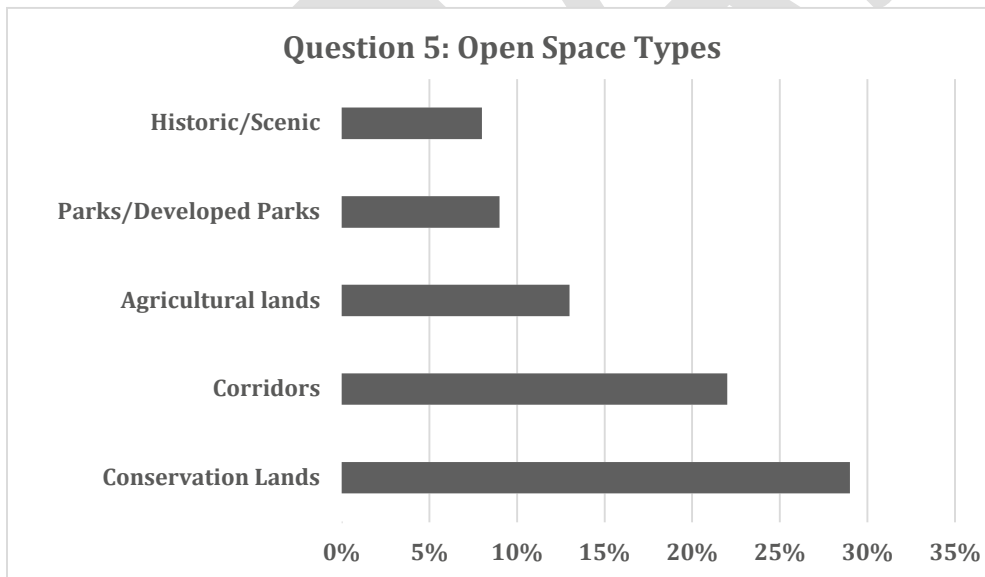


Figure 4. Most important types of open space, according to respondents.

Question six asked what else participants thought should be considered in a new open space plan. Thirty-eight percent had no responses and 5% were comments about the online map, so 52% were classified into themes and given codes. The top themes were about wildlife at 8%, access and connectivity at 7%. The last question was also open-ended, and asked if participants had any additional thoughts or comments. Forty-eight percent had no response, and 3% had nothing to add. Of the responses, the most

common comments were of thanks for the opportunity and the work to conserve open space and support for open space.

Results from the priority area mapping exercise were summarized by pin density.

DRAFT

Missoula City-County Open Space Open House

Participant Questionnaire

Board 2. Trends and Open Space Vision

Question 1. From the list on the board, what are the top two changing trends and emerging conditions that you think are the most important to consider in a new Open Space Plan?

Responses to choose from:

Population Growth	Land Ownership	Land Use
Recreation	Changing Climate Conditions	Land Use Plans

In addition, are there any changing conditions or emerging trends that are important to include that are not on the list?

Question 2. Does the draft Open Space Vision Statement adequately encompass a vision for open space in Missoula? Circle a number on the scale below:

1 2 3 4
Strongly agree Strongly disagree

Board 3. Open Space System Types

Question 3. Do these five major types accurately reflect the types needed for a coherent open space system? If not, what should be included?

Board 4. Priorities and Values

Question 4. Choosing from the list of values on the board, what are the three most important to you?

Responses to choose from:

Aesthetic Value	Shaping Growth
Wildlife Habitat, Corridors, Fisheries	Commuter/Recreational Trails
Urban Parks	Education
Public Access	Quality of Life/Health Benefits
Conserved Private Lands	Air Quality
Riparian Areas	Scenic Views and Vistas
Agricultural Lands/Protection	Economics
Cultural and Historical	Public Lands
River Access	Ecosystem Services

Is there a value that is important to you that is not listed on the board?

Question 5. Choosing from the list Open Space types on the board, which three are the most important to you to see in the Open Space system?

Responses to choose from:

Conservation Lands	Parks and Developed Parks	Historic or Scenic
Agricultural Lands	Corridors	Trails

Board 5. Cornerstones

Please use the dots provided to identify any additional key areas that should be prioritized for protection.

Board 6. Next Steps

Question 6. What else should the new open space plan consider, if not already addressed in the questionnaire?

Question 7. Are there any additional thoughts or comments you would like to add?

