

Midway City Council  
16 January 2024  
Regular Meeting

Heart of Midway Properties /  
Open Space



**CITY COUNCIL MEETING STAFF REPORT**

**DATE OF MEETING:** January 16, 2024

**AGENDA ITEM:** Open Space Bond Funding Request

**NAME OF PROJECT:** Heart of Midway Project

**PROPERTY OWNERS:** Sheila Probst Siggard Trust, Kerry Dean Siggard Trust, Ringo Ranch LLC (Shelton), Andrew Stephens Larson, Connie Rodick Kohler Trust

**NAME OF APPLICANT:** Utah Open Lands

**LOCATION OF ITEM:** Multiple parcels north of 250 N and west of North Center Street in Midway as depicted on the attached map.

**ITEM: 9**

Utah Open Lands, on behalf of the following property owners: Sheila Probst Siggard Trust & Kerry Dean Siggard Trust (Siggards – approximately 7.53 acres), Ringo Ranch LLC (Shelton – approximately 7.09 acres), Andrew Stephens Larson (Larson - approximately 3.4 acres), Connie Rodick Kohler Trust (Kohler – approximately 2.4 acres), is requesting \$250,000 from the Midway Open Space Bond to help fund a conservation easement on the above parcels comprising approximately 17.48 owned by the above owners and located generally north of 250 N and west of North Center Street in Midway, as more specifically depicted on the attached map.

## **BACKGROUND:**

In November of 2018, Midway residents passed a 5-million-dollar open space bond. An Open Space Advisory Committee was created, criteria for participation were established based on the 2017 Midway General Plan Open Space Element, and property owners were encouraged to submit a ‘Notice of Interest’ and subsequent ‘Landowner’s Perspective’ indicating how the property meets the Midway Open Space Criteria listed in the General Plan.

The Heart of Midway Project is the seventh (Kohler, Gardner, Mtn Spa, Dickman, Lundin, and Christian Michel) project to be forwarded to the City Council by the Open Space Advisory Committee. The total project encompasses approximately 17.5 acres, as shown on the attached map. All the property lies within Midway City limits and may be considered for funding. The conservation easement estimate is \$5,238,586, but one owner (Larson) has agreed to contribute the full value of his conservation easement on his 3.4 acres and the remaining landowners have agreed to a 25% contribution. After reduction for these contributions, the remaining purchase price for the conservation easement is estimated at \$3,143,152. The applicants, through their representative, Utah Open Lands, Wendy Fisher, have met with the Open Space Advisory Committee several times and clarified the following information as described in the Project Summary submitted by Utah Open Lands:

*“The Heart of Midway Project brings together four separate yet contiguous landowners to create connectivity of open space to safeguard over 20 acres in the central heart of the City of Midway. These landowners combined in their commitment to community and to the connected nature of their individual properties for the greater vision of open space includes a commitment from each landowner to make at least a 25% contribution of value and one landowner’s willingness to contribute 100% of the value of the conservation easement.*

*The connected nature of these landscapes provide for the protection of significant views off of one of Midways major public roadways, center street. The open meadows of the property immediately adjacent to Center Street combined with the rolling rising slope of the Probst property creates a views cape which is often the subject of paintings. The open space policies of Midway City are furthered by having a connected interior open space that provides relief from increasing subdivision and development. These properties also border rural preservation zones further increasing the sense of open relief. Wildlife, such as deer, increasingly rely on these open areas for winter foraging options. A final conservation value is the potential for trail connectivity and enhancing any roadside trail experiences, by having open pastoral views adjacent to separated bike path within the roadway buffers”.*

The Midway Open Space Advisory Committee (OSAC) supports (please see further in this report the motion and findings from the OSAC) this application finding it meets the criteria of the Open Space Element of the General Plan, as noted below. The Committee views the Heart of Midway Project as the poster child example of how small parcels can be joined through owner cooperation to create a sum greater than its component parts which benefits all of Midway, particularly in this case due to the Project's central location and iconic viewsheds and historic use.

The application complies with Midway's General Plan 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".

The Heart of Midway Property meets these goals in the following ways:

- *Preservation of the 17.5-acre Heart of Midway Project preserves scenic viewsheds along the Wasatch Mountains along a central collector road in the middle of Midway. This includes open meadows as well as rising slopes with views of the historic Central Mound and red barn. The viewscape, which is the subject of paintings, is pure Midway.*
- *The Project includes grazing fields for cows. The Project abuts the Probst Farm, the open space for the Farm Springs Subdivision, and the property of Michael Probst. The lands of Shelton are currently under greenbelt protection. Utah Open Lands advises the properties will remain in their current use, although applicant Larson intends to build one home on his property.*
- *The property includes habitat values, expands upon existing open space reserves as set forth above, and contributes substantially to scenic open space values for Midway City, to drivers, pedestrians, bikers, and other active transportation enthusiasts.*

