

Midway City Council  
1 February 2022  
Regular Meeting

Open Space Bond Funds /  
Small Parcels

# Memo



**Midway**

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Date: February 1, 2022  
To: Midway City Council  
From: Michael Henke  
Re: Proposed evaluation criteria for preserving small parcels

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The Midway Open Space Advisory Committee (OSAC) has recommended that the City Council approve the attached document. The proposed document describes and establishes evaluation criteria for consideration in recommending the use of Midway Open Space bond funds for small parcels (generally considered to be less than 20 acres).

OSAC is an advisory committee to the City Council and may make recommendations to the City Council regarding open space issues. In the OSAC meeting of January 5, 2022, the committee reviewed the attached document and then proposed a motion that was unanimously passed to recommend that the City Council approve the document.

To prepare the document, the OSAC formed a subcommittee to study the issue and create a draft document. The draft document was then reviewed and revised several times until it was recently recommended for approval. If the document is approved by the City Council, the OSAC will have better guidance and criteria when considering if open space bond funds should be used when reviewing applications to preserve small parcels.

Please contact me for any questions.

## **Proposed Evaluation Criteria for Consideration in Recommending use of Midway Open Space Bond Funds for Small Parcels (generally considered to be less than 20 acres)**

Open space lands may be preserved, enhanced and restored in order to maintain or improve the natural, scenic, ecological, cultural, hydrological, and/or geological values of the property. The Midway Open Space Advisory Committee (OSAC) considers a wide range of values, public benefits, and locations when making recommendations to the City Council for use of Midway Open Space Bond Funds. The Committee seeks to help protect open space on critical lands for the public and future generations. Small parcels, generally considered to be less than 20 acres, pose unique challenges. Unless smaller parcels fall within a specific use or category that makes them eligible for federal funds, foundation grants, or other sources of funds, it may be difficult to raise funds to leverage open space bond funds to purchase the development rights. Certified Land Trusts (CLTs) may be asked to spend significant amounts of time and resources trying to raise leveraging funds from individuals and other private sources. Add to these factors the cost of appraisals and legal work to place a conservation easement on the land and it becomes apparent that the per acre cost of preserving small parcels can be expensive. With these facts in mind, the OSAC must be creative and diligent in developing ways to preserve these important tracts of land.

**Threshold Criteria:** Small parcels should meet the following threshold criteria:

- The landowner is willing to enter into good faith negotiations with the City of Midway to explore ways to preserve the parcel.
- The project has open space conservation values as defined in the Midway General Plan.
- The title and ownership to the property appear clean and free of defect.

**Project Selection Criteria:** The Open Space Advisory Committee will consider the following criteria when making recommendations for use of open space bond funds for small parcels:

1. Cost: the terms of the acquisition will allow Midway to maximize its assets and leverage the Open Space Bond Funds through landowner donations, discounts, funding partnerships, and donations.

2. Community benefit: the project will be beneficial to local communities and/or Midway at large. Additional considerations include, but are not limited to:

- a. Does the property include trail connections or open spaces adjacent to or linking open spaces, natural areas, greenways and/or trails?
- b. Does the property meet an identified need for active or passive recreation?
- c. Does the property contain elements or attributes of known or potential historic or cultural significance?
- d. Does the property provide an opportunity to expand existing open space resources, such as parks, schools, conservation easements, or institutional or private open spaces?

- e. Does the property provide opportunity for green spaces that provide specific benefit(s) to the surrounding areas (e.g., flood control, community gardens, easements for public use or benefit, etc.)?
- f. Does the property provide visual relief (light, air, green space) from the developed surrounding environment? (e.g., gardens, tree stands, pasture lands, a visual break in rooftop development, etc.)
- g. Will the open space benefits be available to a neighborhood or area in Midway that is particularly deficient in open space?

3. Conservation: the project will protect wildlife and their habitats and/or protect the ecological health and function of lands within Midway and its annexation boundaries. Additional considerations include, but are not limited to:

- a. To what degree does the property provide for the protection of natural areas, habitat of native species, and maintain natural ecological processes?
- b. To what degree does the property provide for the protection of wetlands or natural drainage areas?

4. Human renewal: projects have scenic and aesthetic values and provide visual and aesthetic respite.

5. Connectivity: the project will add to the existing or planned open space system and enhance ecological, hydrological, and recreational vitality, and/or has other beneficial synergies with property outside the project boundaries.

6. Stewardship: the project will be protected in perpetuity by a conservation easement or other legal limitation on the use of the land and its open space conservation values will be preserved through good management and oversight, ideally by a Certified Land Trust.

7. Feasibility: the project is for land that is significantly in an undeveloped and natural state and will be maintained as such. As characterized above, the term "undeveloped" does not exclude from consideration land used and improved for farming, raising of animals or other agrarian purposes, manmade structures of historical significance, or structures which may contribute to or not detract from the rural nature and appeal of the property.

8. Hazards: does the project, its condition or history suggest or entail any hazards, potential liabilities, or negative consequences?

## Recommendations to Assist Implementation:

1. Solicit public involvement in identifying potential open spaces of import through continued public outreach. Consider utilizing formal survey or conduct Scenic Midway Photo Survey by inviting residents to submit digital photographs of scenic open and natural spaces that are important to them.

3. Use the information obtained from the above to Create a Comprehensive Open Space Plan identifying areas of interest and need and prioritization of parcels. Based on this information supplied by members of the public and/or private organizations, create and routinely update a Town-wide Inventory and Database of potential open spaces. GIS mapping may be suited to this purpose. Properties could be depicted on one or several maps reflecting the four open space design objectives identified in Chapter 10, i.e.,

- a. Parcels which preserve inter-city spaces (buffer zones).
- b. Parcels which preserve the unique character of Midway (rural feel).
- c. Parcels which provide “visual access” (openness, view corridors, etc.).
- d. Parcels which create public recreation venues.

4. Create and distribute a landowner information packet outlining options and procedures for donating and/or conserving land, including but not limited to: bequests, reserved life estates, deed restrictions, conservation easements, aggregation of individual land conservation opportunities to create and protect larger areas. See also Section 5 below.

5. Consider Supplements and Alternatives to Use of Bond Funds to conserve small parcels, including but not limited to:

- Grants
- Neighborhood Contributions (e.g., fundraising targeting neighboring landowners whose land use and/or land value is directly or indirectly benefitted by proximity to specific open space)
- Trail Funds
- Funding costs of placing a conservation easement
- Tax exemptions/preferential assessment. E.g., Greenbelt, Utah HB 390 (Urban Farming Assessment Act)
- Consider plan to maximize use of green spaces required as part of approved development projects in Midway.
- (Add results recommended by Michael Hencke’s Group)