Descriptions of each theme

Code Descriptions:

DVP- Development Pressures; the pressure on open land to become part of housing developments or expanding building projects

NAC- Native American Tribal Consideration; partnering or consulting the Native American tribes of the Missoula area on new open lands

AG-Agriculture Lands/Productions; the need for more agriculture lands and protections for soils and food production, and in a few cases the opinion that there is enough agricultural land

HOUSE- Affordable Housing; the need for more housing options in the expanding Missoula area

EDU-Education; the need for nature-based educational programs/courses around the Missoula area

COST-Funding; the costs of how much it will take for the management of open space and to acquire more

QLH-Quality of Lands/Habitats; the overall quality and health of open space lands and wildlife habitats

HWC-Human/Human and Human/Wildlife Conflict; different recreational types and landowner conflicts with each other along with wildlife and human conflicts

WI-Water Issues; water rights, access, and quality issues that many arise or should be of concern in future open land planning

FIRE-Wildlife Fires; safety of residents to escape wildfires and the dangers they pose

CON-Connectivity; the connection of trails and corridors to other open spaces and for areas to have safe travel connections away from traffic for people and wildlife

MBT-Motorized Vehicle Issues; issues with motorized recreation and traffic with non-motorized recreation

WILD-Wildlife; the need for wildlife habitat, corridors, and protection in the Missoula area

ACS-Access; equal access for all Missoula residence, access to public lands, privatization of lands, access being slowly cut off to certain areas

ECN-Economics; economic stability of residences and industries

IRD-Increased Recreation Demand; the increasing demand for different recreational opportunities and the impact this will cause

MAIN-Maintenance and Management; the ability for maintenance and management for new and already existing open spaces in Missoula County

MUSE-Multiple Recreational Types; adding more recreational types to open space lands, i.e. more hunting and archery opportunities

NCP-Native/Invasive Plant Communities; the protection of native plants and the management of invasive species

UI-Urban Interface; the issues and necessary management of the urban/wildland interface as Missoula County's population expands

PARK-Parking Issues; the growing issue or need for enough safe parking as trail heads become crowded

PART-Partnerships; looking into different partnerships around Missoula County, i.e. Forest Service, local non-profits, and local communities

PLACE-Specific Places; places around Missoula County that could benefit from development, protection, or acquisition

NO-Nothing to Add to the Question

TR-Trails; specific trails around Missoula County

DEM-Demographic Shift; the shifting in ages in the Missoula community and how this could affect values

CAT-Categories; categories to add to the already existing ones that were presented

WILL-Wilderness; how wilderness areas fit into the plan and around Missoula County

IMP-Impacts; the impacts that recreation and humans have on the environment, wildlife, and their habitats

MCTH-Missoula City Tree Health; the health of the urban forest in the city of Missoula and the benefits that can come from it

DPC-Diversify Public Comment; the need to reach many different people for opinions on a new open space plan

GOOD-Plan Looks Good

PRO-Pro Open Space/Bond; wanting to acquire new open space, protects what's already there, and support a new bond

LNP-Light/Noise Pollution; the issues of excessive noise and light in areas as Missoula's population grows

CARBON-Carbon Sinks; the ability of using trees for carbon storage

QAS-Solitude/Quite Area; the ability to have/be able to find solitude in open space and find quite areas away from the city

KEEP-Keep Lands Natural; keeping open space natural and protected from recreation and development impacts

DISC-Disc Golf; the need for more places to be set up and designated to disc golf

ADDR-Addresses- addresses given due to troubles with the online map

THANKS-Thanks, Keep it Up, Looks Good

YES-Looks/Sounds Good, Nothing to Add

INP-Integrated Neighborhood Plan; the need to intergrade neighborhoods into the plan

ASO-Against Open Space; against the acquisition of more open space, current open space, or a new bond/plan

WL-Wetlands; concerns with wetland health and habitat

SAH-Scenic and Historic; the value and need for protection of scenic and historic areas

OTR-Other Responses; responses that don't fit into the given themes

NR-No Response

OMC-Outside Missoula City; the need for outreach in outlying communities in Missoula County

SAF-Safety and Policing; safety issues with open spaces areas and the need for extra patrols

FOR-Forests; timber and lumber operations in forests around Missoula and open spaces

RNEW-Renewable Energies; the need for more renewable energy options and accommodations for electric vehicles

URL-Underdeveloped Recreational Land; land that could be used for recreational development purposes, but hasn't yet been development for it

APPENDIX H

PROST CORONA REPORT EXECUTIVE SUMMARY

Please find the executive summary of the PROST Survey here:

<https://www.ci.missoula.mt.us/DocumentCenter/View/44212/2018-PROST-Survey-Results-PDF>

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APPENDIX I

FOCUS GROUP SUMMARY

Introduction

As part of an ongoing effort to engage the public in a new master Parks, Recreation, Open Space and Trails plan (PROST), City of Missoula Parks and Recreation (City) and Missoula County Parks, Trails and Open Lands (County) hosted four professionally facilitated focus groups in January 2018. The purpose of these four focus groups was to gain insight from a diverse range of perspectives relating to current and future efforts of the City and County to deliver quality recreation opportunities and facilitates to Missoula residents. A diverse group gathered to participate in the focus groups, including representatives from business, education, recreation, and economic sectors of Missoula. The intention of this group process was to actively engage members of the public in the initial stages of the PROST planning efforts. The responses from each focus group session yielded valuable stakeholder-specific insights and will be utilized to identify current departmental strengths and potential areas to prioritize in future planning efforts.

