

Midway City Council
21 September 2021
Regular Meeting

Vern Dickman Property /
Open Space



CITY COUNCIL MEETING STAFF REPORT

DATE OF MEETING: September 21, 2021

NAME OF PROJECT: Cemetery Ridge

NAME OF APPLICANT: Utah Open Lands

ACREAGE: 67.48 acres

LOCATION OF PROPERTY: Approximately 1050 West 500 South

ZONING DESIGNATION: RA-1-43

ITEM: 7

Utah Open Lands is proposing to place a conservation easement on an area of land owned by Dickman Knoll 67 LLC within Midway city limits. Utah Open Lands is the certified land trust acting on behalf of the Dickman Knoll 67 LLC. This project has previously been discussed by the Midway Open Space Committee. The property is described below.

- a. Cemetery Ridge contains 67.48 acres (parcel 00-0006-4415 42.83 acres, parcel 00-0006-5891 24.65 acres) and is located at approximately 1050 West and 500 South. The property has been in the City limits for decades and is one of the few large areas of foothill area in Midway. The property is visible from almost all Midway and any development on the property would impact views for the entire City. There is a public trail planned on the City's master trail map across the property along an old ditch that has been used by hikers and equestrians for years. A trailhead could be located on the end of

500 South will be something the City should consider that would create better public access to the property. The proposed conservation easement will not allow for any residential development on the property and will guarantee public access in perpetuity. Initially Utah Open Lands will purchase the property but it's possible that Midway or some other entity will own the property after the conservation easement has been recorded.

- b. Utah Open Lands is hereby requesting up to a \$500,000 contribution to Cemetery Ridge from the Midway Open Space Bond.

BACKGROUND:

In November 2018, Midway residents passed a \$5,000,000 open space bond. An Open Space Advisory Committee was created and criteria for the allocation of open space bond funds was established based on the 2017 Midway General Plan Open Space Element and the language in the open space bond proposal that was approved by Midway City voters.

These proposed easement meets the required criteria as noted below.

The application complies with the Open Space element as follows:

Vision

“The Community Vision Statement sets a goal for Midway “to be a beautiful, organized small town community based on its distinct history of agriculture, open space and recreation”. (Goal 1, Community vision Goals and Guidelines). Guideline 5 seeks to implement this goal by “Encouraging the preservation of prime agricultural land and open space within Midway and the surrounding valley”.

Utah Open Space meets these goals in the following ways:

- *Open Space Preservation of these parcels preserves scenic view sheds from Midway and the Heber Valley.*
- *Formalizing the conservation easement guarantees that the public will continue to enjoy access to property with its incredible views of the entire Heber Valley.*
- *Providing a trailhead at the end of 500 South will provide access to the ditch trail. Potentially adding parking at this location will also provide a convenient location for hikers and horseback riders to begin their activities. Picnic tables and other amenities could enhance the public experience.*
- *The property could be used for grazing if Utah Open lands and Midway feels this is an appropriate use.*

Effective Open Space Use

The Open Space Element cites four design objectives requiring use of open space tools. They are; preserving Inter-City Space, Preserve Midway’s Unique Character, Create Local Neighborhood “Openness”, and Providing Public Recreation Venues.

In addition to the citations mentioned above, the proposal meets the design guidelines by

- *The proposal also furthers local neighborhood "Openness" by preserving significant viewsheds.*
- *The proposal, through the dedication and preservation of a public access trail provides an opportunity for the public to hike, bike, ride horses on a hill with an incredible view of the valley.*
- *Through the trailhead, benches, and potential other amenities, the proposed open space provides passive recreation venues.*
- *The property is zoned RA-1-43, the Midway City Development Code allows for planned unit developments (most likely not a possibility on this property), standard subdivisions, rural preservation subdivisions, and density reduction subdivisions (a full analysis of the property would need to be conducted to know with certainty what types of developments would comply with requirements and could be developed on the property).*
- *These proposed conservation easements are also home to many varieties of birds, game, and wildlife.*

Identifying and Acquiring Open Space

"Open space acquisition or preservation proposals must be evaluated with the benefit of the citizens of Midway in mind."