#### Effective Open Space Use

The Open Space Element cites four design objectives requiring use of open space tools: 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 Heart of Midway Project meets these objectives by:

- *The Shelton fields provide grazing lands for Kohler cattle and fall under greenbelt protection.*
- *The properties are contiguous and located "in the heart of Midway" along North Center Street. Properties in all directions have been developed for residential housing. Preservation of this collective would create not only a "local*

- neighborhood openness”, but a “central city openness” that is rare to find in the heart of a City.*
- *The property has views of the Wasatch Mountains as well as Snake Creek canyon. The historic Central Mound on the Siggard parcel, site of the red barn, is one of the higher elevations in the heart of the City. The scenic views, including the red barn, are historic and iconic to Midway.*
  - *The properties are located on or near a central street, namely Center Street, a main north south collector road in the City.*
  - *Should this land be developed for residential purposes, as many as thirty (30) single family homes or multi-family as part of a Planned Unit Development potentially could be constructed on the buildable areas of the 17.5 acres located in the heart of Midway, adding significantly to the density, infrastructure requirements, and demand for City/County services.*
  - *In addition to the use of the land by livestock, this property serves as a significant wildlife habitat, providing nesting locations for various birds, safe locations for deer and elk to graze, ditches and ponds for muskrat, beaver and ducks, and passage for many other species of 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.”

- *Because of the location along the Center Street collector corridor, this property is a prime view corridor for residents and visitors, many of whom traverse this road daily.*
- *The views from North Center Street over the Sheltons’ fields and the Siggards’ red barn contribute materially to Midway’s rural atmosphere and reputation as an attractive tourist destination, an important part of our local economy.*
- *The continued operation of the property for agriculture/grazing purposes provides economic benefits to Midway and its citizens. Losing this area to development will result in a permanent and significant loss of an important aspect of the Valley’s legacy.*
- *Because of the location, the properties are seen from multiple vantage points in Midway and by residents and visitors whether traveling by car, bicycle, foot, or other form of transportation.*

#### 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 Heart of Midway Project meets these objectives by:

- *Owners have worked collectively and collaboratively with Utah Open Lands and each other and have signed or will sign a purchase agreement with Utah Open Lands committing to sell the development rights for approximately 17.5 acres of*

- property. Each owner is making a contribution of 25% toward the cost of the easement, and in the case of Larson, a 100% contribution (although Larson intends to construct one residence on his 3.4 acres).*
- *The estimated purchase price of the conservation easement for the conservation easement estimate is \$5,238,586, but one owner (Larson) has agreed to contribute the full value of his conservation easement on his 3.4 acres and the remaining landowners have agreed to a 25% contribution. After reduction for these contributions, the remaining purchase price for the conservation easement is estimated at \$3,143,152. Utah Open Lands is pursuing/intends to pursue funds from private sources, future bond(s) if passed, and any other applicable sources.*
  - *Utah Open Lands is also applying for grants from various private foundations and will host several community fund-raising events.*
  - *The Heart of Midway Project is a great example of collaboration and may encourage other small parcels to work together.*

**ANALYSIS:**

- After several thorough discussions, the Midway Open Space Advisory Committee voted unanimously to recommend that the Midway City Council commit \$250,000 of the Open Space Bond to the Heart of Midway Project. The committee strongly believes that this project meets many of the criteria of the Open Space Bond and represents significant view corridors, green space and agricultural use that is important for our community to preserve as noted above. The Open Space Committee recognizes that the \$250,000 in funds requested at this time is only a small percentage of the purchase price of the conservation easement but understands that this commitment falls within the limited Midway City bond funds remaining and that this commitment from Midway City will assist Utah Open Lands in applying for other funding, public and/or private, thereby leveraging the Bond proceeds to maximize Midway's contribution.
- There are Midway Irrigation Company shares on the properties within the project. These shares need to be identified, made part of any agreement, and dedicated to the City of Midway so they remain attached to the respective properties.
- The Midway Master Trail Map shows a trail along Center Street. Currently, the City is planning to build a trail in the Center Street right-of-way. A trail easement could be considered along the Center Street frontage of the properties in the proposed conservation easement. In discussions with the property owners regarding the trail, one of the property owners has resisted agreeing to a public trail easement along the Center Street right-of-way. A public trail easement has been discussed by the Siggards along the west boundary of their property. Currently, there is not a north or south connection to where the trail easement would be located but future opportunities may present themselves. The City could secure language in the conservation easement for a public trail easement along the western boundary of the Siggard property that may be used in the future.

