



RECOMMENDATION for USE of OPEN SPACE BOND MONEY

The Wasatch Open Lands Board has reviewed the application submitted by Utah Open Lands for the **LAREN GERTSCH NOI – 15 Parcels, approximately 165+ acres** located at approximately **1300 West 100 South and northward to 2100 North 600 West**, 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 **\$2, 250,000** 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 owner shall provide WOLB and the County Council for review and approval a certified appraisal for the property, the total number of acres/parcels to be conserved establishing a conservation value of **\$13 Million** as represented in the application; and
- (2) the certified appraisal shall include a specific description of the total irrigated and non-irrigated acres **per parcel** 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.
- (4) a geological report for subsurface activity will be reviewed by WOLB and County staff.
- (5) current lots of record will be verified with County as to current development rights within the A-20 zone.
- (6) in the case of extinguishment of the conservation easement by eminent domain on any parcel(s) in this NOI, then the Open Space bond money used for the parcel(s) will be repaid to Wasatch County per Wasatch County Code 3.06.04.

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 DOESN'T COMPLY

5. Community separator;

COMPLIES DOESN'T COMPLY

6. Viewsheds;

COMPLIES DOESN'T COMPLY

7. The preservation of a historically important land area;

COMPLIES DOESN'T COMPLY

8. Cultural resources;

COMPLIES DOESN'T COMPLY

9. Urban passive-use natural area;

COMPLIES DOESN'T COMPLY

10. Having and maintaining greenbelt status;

COMPLIES DOESN'T COMPLY

11. Public Parks;

COMPLIES DOESN'T COMPLY

12. Land contiguous to land that meets these criteria;

COMPLIES DOESN'T COMPLY

13. The threat of reasonably imminent loss of existing open space resources;

COMPLIES DOESN'T COMPLY

14. Ownership complexity;

COMPLIES DOESN'T COMPLY

15. Partnerships to help purchase and maintain the property;

COMPLIES DOESN'T COMPLY

16. Costs and feasibility of stewardship and maintenance of the property;

COMPLIES DOESN'T COMPLY

17. Equity;

COMPLIES DOESN'T COMPLY

18. Adopted financial policies;
COMPLIES

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:**

- The Gertsch Family bought the historical farm parcels in 1962, which parcels were in agricultural use many decades before their purchase. The proposed conservation easement will continue the Agricultural uses of the property, including growing hay and grazing/ranching with required water rights for existing & historical uses as well as protect many other conservation values. Parcels run through the center of the North Fields from 100 South to 2100 North. The proposed conservation easement is from the largest property owner in the North Fields.
- WOLB received the Laren Gertsch NOI on April 27, 2021; well before any preliminary draft Parkway routes were announced October 2021 (see [Heber Valley Corridor Alternative Concepts | UDOT \(utah.gov\)](http://Heber Valley Corridor Alternative Concepts | UDOT (utah.gov))). Because of the NRCS' lengthy funding process, the Laren Gertsch NOI only recently obtained NRCS funding for 50% of the Conservation Easement value, as well as McAllister Funding of another \$500,000.

- Owners are asking for \$2.25 Million of Open Space bond money, which is less than the usual 20% county bond funding match given in previously funded conservation easements (usually the County’s 20% match could be up to \$2.6 Million of the Open Space bond money).
- Owners are *also* giving a 25% contribution to the conservation easement value contributing \$3,250,000 Million out of the \$13 Million total easement value. **This is an incredibly significant contribution**, more than WOLB has seen with any NOI application; especially given the continuing Heber City annexation & density pressures along Midway Lane.
- Conservation easement **leverages the Wasatch County Open Space bond money 6 times over** with the matching NRCS funding, McAllister funding, and owner contribution, etc.
- Conservation easement will preserve significant acreage of historical farmland within the North Fields, which many call the ‘crown jewel’ of Heber Valley. It provides a much needed buffer between Heber City and Midway City and preserves the A-20 zone in Wasatch County. It protects Historic Farming area and uses from potential development because of parcels that front on Midway Lane.
- Easement property is also next to property that tried to annex into Heber City and appealed to Boundary Commission. This annexation proposed hundreds of density units.
- Most of the proposed easement property is also under the agricultural protection area protection previously given by the County Council.
- The North Fields Viewshed is important and irreplaceable to Wasatch County citizens and visitors. Easement parcels are viewed through the North Fields when traveling north/south on Highway 40, traveling on Highway 189, and on Midway Lane (SR 113), etc.
- The Laren Gertsch NOI parcels contain wetlands, Spring Creek, and Middle Ditch. The Utah Geological Survey notes that there is a ‘high’ stress level for parcels with frontage on Midway Lane, see [Utah Wetlands](#).
- Proposed easement language must support the purposes of the easement from the County Code requirements—to protect all conservation values including historical agricultural uses.
- Proposed conservation easement supports the majority of Wasatch County citizens’ vote to approve Open Space Bond money in 2018; and majority opinion in the recent 2023 Wasatch County survey where:
 - 55% of survey participants saying County should ‘control growth/congestion’ and an additional 16% saying to ‘preserve, protect open space, nature.’
 - “Best things about the county: ...include the outdoors, peace safety, open space with less development.... People love the ...undeveloped spaces of Wasatch County.” See: <https://app.displayr.com/Dashboard?id=e7022dad-70a6-4b91-8ea9-f7d13eb11fcc#page=cf9aa09c-5834-497d-bdd0-635fa57479dd>
- Proposed conservation easement supports County Resolutions 2022-09 & 2006-04 where the County Council supported the original Bypass route. This proposed easement also supports the other previous citizen referendum majority vote to protect agricultural zoning in the South Fields.