- *Acquisition of a conservation easement on Cemetery Ridge meets Midway's goal of a large, potentially publicly owned open space area on western boundary of the City. It will be used potentially as a trailhead and will provide trail access to the public all while eliminating development potential.*
- *The walking path along the ditch is regularly used by horseback riders, hikers, bikers, and others.*

Identifying and Acquiring Open Space

"Where possible and practical, the City will work with other organizations, agencies, groups, and individuals who will share the costs of open space preservation projects."

The proposed Cemetery Ridge conservation easement meet these objectives by:

- *Utah Open Lands plans to explore all leveraging options available. They plan to petition Wasatch County for open space bond funds. Federal options, state options, and private options will all be explored.*

ANALYSIS:

This project complies with the vision and goals of the Open Space Element of the Midway General Plan. In addition, the generous donation of the conservation easement on Cemetery Ridge enables Midway to preserve over 67 acres for up to \$500,000.

OPEN SPACE COMMITTEE RECOMMENDATION:

Motion to Recommend Approval of the proposed petition.

After extensive discussion of the details of the proposal in the Midway Open Space Committee meeting held on September 15, 2021, the following motion was made, seconded, and unanimously adopted by the Committee. The committee made a recommendation early in the process because the property owner is eager to sell the property which creates time constraints on the review process. The motion is as follows:

“The Midway City Open Space Advisory Committee recommends to the City Council that the Council approve open space bond funds to put towards the conservation of Cemetery Ridge based on the following conditions:

- Recommend up to \$500,000 of open space bond money be allocated towards securing a conservation easement on Cemetery Ridge.
- Midway City’s contribution will be “the last dollars” used to complete the total contribution requirement meaning the total required from the City could be less than \$500,000.
- Title to the land will be held by Utah Open Lands but could be deeded to the City or other entity once the conservation is recorded.
- The conservation easement must be held by Utah Open Lands.
- Public access shall be guaranteed on the property.
- Midway’s open space contribution is subject to an appraisal of value of the property.

POSSIBLE FINDINGS:

- This proposal is consistent with the vision of the Open Space Element of the General Plan.
- Preservation of Cemetery Ridge meets the goals of the Midway Open Space element of the General Plan by preserving scenic viewsheds, providing public access along the foothills, conserving open space, and providing a potential trailhead.
- In addition, preservation of these 67 acres will extinguish all potential development of the property.
- The Midway City Open Space Committee has recommended that the Midway City Council allocate up to \$500,000 to this project.
- Kem Gardner has agreed to donate up to \$1,000,000 towards the conservation easement.

ALTERNATIVE ACTIONS:

- 1. Approval. This action can be taken if the City Council finds the proposal is acceptable and in the best interest of the community.
 - a. Accept staff report
 - b. List accepted findings
 - c. Place condition(s)

- 2. Continuance. This action can be taken if the City Council finds there are unresolved issues.
 - a. Accept staff report
 - b. List accepted findings
 - c. Reasons for continuance
 - i. Unresolved issues that must be addressed
 - d. Date when the item will be heard again

- 3. Denial. This action can be taken if the City Council finds that the request is not acceptable and not in the best interest of the community.
 - a. Accept staff report
 - b. List accepted findings
 - c. Reasons for denial

Midway Open Space Committee
Application
Dickman Property

In the General Plan, Chapter 10: Open Space, contains four open space design objectives; three are specifically focused on open land preservation that contemplates expenditure of open space bond funds. PRESERVE INTER-CITY SPACE Today Heber Valley-wide views – such as seen driving into the valley – provide a clear sense of separate cities: Midway, Heber, Charleston. These are connected only by expanses of “ruralness”/agriculture. As seen in many places – Wasatch front in particular – cities tend to “sprawl” together into a single urban mass. As one of the fastest growing counties in the USA, Wasatch is certainly susceptible to this. Preserving Midway City’s unique rural setting in relation to other population centers in the Heber Valley might involve, for example, acquisition of non development buffer zones in strategically located places. These buffer zones will preclude the urban sprawl that could turn Midway into an undifferentiated collection of rooftops in an ever-expanding asphalt and concrete landscape.