## **OPEN SPACE ADVISORY COMMITTEE RECOMMENDATION:**

At its regularly scheduled meeting held December 6, 2023, the Open Space Advisory Committee entertained a request from Utah Open Lands, on behalf of the Heart of Midway Project, to recommend the City Council authorize expenditure of \$250,000 from the Midway Open Space Bond funds toward placement of a conservation easement on approximately 17.5+/- acres of land on multiple parcels owned by Sheila Probst Siggard Trust & Kerry Dean Siggard Trust (Siggards – approximately 7.53 acres), Ringo Ranch LLC (Sheltons – approximately 7.09 acres), Andrew Stephens Larson (Larson - approximately 3.4 acres), Connie Rodick Kohler Trust (Kohler – approximately 2.4 acres) and located generally north of 250 N and west of North Center Street, with estimated conservation easement appraisal value of \$3,143,152, which includes a 100% donation by property owner Larson and a 25% donation by the remaining property owners.

A motion was made and seconded, and the Open Space Advisory Committee unanimously approved the motion to recommend that the City Council allocate \$250,000 of the Midway Open Space Bond Funds toward this project.

The Committee views the Heart of Midway Project as the poster child example of how small parcels can be joined through owner cooperation to create a sum greater than its component parts which benefits all of Midway, particularly in this case due to its central location and historic/iconic viewsheds.

## **POSSIBLE FINDINGS:**

- This project and funding are consistent with the vision of the Open Space Element of the General Plan.
- The \$250,000 in funds requested at this time is a relatively small percentage of the purchase price of the conservation easement but falls within the limited Midway City bond funds remaining, and Utah Open Lands advises that this commitment from Midway City will assist Utah Open Lands in applying for applicable public and private funds, thereby leveraging the Bond proceeds to maximize Midway's contribution.
- The properties comprising the project lie completely within Midway City and are subject to funding. The properties are contiguous and located “in the heart of Midway” along North Center Street. Preservation of this collective would create not only a “local neighborhood openness”, but a “central city openness” that is rare to find in the heart of a City.

- The property has views of the Wasatch Mountains as well as Snake Creek Canyon. The historic Central Mound on the Siggard property, site of the red barn, is one of the higher elevations in the heart of the City. The scenic views and views of the red barn are historic and iconic to Midway.
- The property is located on a central street, namely Center Street, a main north south collector road in the City.
- In addition to the use of the land by livestock, this property serves as a significant wildlife habitat, providing nesting locations for various birds, safe locations for deer and elk to graze, ditches and ponds for muskrat, beaver and ducks, and passage for many other species of wildlife.
- The properties include grazing fields for cows and abut the Probst Farm, the open space for the Farm Springs Subdivision, and the property of Michael Probst. The lands of Shelton are currently under greenbelt protection. Utah Open Lands represents the property will remain in its current use, although applicant Larson intends to build one home on his property.
- The continuation of important agricultural/livestock grazing are an added benefit.

