

Midway City Council
17 January 2023
Work Meeting

Open Space /
Document Regarding
Small Parcels

Small Parcel Open Space

Purpose: Create an outline of the process for application, consideration, and approval of funding by Midway City, through the Open Space Bond(s), for preserving parcels that may not qualify for federal funds and/or IRS conservation easement deduction regulations. These will typically be smaller parcels that would not meet the conservation purposes test under IRS guidelines or meet the criteria established by federal and state land conservation programs but which nonetheless are considered by Open Space Advisory Committee (OSAC) to be valuable community open spaces. In these cases where, due in part to their size, outside funding sources may be scarce this process would provide protocols to seek City Council approval to protect these spaces that contribute to the character of Midway.

Background: The Midway City General Plan, through citizen input, continues to include open space as an important element of City land use. Midway City has successfully implemented a robust, permanent, consistent open space program as evidenced by the General Plan, Zoning and Land Use Goals and Objectives as well as the organization of the OSAC. Through various zoning ordinances and land use regulations, parks and trails planning, land gifts, and partnering with land preservation organizations, Midway City has preserved significant acreage. The preservation has included historic farmlands, sensitive lands, and view corridors.

Most of the parcels preserved to date have been larger in size. In addition to the preservation of large parcels, the Midway Open Space Committee has been tasked with evaluating applications from willing landowners of smaller parcels which may fulfill City objectives. This includes working with fundraising and nonprofit entities willing to work on various projects, advising City Council concerning these projects, and, when appropriate, identifying, with the help of the City Planner and Planning Committee, parcels which may be advantageous to the City's design objectives consistent with the General Plan.

The Midway Open Space Committee, informed by citizens, City staff, and City Council, recommends the City utilize a systematic process for identifying and acquiring small parcels important to the City's values, principles, and priorities set out in the Open Space Chapter of the General Plan. This will help the City fulfill

the four design objectives requiring use of open space tools, i.e., preserving inter-city space, preserving Midway's unique character, creating local neighborhood "openness", and providing public recreation venues.

Process:

1) Public Education

- a. As with the efforts to preserve larger parcels, the OSAC will develop and implement a public education effort to inform the citizens of Midway of the importance, the benefits, and the process for preserving open space.
- b. Communication with the citizens will be through numerous and varied sources, such as
 - i. Community meetings and information sessions;
 - ii. Mailings to property owners;
 - iii. Presentations at community group meetings;
 - iv. News releases
 - v. Information posted on online platforms;
 - vi. Information on the City's website.

2) Receipt of Notice of Interest (NOI)

- a. Interested landowner (L/O) submits an NOI to the OSAC.
- b. Upon receipt of NOI, the OSAC reviews the notice for completeness and invites L/O to a meeting to discuss process, explore options, and address any questions the L/O may have.
- c. OSAC reviews all materials submitted by the L/O to determine the following:
 - does it appear that the parcel will meet open space criteria and goals as outlined in the General Plan (see heading 5: Evaluation Criteria)?
 - does the L/O appear to have reasonable expectations regarding process, time frame, the value of the land preserved, the availability of and any restrictions upon the use of open space bond funds, etc.?

d. For parcels satisfying the above, OSAC puts L/O in contact with a Certified Land Trust (CLT) to determine if CLT will take the project and/or assist in applying for grants and seeking/raising additional funding sources.

i) If yes, the CLT will become the point of contact for the L/O and oversee the application using the same process as followed with larger parcels.

ii) If not, the OSAC will remain the point of contact with the L/O in exploring options for preserving the land in accordance with the General Plan. In so doing, the following principles will apply:

- All meetings with L/O must have at least two OSAC members present.

- OSAC and L/O will discuss with CLT an educated estimate conservation value or other appraisal (formal or informal) value for the property.

- OSAC and L/O may hold appropriately noticed meetings with neighbors to educate and solicit interest in joining application (if applicable) and/or contributing funds toward the preservation effort through a 501(c)(3) entity.

- OSAC will facilitate coordination between L/O and Preserve Midway and other community organizations that are willing to help with fundraising and/or other logistics.

3) With consideration of the information and options, L/O gives notice to OSAC to either a) discontinue pursuit of conservation, or b) provide intent to continue process of conservation and sign a Letter of Intent (LOI) with CLT.

Considerations for Smaller Parcel Open Space:

1) The property lines must be clearly established and uncontested.

2) The property ownership must be clearly established and uncontested.

3) L/O must make a clear, defined, and supported request for Open Space Bond funds, a/k/a "ask". OSAC cannot advise L/O regarding amount of request.

4) OSAC should encourage consolidation of multiple smaller parcels into one application.

5) OSAC will consider parcels such as sensitive lands that are currently protected from development by Midway's land use restrictions.

Evaluation Criteria

Midway Design Objectives based on General Plan

1) Preserve Inter-City Open Space

a) including separation between Midway and surrounding communities

b) separation between densities created by zoning, building density or both

2) Preserve Midway's Unique Character

a) preserve current agricultural areas as active agriculture (change in purpose will not eliminate parcel from consideration, e.g., grazing to farming/ hay to alternative cash crops including ones that take time to produce like orchards)

b) preserve agricultural buildings such as barns

c) preserve historical buildings

d) preserve Midway's natural water features including creeks, springs, ponds, and ditches

e) other unique aspects of property that reflect Midway's unique character and history

3) Create Local Neighborhood "Openness"

a) What class of road is property on – Collector, etc., and how heavily trafficked is the road?

b) Can it be seen from different locations around the community?

c) Does it preserve a view corridor?

d) Is it contiguous to other preserved open space including parks and sensitive lands?

e) Does it provide an open space break in an otherwise developed area?

f) Does the property's configuration amplify its benefit? e.g., long axis parallel to road)

4) Provide Public Benefit

a) Is L/O willing to grant public access?

b) Is property contiguous to existing or planned trail or park?

- Is it a missing link in a trail?

c) Is property used for flood control by Midway Irrigation Co.?

d) Does the property have any exceptional natural features as confirmed by a qualified expert?