If anyone attending the Public Meetings needs special assistance, please provide advance notice by calling 258-4877. Missoula County will provide auxiliary aids and services.

1. CALL TO ORDER
Commissioners Present: Commissioner (Chair) Michele Landquist, Commissioner Jean Curtiss, Commissioner Bill Carey

Staff Present: Bob Brown, Executive Director Historical Museum Fort Missoula, Kali Becher, CAPS, Nancy Heil, CAPS

2. PLEDGE OF ALLEGIANCE

3. PUBLIC ANNOUNCEMENTS

Bob Brown, Historical Museum: We have our Holiday exhibit; It’s All Aboard the Holiday Express. It’s all about trains and trolleys and lots of fun and games, so we invite everybody to come out.

Commissioner Curtiss: They also have a great gift shop!

4. PUBLIC COMMENT
None

5. ROUTINE ADMINISTRATIVE ACTIONS
Current Claims List ($1,634,963.55)

Executive Session
Commissioner Carey made motion that the Board of County Commissioners approve the current Claims List in the amount of $1,634,963.55. Commissioner Curtiss second the motion. The motion carried a vote of 3-0.
6. HEARINGS
A. Elk Flats Open Space Bond Project

Kali Becher gave staff report update. This project proposes to use up to $150,000.00 of Open Space Bond funding towards the purchase of 5 conservation easements, on 5 separate ownerships; totaling approximately 276 acres along the Elk Flats Road in the Swan Valley. The Vital Ground Foundation would hold the conservation easements on all of the properties. The bond cost per acre is $543.00 per acre and the total project cost is $353,100.00. The estimated match for this purchase is 4.2 to 1 and this is the ratio of other funding to bond funding, so for every $1 of bond funds that’s being matched with $4.2 in other funding. If this project is approved, the closing of all 5 conservation easements will be required for the release of funds. On November 5, 2013 the Board of County Commissioners determined this project is a qualified Open Space Bond Project and adopted reimbursement Resolution 2013-122 and this qualified the project for Open Space Bond funding. The Missoula County Open Land Citizen Advisory Committee met on November 21, 2013 and voted unanimously to recommend approval of this project and ranked this project highest in terms of wildlife habitat and water quality. The 2008 interlocal agreement related to the Open Space Bond established the general purposes of the Open Space Bond. This project meets the following purposes; protecting wildlife habitat, managing for growth, protecting water quality of rivers, lakes and streams, providing open space and scenic landscapes and conserving working ranches, farms and forests. These 5 properties are nearby other conservation easements and conservation lands. In addition, Vital Grounds will be purchasing property adjacent to one of the properties involved in this project; this isn’t part of the request for bond funds but will be add to the overall conservation value of the project.