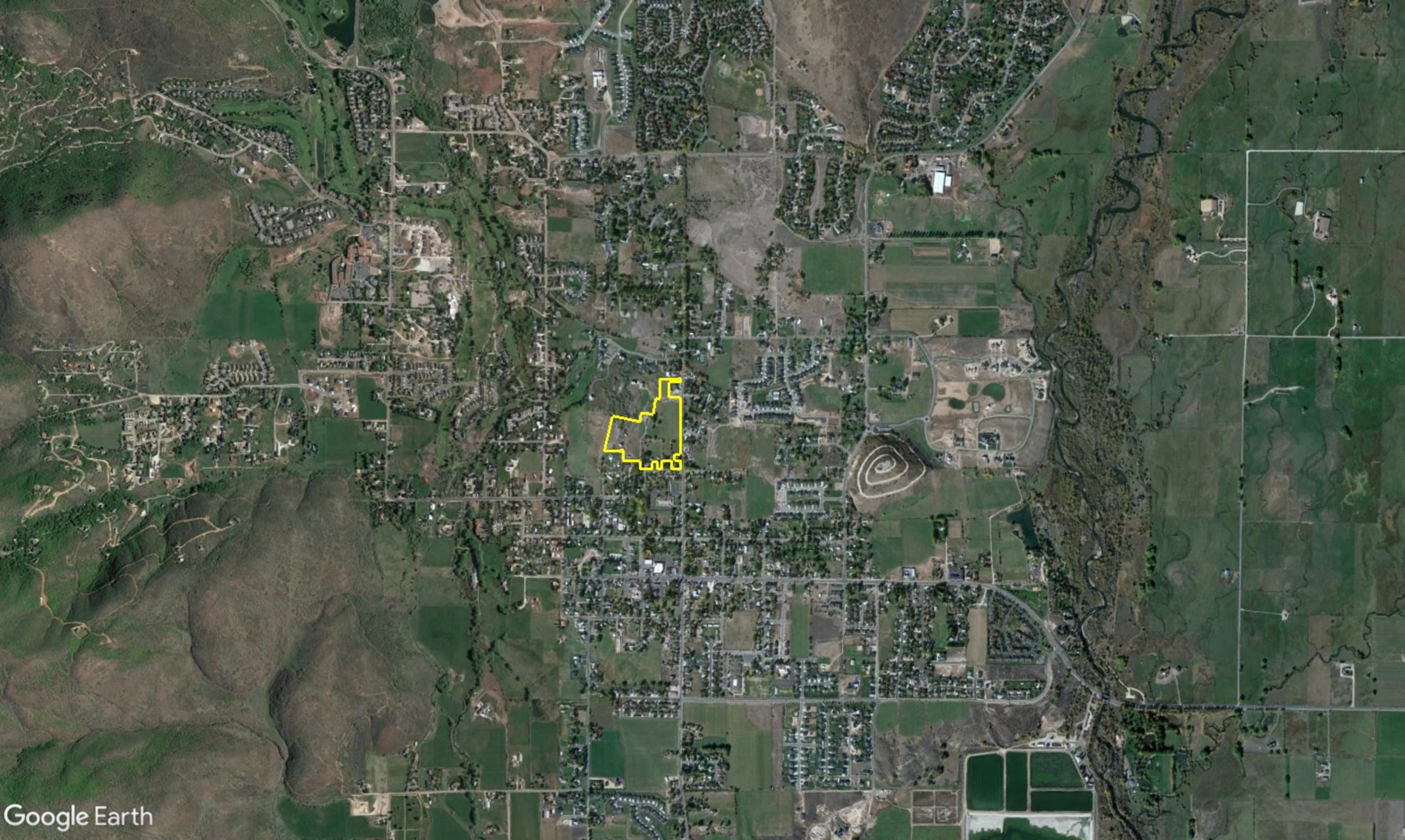
**ALTERNATIVE ACTIONS:**

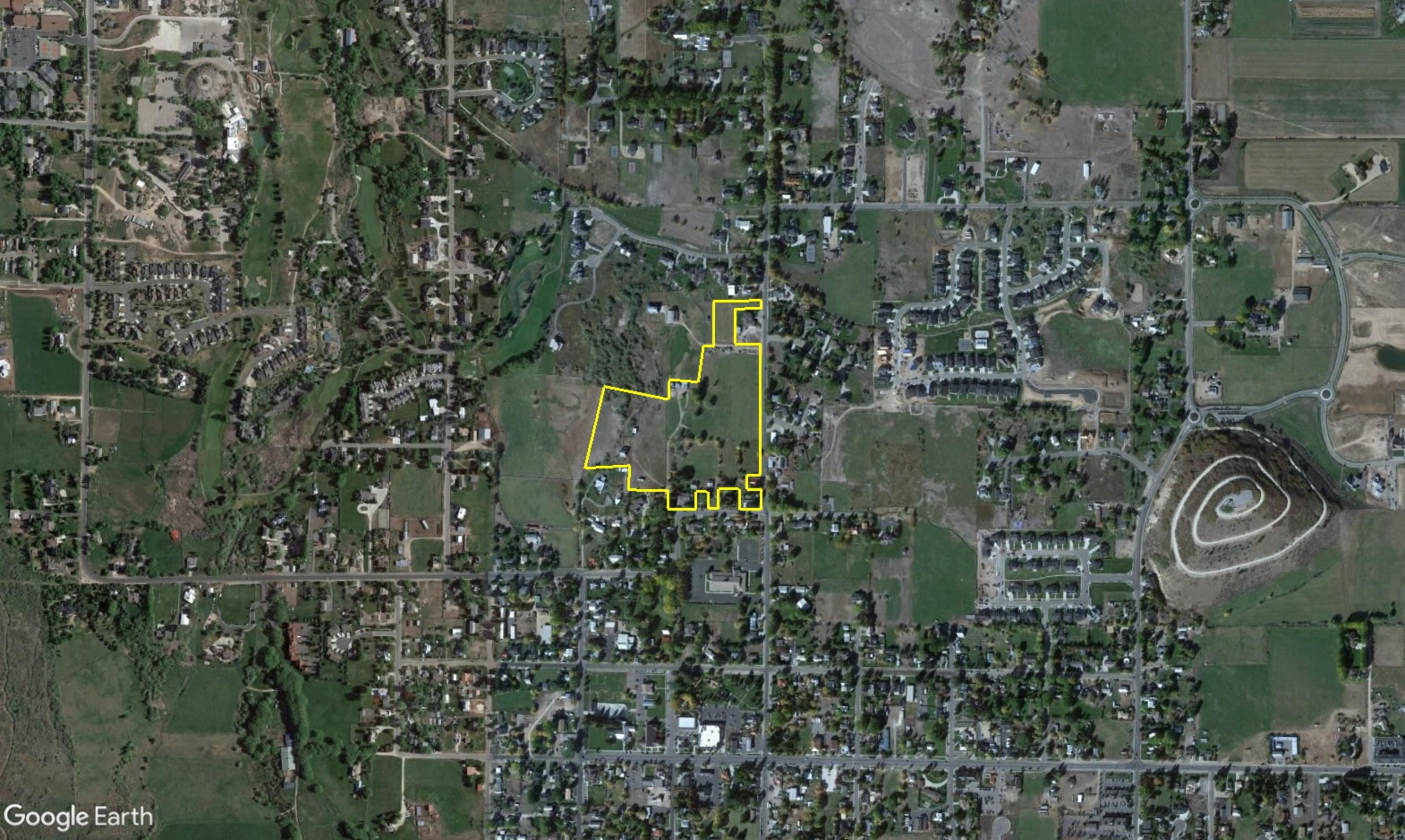
1. Approval. This action can be taken if the City Council finds the proposal is acceptable and in the best interest of the community.
  - a. Accept staff report
  - b. List accepted findings
  - c. Place condition(s)
2. Continuance. This action can be taken if the City Council finds there are unresolved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