Methods

Focus group questions pertained to ongoing and future efforts of the two Departments. Several of these questions asked participants to identify the strongest City services and facilities that support community health and economic well-being. In addition, some questions asked participants to articulate specific trends the City and the County should consider when planning for the future. Further, some questions asked participants to identify areas of opportunity to prioritize in future planning efforts.

Focus group questions attached as Appendix A on page 5 of this document.

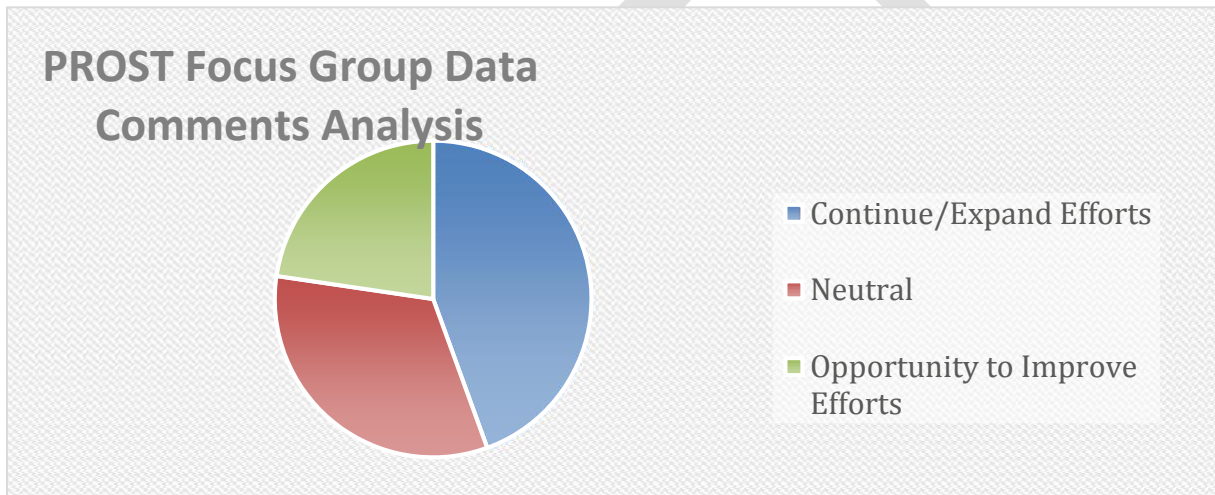
Results

In total, 393 comments were received from the four focus groups. Of the 388 comments, 168 were comprised of participants ideas about future programming that would benefit the specific sector that participant represented. These comments included suggestions about how to strengthen existing programs, as well as new opportunities and ideas to explore in future planning efforts. These comments did not reference specific City and County actions, but were helpful in forming a summary of strengths, opportunities for improvement, and emerging trends to consider throughout the PROST process.

In order to gain a sense of how focus group participants responded to the work of the City and County, the remaining 225 comments were used in a simple association analysis. These 225 comments were observations, affirmations, and opportunities for growth related to delivery of services, facilities, and recreational opportunities by the City and County. These comments were ranked according to the following criteria:

Expand/Continue efforts The comment praised a specific action; the comment reflected a desire for efforts to continue; the comment was positive in general	Neutral The comment was a statement that did not reflect positive or negative language; the comment was a neutral suggestion to maintain efforts	Opportunity for improvement The comment identified gaps or services that would benefit from improvement; the comment reflected the desire for changes/improvements to efforts
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The data provided critical insights into understanding how representatives of various sectors perceive current work of the City and the County. Ranked by how many comments affirmed or identified gaps in current delivery of services, the comments serve as a snapshot of how the Missoula community considers the quality of trails, parks, open space, and recreational activities maintained by both Departments.



Of these comments, 100 praised current planning efforts and called for continuation/expansion of these actions; 74 were neutral and reflected desire to maintain efforts; and 51 identified areas where efforts could be improved or suggested an opportunity to strengthen delivery of services. This analysis reveals 45% of data reflected positive and affirmative association with the delivery of services, maintenance, and ongoing efforts to provide recreational opportunities by the City and the County; 33% of comments reflected a neutral position; and 22% of data identified areas where delivery of services could be improved and strengthened.