Ryan Lutey, Director of Lands for the Vital Ground Foundation: Thanks to the Commissioners for giving us this opportunity to present the project today and especially for taking time out of your schedule before this weather front arrived to do our field visit. It’s been several years since Vital Grounds has brought a project forward for the Missoula County Open Space Bond Program. We haven’t been asleep, we’ve been working in North Idaho, Northwest Montana, we have closed 3 easements since 2007, since our last request here in the County, all 3 of those were fully donated so there was no request made for funding for those projects. Just as a side note, we’ve also been busy working on accreditation from the Land Trust Alliance, we have fully completed our application and completed the final audit and we’re expecting to be a fully accredited land trust beginning in 2014. Kali did such a great job with the staff report, we could have probably flipped through the slides but if we want to go through and recap on a lot of what kali just presented. (Showed PPT Presentation) Owners of the project: Bill & Jean Moore, Mike Stevenson, Don Schmidt’s, Larry and Helen Rasmussen, Mark and Caroline Lawrence. The sixth ownership is the brother of Mark Lawrence; he’s selling the property to Vital Ground. On the Moore addition, we have a restriction for no additional subdivision, only one building envelope. There’s one residential structure situated on the property and forest management and livestock will be permitted into the future, so there will be continued agricultural presence on that property. On Mike Stevenson’s property, again there is no additional subdivision permitted under the easement. We have defined a single building envelope with one residential existing structure and the agricultural activities are similar to the Moore property. On Don Schmidt’s property, pretty much the same parameters with the
distinction that there are two building envelopes permitted on that site. Only one of which, the western most site is a residential building envelope; the other site is a large garage/shop area. It just made sense not to draw one large building envelope because they were a little bit disbursed on the property. So we were able to tighten up this building envelope considerably by breaking them up, but again the easement will only permit the single residence into the future. Then again, continued forest management will be available on that property. On the Rasmussen property, the existing development consists mainly of historical homesteading structures. There’s a cabin and remnants of a barn, there’s a more modern outhouse but the cabin’s very small, again more of historical value then current use value so there is going to be a 2nd building envelope permitted on that property. That building envelope will be selected by the landowners at the time they are ready to build, that envelope would permit one additional residence and a guest cabin, once it is defined. The Rasmussen’s have also decided to continue forest management on that property as well. On the Lawrence property, it’s 40 acres and there is no development currently; that’s the property that we took our long nature walk where some might accuse me of getting everyone lost. It’s probably one of the most wetland adverse properties. The Lawrence’s have agreed to cluster their building envelope right up at the southern end of the property, against the Elk Flats Road. Any future development permitted which consist of one residence and one guest cabin, will be toward the front or the south end of that property. Then they also will continue their traditional agricultural activities as well. All these properties are located in the headwaters of the South Fork Cold Creek. None of the properties contain year round segments of the creek but many of them do have the femoral segments that dry up seasonally that provide both water quality and water quantity benefits to Cold Creek. That’s important because of the sensitive fish species that are present in that tributary, both its designated critical habitat for bull trout, as well as important habitat for west slope cutthroat trout with both state and federal designations on those fish species. The project with all its riparian and pothole areas also is a great habitat for threatened water howellia. We don’t have documented presence of howellia on the properties but we do in the vicinity and the only reason it’s not documented is because we completed our base line surveys late in the fall when water howellia would have shriveled and disappeared. Again, it does provide great wildlife habitat, like Kali was mentioning, for numerous other sensitive wildlife species. Again, we did see there’s historical components to this project, both the Rasmussen property and the Moore property have homesteads dating back to the early 1900’s. This is an abridged budget, again Kali thoroughly covered the request, essentially the total value of the conservation easements is nearly $700,000.00. We have an additional $73,500.00 in transactions and stewardship costs that the organization is responsible for so the total conservation easement budget for the project is $772,500.00. The landowners have generously agreed to donate 60% of the value of each of their easements. We’ve already raised, toward those easements, $203,000.00 and are making the bond request in the amount of $150,000.00, which if it is approved we’d represent the cap on the total project budget. There was a more complete budget that we handed in with the level 2 application. I’m happy to take questions on either that budget or the short version of that today.

Commissioner Curtiss: When you showed the map, and we all know that the legacy project resulted in a large amount of ownership that is public, the forest service now is responsible for it. Could you talk about the value of these particular easements to meet
your mission and how do they fit with...being that much land there are folks who would say there's plenty of room for the animals.

**Ryan Lutey:** One thing Vital Ground pays special attention to when we draft our conservation easements and negotiate the restrictions with the landowners is making sure that things like attractants don't bring people and bears into conflict, whether that's garbage or BBQ's, pet food or chickens. So we pay special attention where even though these properties are fairly small where more intensive subdivision could occur, we approach these from the perspective that every additional home site or human presence up there that we can prevent, does definitely directly address preventing those conflicts. That's kind of the meat of why we pursue even these smaller easements in locations like this. Again, this project in particular came about from a long discussion we've had with many of the landowners up there. Finding its roots in our first easement with Vital Grounds coyote forest easement completed with Bud Moore. I feel like we're definitely responding to a local vision for what this area should look like into the future. Those definitely carried a lot of weight when we were evaluating this project from a conservation value standpoint.