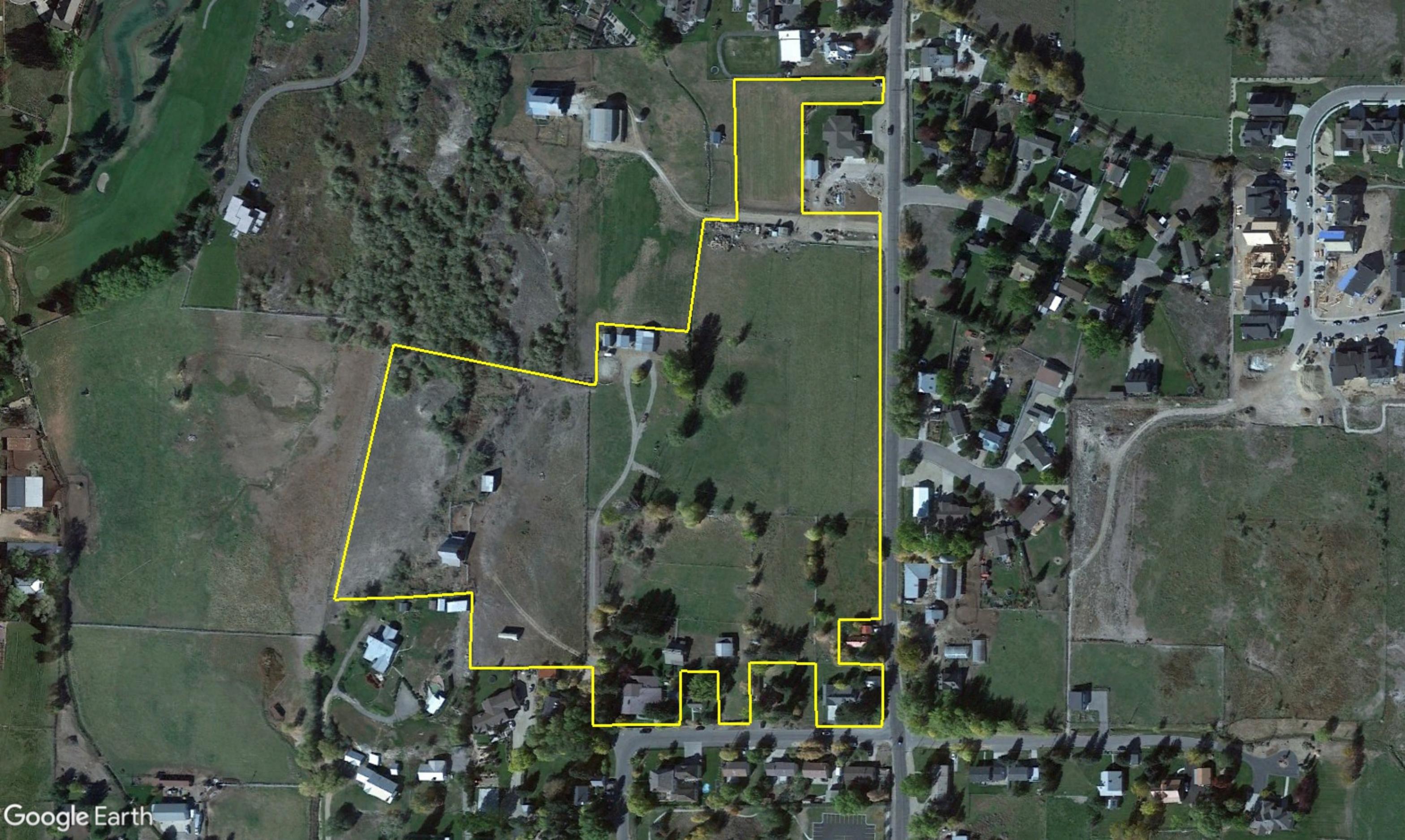
3. Denial. This action can be taken if the City Council finds that the request is not acceptable and not in the best interest of the community.
  - a. Accept staff report
  - b. List accepted findings
  - c. Reasons for denial