Please provide your assessment on the ways your project matches the above design objective. (Among other factors you consider relevant, please consider the size and location of the land and describe how it will further the goal of precluding “urban sprawl.” Is it adjacent to other open land that enhances your land’s use as a buffer? What specific urban centers does your land “buffer” if preserved as open space? What sort of development do you foresee overtaking your land if it is not preserved?)

The visual value of this property alone supports the sense of rural character that Midway seeks to protect. It includes a hillside, which is prominent and visible from several vantage points in Midway, including from Midway’s main street. The property is adjacent to Wasatch Mtn State Park as well as the Gardner Family Snake Creek Preserve which is pending preservation but has already been approved by the Midway City Council and the Midway Open Space committee.

PRESERVE MIDWAY’S UNIQUE CHARACTER Midway City has a multi-faceted character, including clearly rural older areas, and newer developments with typical suburban character. The historic rural areas provide the city with a unique character / atmosphere, supported by readily visible in-town agriculture (cow & pasture ambiance), country-feel roads (grassy shoulders, open ditches), in-town barns and other historic buildings, etc. Preserving this character may require not only acquisition of selected in-town open space currently in agricultural use but may also require city code and planning support. Unlike the concept of buffer zones to counter urban sprawl, this objective focuses on potentially noncontiguous areas where this unique character is readily visible and is intended to prevent its destruction from further development.

Please provide your assessment on the ways your project matches the above design objective: (Consider historic structures or barns, “in-town agriculture”, leverage of adjacent properties to create larger open space, etc.)

Nothing says the west like a rugged rural hillside of sagebrush. Sagebrush hillsides like Burgi Hill are the backdrop to the emerald, green pastures dotted with cows and horses. The Dickman property provides that similar character of western sage and the rural ambience would be impaired if this highly visible hillside became the site of homes instead.

PROVIDE PUBLIC RECREATION VENUES This objective primarily focuses on parks, trails, and outdoor recreational or athletic venues. A separate chapter in the General Plan addresses these. They are included here in acknowledgement of their importance in an overall open space plan, and the potential use of open space public debt financing in their acquisition / construction.

Please provide your assessment on the ways your project matches the above design objective, if applicable: (Do you envision public access to your land? If so, to what degree, and what use do you contemplate as the public use? Please address whether your proposed project would provide trail easements.)

Though current public use of the property might be considered trespass the intention is to incorporate appropriate horse trails and hiking trails into the eventual conservation easement document to allow for trail use. It will be important to ensure that trail development and use is thoughtful in terms of degrees of use, and potential visual impairment that could occur from poorly planned trails creating scars on the hillside. Additionally, incorporating a noninvasive trailhead on the southern boundary.

In the General Plan, Chapter 10: Open Space, indicates the intent to “leverage” Midway bond funds to maximum extent possible. Leveraging and Partnerships: Where possible and practical, the City will work with other organizations, agencies, groups, and individuals who will share the costs of open space preservation projects. Important evaluation criteria will be 1) an assessment of the value of your property’s development rights from a Certified Land Appraiser, and 2) the percent of that appraised value that would be covered by sources other than Midway City. Certified Land Trusts (CLT) will provide great assistance with these issues.

With which CLTs are you currently speaking in regard to project funding; with which do you anticipate speaking? May we contact them regarding your project?

There is a current offer on the property which would support a purchase price of \$1,500,000; however, this will still need to be verified by a qualified appraisal. The landowners are currently working with Utah Open Lands and this organization has been working to secure independent funding and to take this property through the process for funding with numerous agencies. The goal would be that no more than 25% of the funding would come from Midway.

An important aspect of open space preservation is that it be maintained generally in its current use/condition. Easements require this by contract. Please provide your view on how this maintenance would be provided.