**Chair Landquist:** We were way out there in the boonies and I know that there are some folks in the Swan area that are concerned about economic vitality of their area. And so while these conservation easements essentially are buying up development rights, rights to put houses on...subdivision, does it do anything to restrict or enhance economic vitality to the area?

**Ryan Lutey:** I would say the easements themselves probably don't enhance the economy, I would say in terms they also would essentially maintain existing levels of timber production from the properties. They do permit the landowners to have in-home residential businesses that don't create additional quantities of traffic to the properties, but it's certainly a permitted use under the easement. Then again, the properties from a real estate marketing perspective can still be sold and transferred on the open market, so it doesn't affect the real estate economy. Except perhaps, that if they were fragmented down into 5 or 10 acre parcels there might be more sales opportunities, but I think that would be counter balanced with the argument that the county services that would be responsible for paying for it at that point, would offset that impingement on the real estate market.

**Chair Landquist:** As I recall, there was some discussion on the Moore’s property about another area that he could build a shop, if they wanted to make some sort of wood or something and have a couple locals come and work there, nothing big. But something like that would be allowed.

**Ryan Lutey:** Yes and a good example of that is on the adjacent coyote forest easement, included within the easement boundaries there is an active saw mill, permitted on that property. That is primarily for custom orders so it's not like there's a retail outlet or a hardware store up there but folks can come in and make use of the local resources and there's some economic benefit still available on that property.

**Chair Landquist:** Thank you that's what I wanted people to know. It's not like we're encouraging conservation easements to come in and purchase up the development
rights and close the gate as if to say; we’ve got ours now, everybody go away and find your own somewhere else. That’s not what this is about.

**Public Comment**

**Jim Cusker, Member Grass Valley Open Lands Committee:** The Open Lands Committee was particularly taken with the unique value that this particular project offers the county. 276 total acres may not seem like a bunch but when you realize that there are 5 separate owners involved and that these people, working with Vital Grounds, were able to come up with a single project and you see all the marvelous conservation values of the 5 different pieces of property, 6 if you look at it in yet another perspective. I suspect the value has multiplied greatly. You also noticed on the map that this provides some additional continuant between the properties and this project and protected areas as well ~ very, very important. So of course the open land committee unanimously recommends approval of this particular project, and we would also like to express our appreciate to Vital Ground for the unique feature in getting these different landowners together and bringing relatively small pieces of property together and presenting this one project. I for one, hope that this is a welcome precedence that other land trusts and of course Vital Ground, with other projects of this nature will attempt to look at in the future. I’ve heard that there are a number of areas in the county where landowners with relatively small properties are interested placing conservation easements on their land; this shows how it can be done. Open Lands Committee would also like to express our appreciation to the landowners involved; you have a remarkable story of cooperation in getting things done. The open land committee is very pleased to give our whole-hearted endorsement to this project.

**Bill Moore:** My wife and I are part of the project. I wanted to point out a cool thing about it is that up in the Swan Valley we have several grizzly bear corridors that have been designated by Plum Creek and Fish & Wildlife and everybody working together. Between what’s going on with the legacy and Pop’s Place and what we’re doing, we’ve created almost a whole other grizzly bear corridor up there; that’s kind of a neat thing. The other thing that I wanted to offer ~ stand up if you have any questions for a landowner how we look at it or anything, I’d be happy to tell you our point of view.

**Chair Landquist:** I don’t know if we have any questions but if you have any more that you want to add, this is a great opportunity to do so. Things like this are really contagious.

**Bill Moore:** We’re really excited about being able to do this. Thank you for your consideration.

**Chair Landquist:** We’re really glad that you and the other landowners were willing to entertain us and work so hard to make it happen. It is a rare opportunity and your landowner donation part of it is pretty phenomenal and the money being able to be leveraged over 4-1 is pretty fantastic. It’s a good deal when you look at it that way, what we can leverage that money to do.