**PROPOSED CONDITIONS:**

1. There are Midway Irrigation Company shares on the properties within the project. These shares need to be identified, made part of any agreement, and dedicated to the City of Midway so they remain attached to the respective properties.
2. Public trail easements are clarified before approval.
3. The Applicants have requested Midway's Support through its Open Bond funds in the amount of \$250,000 to assist in applying for other funding sources but also considering the possibility of a future bond and a subsequent request. As a condition of any funding, there should be a time limit or procedure for releasing the \$250,000 commitment in bond funds in the event the City does not pursue additional bond funding and/or if a vote on an additional bond is unsuccessful and/or in the event the parties do not reach an agreement on future funding.







## Midway Open Space Fund Request

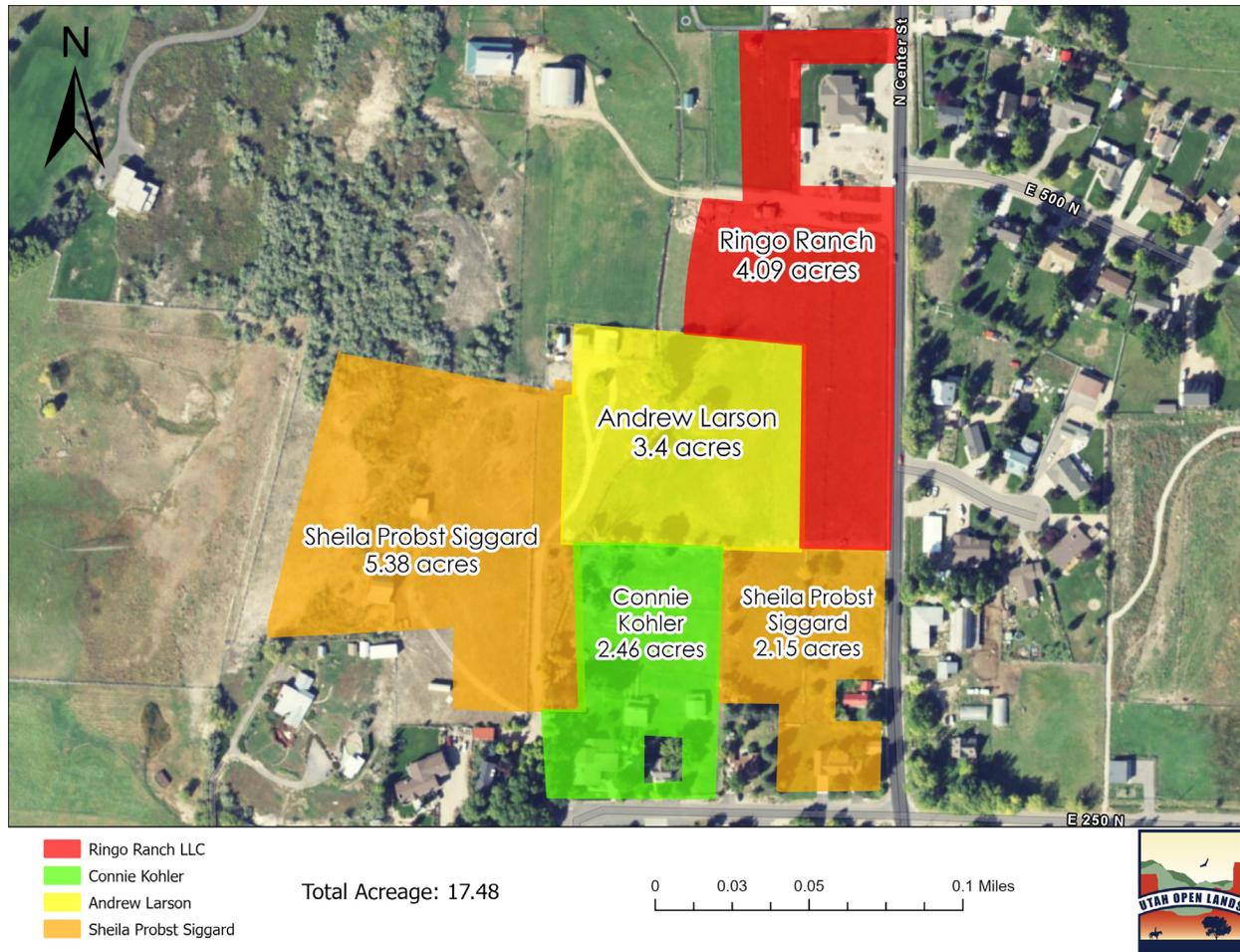
### **Heart of Midway Project**

**Request:** \$250,000

**Total Cost:** \$5,238,586 (conservation easement estimate)

**Landowner Contributions:** minimum of 25% maximum 100%

**Project Cost:** Estimate based on Restricted use appraisal \$3,143,152 (\$5,238,586-1047717(100% of 3.4 acres - 1047717 (25% of remaining acres))



**Project Summary:** The Heart of Midway Project brings together four separate yet contiguous landowners to create connectivity of open space to safeguard over 20 acres in the central heart of the City of Midway. These landowners combined in their commitment to community and to the connected nature of their individual properties for the greater vision of open space includes a commitment from each landowner to make at least a 25% contribution of value and one landowner's willingness to contribute 100% of the value of the conservation easement.