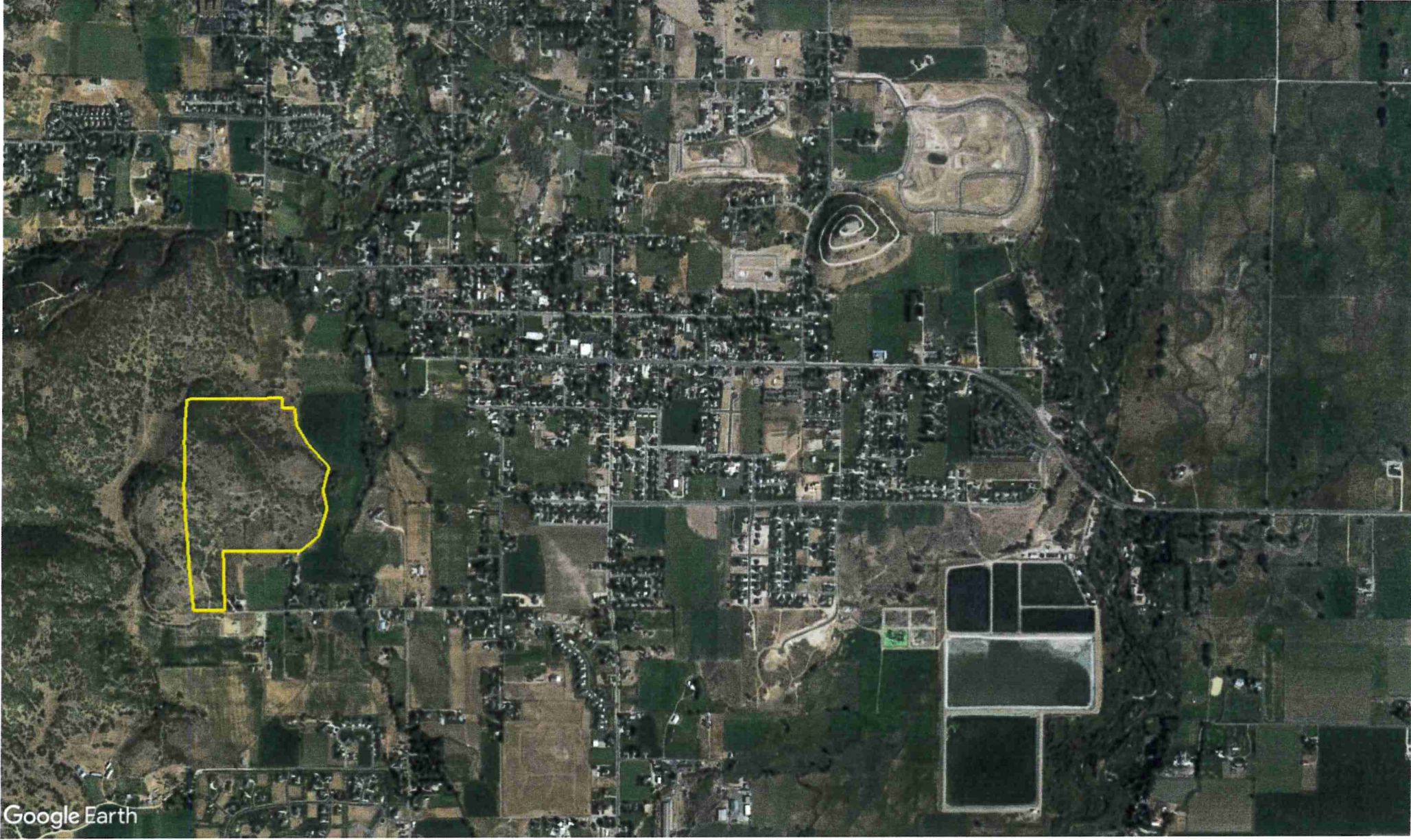
(Please address permanently available water rights associated with the land; who would provide maintenance; can manpower and other costs of maintenance be reasonably sustained over the long term; your willingness to negotiate a maintenance contract, etc. The CLT can be of assistance with these items.)

This property would be maintained in the same manner it is today

What other collateral benefits accrue to Midway from this project? (Consider wildlife habitat, contiguous with other open space, public education, surface water management, etc.)

There are additional benefits that accrue to Midway from the protection of the property. Because it is adjacent to a large amount of open space, Wasatch Mtn State Park Being over 20,000 acres, this property provides contiguous habitat. This type of habitat also functions as winter range for many species of big game animals including moose, deer and elk.

Please describe any special conditions or reserved rights you are seeking with respect to this project (Such as zoning variance, use permits, density reduction, etc.



Google Earth