Strengths

The combined responses from focus groups revealed a resounding positive response to the current work of the City and the County. These responses celebrated the contributions to community health, opportunities for economic growth, and connection to place achieved by the trails, programs, and recreational activities administered by the City and the County. While individual comments reflected various interests specific to stakeholder perspectives, several common strengths emerged upon analysis.

- Diversity of spaces, trails, and programs that are free, accessible, and connected to places and river corridor
- Community well-being and overall health of Missoula citizens improved by access to well-maintained trails, parks, and open spaces
- Trail systems, commuter networks, parks, and open lands provide opportunities for mental, physical and spiritual recreation, improve quality of life, and attract people to live and work in Missoula
- Many parks and trails have benefitted from improvements to ADA accessibility and on-site capacity, such as educational trail signs and updated maps
- Business and economic development flourish with abundant local recreational opportunities that render Missoula a hotspot for tourism
- Year-round educational programs promote active lifestyle, nurture an interest in science, and promote environmental stewardship in youth
- Facilities are maintained to a high standard despite numerous pressures, including depleted bond funds, growing population, increased usage, and fiscal constraints

Opportunities

Focus group responses also identified opportunities for the City and the County to improve the quality of life for members of the Missoula community. Social equity, connectivity of trails and open spaces, diversification of program offerings, and continued improvements to on-site capacity as the most prominent trends upon analysis of all focus group responses.

Social Equity: Focus group responses overlapped on several topics related to social equity. Collectively, they identified an opportunity to prioritize access to parks and trails for underrepresented populations, and emphasized greater inclusion of minorities, elderly, and disabled in planning efforts.

- Provide shuttle/bus services to open spaces and trails through partnerships with local transportation systems
- Recognize growing population of elderly Missoula residents and provide accessible, safe, and inclusive opportunities for recreation and socialization
- Develop pathways to increase minority population recreation on trails and in parks
- Boost social inclusion by prioritizing acquisition and creation of parks in underserved neighborhoods
- Provide free, year-round programs for children and educational opportunities that celebrate diversity, inclusion, and community

Connectivity: Focus group responses highlighted the opportunity to increase connectivity between commuter networks, trails and parks for community benefit.

- Increase connections between trails, parks, places, and open spaces
- Expand commuter network by patching holes in existing pathways and identifying new locations for non-motorized trailways
- Support community health by ensuring that everyone in the Missoula is within walking distance of a trail, park, or recreational space

Diversify Programs: Focus group responses underscored various opportunities to diversify classes and programs that meet the needs of all ages and are available year-round.

- Promote inclusion by offering diverse range of indoor and outdoor programs that target every age level and increase interaction with nature and community
- Increase opportunities during wintertime with more indoor programs
- Enhance connection to place and environmental stewardship through youth education programs that are free, inclusive, and accessible
- Consider expanding programs to include art courses, dance classes, and senior-specific activities

On-Site Capacity: Focus group responses identified several opportunities to improve the quality and safety of recreational facilities for all user groups.

- Clear, frequent, and place-specific signage at trailheads and pathways
- Ensure safe recreational experience for users through facilities that are clean, well-lit and address presence of transient population in parks and open spaces
- Continue restoration efforts, particularly along riparian Clark Fork corridor and removal of invasive species
- Increase capacity at popular open lands, such as Mount Jumbo and Waterworks, through increased parking, bathroom, and dog clean-up facilities

Focus Group Questionnaire

1. From your perspective, what are among the most important contributions made by Parks, Recreation and Open Lands efforts since the last planning processes?
2. Currently, what are the most valuable programs, facilities, lands, and services that the City and County Parks, Recreation and Open Lands provide in support of community, business and economic diversity and why?
3. What emerging trends should be considered by Parks, Recreation and Open Lands to ensure quality, safe and affordable delivery of services, facilities and access?
4. What are the most valuable services, facilities, lands and programs that Parks, Recreation and Open Lands can provide in support of community health and social equity?
5. Are there current Parks, Recreation and Open Lands services, parklands, open spaces, trails, trailheads or facilities that do not meet community-wide needs or those of specific populations, or do not respond to emerging trends?
6. Considering the organization or group(s) you feel you represent, what current and future recreation services, facilities, open lands, trails and/or developed parklands might you desire?
7. What concerns, fiscal issues and limitations should be considered in planning for and delivery of Parks, Recreation and Open Lands services, parklands, open space and trail facilities?