**Conservation Values:** The connected nature of these landscapes provide for the protection of significant views off of one of Midways major public roadways, center street. The open meadows of the property immediately adjacent to Center Street combined with the rolling rising

slope of the Probst property creates a views cape which is often the subject of paintings. The open space policies of Midway City are furthered by having a connected interior open space that provides relief from increasing subdivision and development. These properties also border rural preservation zones further increasing the sense of open relief. Wildlife, such as deer, increasingly rely on these open areas for winter foraging options. A final conservation value is the potential for trail connectivity and enhancing any roadside trail experiences, by having open pastoral views adjacent to separated bike path within the roadway buffers.

### **Christian Michel Project**

**Request:** \$250,000

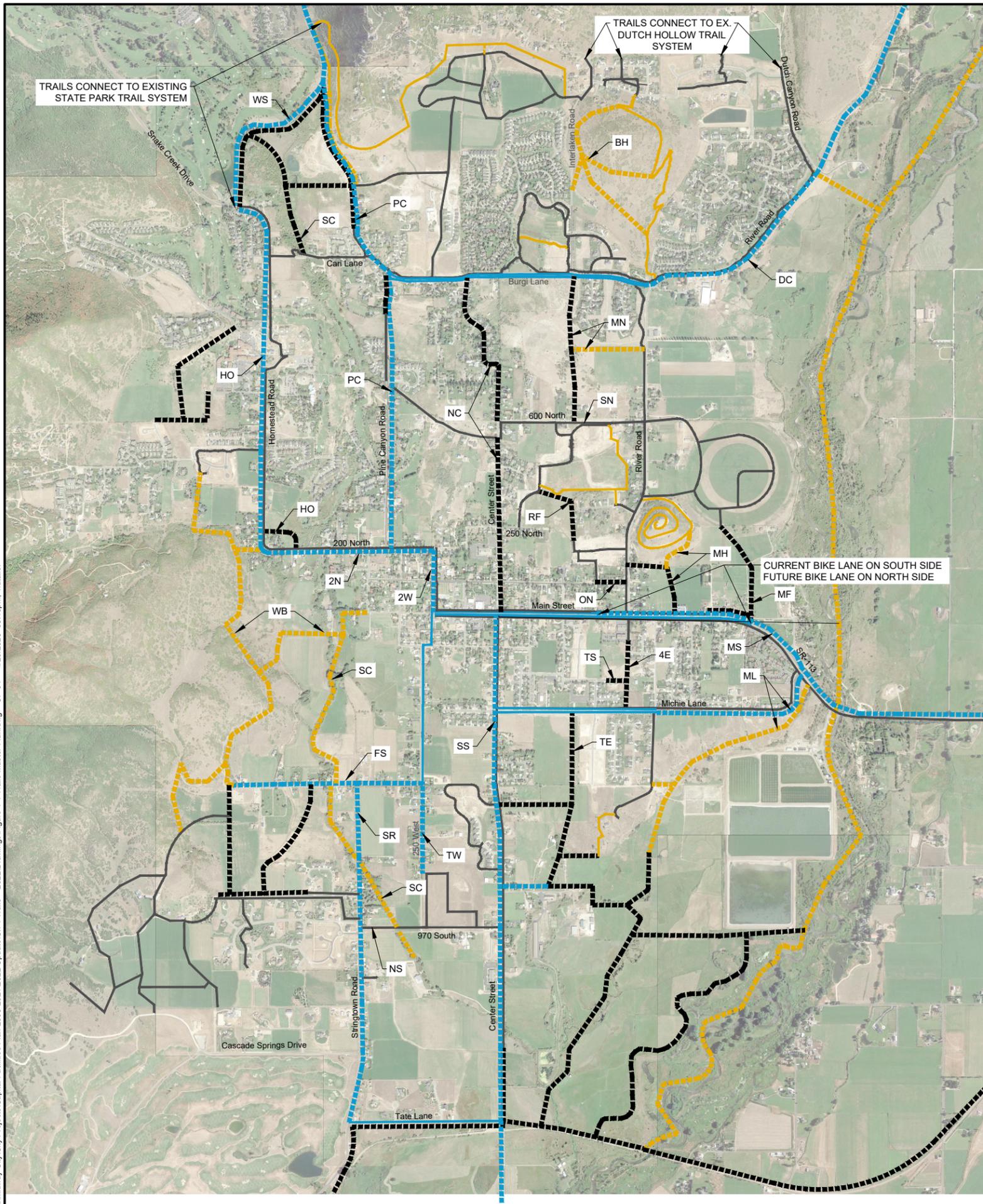
**Total Cost:** \$5,500,000 Estimated value of conservation easement not fee title