**Executive Session**

**Commissioner Curtiss:** I’ve had a few phone calls because people I think, who haven’t spent a lot of time with Ryan or some of the other land trusts, often don’t
understand conservation easements and feel like it’s just a way to limit development. I think the bond language was clear that the citizens voted for and our Open Space Bond money is not just a limit development but to protect habitat and native plants and water quality and working landscapes, that’s the values that are on this group of easements. It is unique, I think that it’s nice to see a way that sometimes I think people have too small a piece of property all by itself, so it’s hard to justify a conservation easement, although you can put them on small pieces so this clustering is unique. I think this is what the citizens did vote for when they passed the Open Space Bond.

**Bill Carey:** I agree and I thank the landowners, our staff and the Vital Grounds Foundation for their work in this. It’s the kind of thing that many of appreciate right now but many, many more will appreciate it in the years to come. Thank you.

**Chair Landquist:** I agree with both of your comments. Often I hear people thinking that these conservation easements are just easy money for people that have either a lot of money or a lot of land or both to take a tax payer handout to not develop their property, which they weren’t going to develop anyway, or aren’t developable. That’s not what this is about. 1.) These properties could be developed. 2.) These properties will now go to future generations to enjoy as they are, as other things get built up and the land use has changed, these properties will be managed so that they’ll still have some wonderful and intrinsic values to them. The wildlife will still have value to them. It’s not like there’s a great deal of tax incentive for people to be doing this with their land. It’s not a taxpayer handout and these things take a lot of time and work. The matches are phenomenal. There’s a small price for the county to pay for this much land to be in conservation easement when you look at for every one of our county taxpayer dollars to be matched over four times in these matches that are put together. That’s one of the criteria’s that the Open Lands Committee set out when they established their operating rules. They wanted to make sure that folks weren’t looking at this as just a quick handout for selling off your development rights, that there had to be some good matches involved to make the monies go even further. So I just want to let people know at home and that have touched me and questioned me about me it that these deals are not put together over night, they take years in the making and these matches don’t come easy. Thank you very much for everybody that worked on it. Yippee for future generations! That’s one of the reasons that I wanted to be a County Commissioner, to make sure that there was going to be something for the future generations to come to Missoula County and have some of these special values in the land that I value.

**Motion**
Commissioner Carey made motion that the Board of County Commissioners approve the expenditure of up to $150,000.00 in Open Space Bonds Funds via the attached Resolution, towards the purchase of 5 conservation easements, totaling approximately 276 acres for the Elk Flats Project based on findings that the project qualifies for funding recommendations of the Open Lands Citizen Advisory Committee, public hearing comments and staffs analysis. Commissioner Curtiss second the motion. The motion carried a vote of 3-0.
B. Petition to Annex Property into Frenchtown Rural Fire District (High Meadow Mountain Ranch – Huson)

**Shyra Scott gave staff report update.** We received a petition from High Meadow Mountain Ranch for annexation of their property on 31255 Ninemile Road in Huson into the Frenchtown Rural Fire District. The petition has the necessary signatures, at least 40% or more of the free holders within the proposed district. The owners signing the petition represent 40% or more of the taxable value of the property to be annexed. The owner saying the petition represents at least 40% of the acreage. It’s been approved by the Frenchtown Board.

**Public Comment**

None

**Commissioner Curtiss**: I always think it’s a good thing to have property where people live be part of a fire district, and then they also contribute to the fire districts budget.

**Executive Session**

Commissioner Curtiss made motion that the Board of County Commissioners accept the petition to annex this property into the Frenchtown Rural Fire District. Commissioner Carey second the motion. The motion carried a vote of 3-0.

7. **OTHER BUSINESS**

None

8. **RECESS**

Being no further business to come before the Board the Commissioners are in recess at 2:08.