



RECOMMENDATION for USE of OPEN SPACE BOND MONEY

The Wasatch Open Lands Board has reviewed the application submitted by Utah Open Lands for the **Christian Michel LLC NOI - Parcel #'s 07-4356 & 07-4760** located at **1100 North River Road, Midway**, Wasatch County, Utah. The WOLB hereby finds that the applicant has submitted a complete application as contemplated by Wasatch Code section 3.06.04(1). Consistent with section 3.06.04(2), the WOLB has reviewed the application and held a public hearing.

Based on consideration of the General Criteria for Selection of section 3.06.04(4), WOLB hereby provides a pledge for a **POSITIVE RECOMMENDATION** approving of the application for the issuance of up to **\$750,000** of Wasatch Open Space Bond funds to the Wasatch County Council with the following conditions.

This POSITIVE RECOMMENDATION is made subject to the following conditions:

(1) prior to seeking funding, the property owners shall provide WOLB and the County Council for review and approval a certified appraisal for the property to be conserved establishing a conservation value of **\$6 Million - \$6.5 Million** as represented in the application; and

(2) the certified appraisal shall include a specific description of the total irrigated and non-irrigated acres included in the conservation easement along with the historic water rights & water shares associated with the irrigated and non-irrigated property.

(3) the title report, and draft Conservation Easement will be reviewed by County Attorney per County Council directions.

In reaching this RECOMMENDATION, WOLB has determined that, with the foregoing conditions, **the application meets the following GENERAL CRITERIA FOR SELECTION** set out in Wasatch Code section 3.06.04:

1. Agricultural use of the property, including grazing and ranch lands with required water rights for existing & historical uses;
COMPLIES DOESN'T COMPLY
2. Preservation of land areas for outdoor recreation by, or the education of, the general public;
COMPLIES DOESN'T COMPLY
3. Protection of a relatively natural habitat of fish, wildlife, plants, or similar ecosystems;
COMPLIES DOESN'T COMPLY

4. Preservation of open space, including farmland and forest land, where such preservation is for the scenic enjoyment of the general public;
COMPLIES [X] DOESN'T COMPLY []
5. Community separator;
COMPLIES [X] DOESN'T COMPLY []
6. Viewsheds;
COMPLIES [X] DOESN'T COMPLY []
7. The preservation of a historically important land area;
COMPLIES [X] DOESN'T COMPLY []
8. Cultural resources;
COMPLIES [X] DOESN'T COMPLY []
9. Urban passive-use natural area;
COMPLIES [X] DOESN'T COMPLY []
10. Having and maintaining greenbelt status;
COMPLIES [X] DOESN'T COMPLY []
11. Public Parks;
COMPLIES [] DOESN'T COMPLY [X]
12. Land contiguous to land that meets these criteria;
COMPLIES [X] DOESN'T COMPLY []
13. The threat of reasonably imminent loss of existing open space resources;
COMPLIES [X] DOESN'T COMPLY []
14. Ownership complexity;
COMPLIES [X] DOESN'T COMPLY []
15. Partnerships to help purchase and maintain the property;
COMPLIES [X] DOESN'T COMPLY []
16. Costs and feasibility of stewardship and maintenance of the property;
COMPLIES [X] DOESN'T COMPLY []
17. Equity;
COMPLIES [X] DOESN'T COMPLY []
18. Adopted financial policies;
COMPLIES [X] DOESN'T COMPLY []

19. Preservation of open space, including farmland and forest land, where such preservation is consistent with the Wasatch County General Plan and this Wasatch County Code Chapter 3.06.
COMPLIES [] DOESN'T COMPLY []

The WOLB finds that the application DOES [] or **DOES NOT** [] possess CRITERIA WHICH MAKE A PROPERTY INELIGIBLE under Wasatch County Code section 3.06.04(7):

1. Historic water rights associated with the property have been recently sold, or are not offered as part of the application;
2. A member of WOLB or the Wasatch County legislative body owns a substantial interest in the subject property; "Substantial interest" means the ownership, either legally or equitably, by an individual, the individual's spouse, the individual's parents, the individual's siblings, and the individual's children, of at least 10% of the subject property, the outstanding shares of a corporation that owns the subject property or 10% interest in any other business entity that owns the subject property; This criteria will not exempt the property if the member of the WOLB or the Wasatch County legislative body gives the property interest to the county for less than \$10.01 consideration, and all requirements of Utah Code 17-16a as amended are met;
3. The subject property is part of an active development application, and all or part of the open space applied for would be required to be protected or dedicated pursuant to the Wasatch County Land Use and Development Code or the functionally equivalent code of a municipality;
4. Any member of the WOLB or the Wasatch County legislative body have been offered any gift or payment to represent the property owner or their interests through the selection process;
5. The application for a conservation easement does not meet the requirements of Utah Code Title 57 Chapter 18; the Land Conservation Easement Act, as amended; or
6. The subject property changes ownership between the time of the application, and the full execution the application.

In reviewing the considerations outlined above, **WOLB members found particularly important the following factors:**

- This is a **5th Generation Family Farm** that continues Agricultural uses of the property, including hay growing with required water rights for existing & historical uses. The Christian Michel LLC NOI was received by WOLB on May 9, 2022; and just recently obtained NRCS funding because of a lengthy funding process.
- **Owners are giving a 25% contribution to the conservation easement value (\$2 Million out of the \$6+ Million total value.)**
- Preservation of farmland that is adjacent to the Kohler Farm conservation easement property in Midway, and such preservation is for the scenic enjoyment of the general public along River Road and other conservation values. Proposed easement provides a greater buffer and entryway into Midway City. See map below.
- This Viewshed is important to Midway City, which is contributing matching funds of \$250,000 for this conservation easement; as well as NRCS.

- It leverages the Wasatch County Open Space bond money 4+ times in the conservation easement value.
- Christian Michel LLC parcels are historically important and sensitive land areas also adjacent to Provo River Corridor on the east side. Parcels contains wetlands & the Berkenshaw Creek. The Utah Geological Survey notes that there is a ‘high’ stress level for Wetlands on this property, see [Utah Wetlands](#). Provides buffer for maintaining water quality, wetlands, and riparian areas in Provo River.
- Protects Historic Farming area from potential development because parcels are within the Midway City Annexation Boundary line, and Midway City already has residential developments on the north side directly across from the Christian Michel LLC parcels.
- Map below shows the Michel’s two Parcels adjacent to Kohler Dairy Farm Conservation Easement designated in purple hashmarks, River Road, and the Provo River Corridor on the east side of parcels.