**Landowner Contribution:** 25%

**Project Cost:** \$4,000,000 Estimated value

**Project Summary:** Preserving the Christian Michel Property expands on already protected open space on what is arguably one of Midway City's main entry corridors, River Road. Adjacent to the Albert Kohler Legacy Preserve the Michel property sustains a pastoral open space view from a main artery into town. At approximately 44 acres the property includes some alfalfa fields, pastures and raises black angus beef. The landowning family represented by Jeff Kissel are eligible for funding from NRCS ACEP program and Utah Open Lands has submitted an application for this project to NRCS as of November 2023.

H:\Midway City\City Projects\Captial Facilities Plan 2009-2021\2022 Update\CH 4 Trails - 2022\Drawings\Figure 4-1 Trails Master Plan.dwg - CP-01 - 4/20/2023 03:48pm natalier



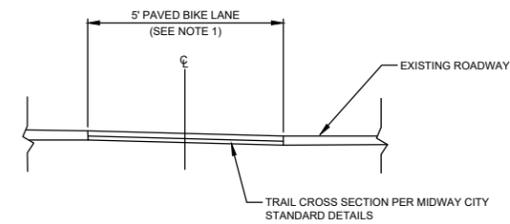
# FIGURE 4-1

## MIDWAY CITY

### TRAIL SYSTEM MASTER PLAN

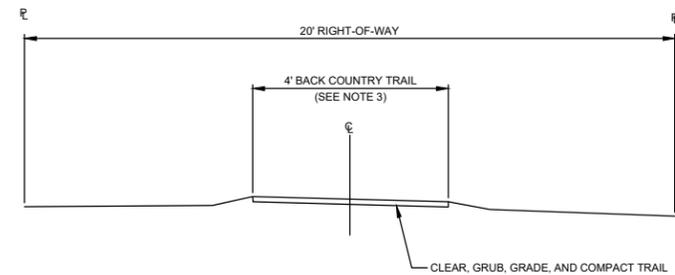
#### LEGEND

- CURRENT PAVED TRAILS
- FUTURE PAVED TRAILS
- CURRENT BACK COUNTRY TRAILS
- FUTURE BACK COUNTRY TRAILS
- CURRENT BIKE LANES
- FUTURE BIKE LANES
- MIDWAY CITY BOUNDARY



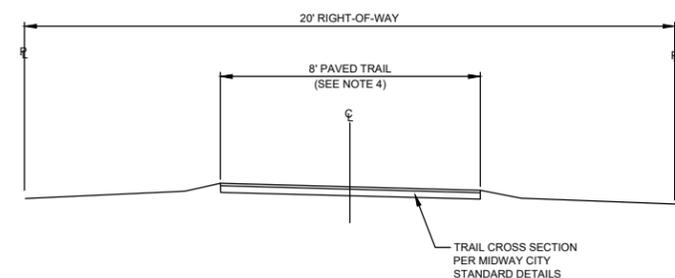
PROPOSED 5' HARD SURFACE PAVED BIKE LANE

N.T.S.



PROPOSED 4' NATURAL SURFACE BACK COUNTRY TRAIL

N.T.S.



PROPOSED 8' HARD SURFACE PAVED TRAIL

N.T.S.

ID	Trail Group
BH	Burgi Hill
DC	Dutch Canyon
FS	500 South
HO	Homestead
MF	Midway Farms
MH	Memorial Hill
ML	Michi Lane
MN	Mountain Spa
MS	Main Street
NC	North Center St.
NS	970 South
ON	100 North
PC	Pine Canyon
RF	Remund Farms
SC	Snake Creek
SS	South Center St.
SN	600 North
SR	Stringtown Road
TE	200 East
TS	200 South
TW	250 West
WB	West Bench
WS	Warm Spring Dr.
2N	200 North
2W	200 West
4E	400 East

- NOTES**
- 5' BIKE LANE WIDTHS ARE REQUIRED UNLESS APPROVED BY MIDWAY CITY.
  - ALL FUTURE BIKE LANES SHOWN ON THIS MAP WILL BE IN BOTH DIRECTIONS UNLESS NOTED ABOVE.
  - 4' BACK COUNTRY TRAIL WIDTHS ARE REQUIRED UNLESS APPROVED BY MIDWAY CITY.
  - 8' PAVED TRAIL WIDTHS ARE REQUIRED UNLESS APPROVED BY MIDWAY CITY.

**HORROCKS ENGINEERS**

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