

Missoula Conservation District Special Meeting – November 30, 2021 at 7:00 p.m.
CAPS Presentation of proposed Riparian Resource Protection Zoning Regulations
Alternative Meeting Location – Virtual/Phone

Missoula Conservation District Attendees: Tim Hall (Chair); Libby Maclay (Vice-Chair); Art Pencek (Supervisor); Bob Schroeder (Supervisor); Sid Wills (Supervisor); Josh Schroeder (Associate Supervisor); Radley Watkins (Staff); Bryan Vogt (Staff)

Additional Attendees: Andrew Hagemier (Missoula Co. CAPS); Jennie Dixon (Missoula Co. CAPS)

Absent: Travis Greenwalt (Treasurer); Paul Parson (Supervisor); Bart Morris (Associate Supervisor)

Call Meeting to Order – 7:05 pm by Tim Hall

Introductions – Andrew Hagemier introduced himself a Senior Planner with Missoula County Community and Planning Services (CAPS). Jennie Dixon introduced herself as a Planner with CAPS.

Presentation of proposed Riparian Resource Protection zoning regulations – Hagemier gave a presentation outlining the current efforts to update the County Zoning Codes that were adopted in the 1970's. This pertains only to the portion of the county where the zoning codes currently exist, an area from approximately Bonner/Milltown in the east, Wye and Smurfit Stone site in the west, Rattlesnake Mountains in the north, south to the Miller Creek area. The rest of the county does not have zoning codes in place and would not be affected by these updates. The process started with a zoning audit in fall of 2019 that was released in winter of 2020. The Public Working Draft of the new Zoning Codes was released on May 18, 2020, and has been available for public comments. These comments will be worked into the Public Hearing Draft planned for release on March 1, 2022.

Hagemier and Dixon explained the Riparian Resource Protection rules that have been included in the updated Zoning Codes. The main goals of these rules are to protect both water quality and wildlife movement corridors. It establishes a Riparian Resource Protection Area (RRPA) that includes the first 50-foot measured horizontally from all rivers and streams. Additionally, a Riparian Resource Buffer (RRB) of varying distance is added onto RRPA to create the affected riparian mitigation zone. Streams have a minimum buffer ranging between 50 feet and 450 feet, with many having a 125-ft total affected riparian mitigation zone (75-ft buffer + 50-ft RRPA). For major streams with mapped channel migration zones (the Clark Fork and Bitterroot), the edge of the 2018/2019 channel shall be used for mapping the affected riparian mitigation zone. Where the Historic Migration Zone (HMZ) extends more than 50 feet beyond the RRPA, the HMZ shall be the limit of the RRB. If the HMZ edge falls within the RRPA, then the RRB 50 feet is added.

Hagemier and Dixon further clarified that within the RRPA no new construction would be allowed, wildlife friendly fencing would be required, and there would be no expansion of non-conforming use, no resource extraction, and no commercial storage or signage allowed. Within RRB, no new construction would be allowed and there would be limited expansion of non-conforming use and resource extraction with a permit. Traditional, low intensity agriculture (e.g., livestock grazing) would be allowed in both the RRPA and RRB and certain other exceptions to the riparian rules will be allowed. The new zoning codes call for consultation with the Conservation District regarding 310 Law permitting before a building permit would be issued.

Questions/Answers – Hagemeyer and Dixon answered questions from the CD Board and staff on the proposed Riparian Resource Zoning regulations. Specific questions included rules regarding storage of personal property (e.g. placement of junk or trash) in riparian areas and fencing requirements as they may affect agricultural fencing replacement/maintenance or the temporary protection of newly planted enhancement projects from wildlife browsing during their establishment phase.

Adjournment – 8:15 pm by general consensus

APPROVED