

Midway City Council
2 June 2020
Regular Meeting

Gardner Properties /
Financial Support



CITY COUNCIL MEETING STAFF REPORT

DATE OF MEETING: June 2, 2020

NAME OF PROJECT: Gardner Legacy Open Land Project

NAME OF APPLICANT: Utah Open Lands

LOCATION OF PROPERTIES: There are two locations:

- a. The Kem C Gardner Legacy Preserve contains 45 acres and is located at approximately 1171 South Center Street
- b. The Gardner Snake Creek Preserve contains 37 acres and is located at approximately 500 West 100 South as shown on attached maps.

ZONING DESIGNATION: The 43 acre proposed Kem C Gardner Legacy Preserve is currently zoned RA-1-43.
The 37 acre proposed Gardner Snake Creek Preserve is zoned RA-1-43.
(see map in packet)

REQUEST: 6

Kem C Gardner, through the KC Gardner Midway River LC and the Kem C Gardner Family Partnership LTD, is proposing to place conservation easements on two areas of land owned by these entities in Midway City. Utah Open Lands is the certified land trust acting on behalf of the Gardner holdings. This project has previously been discussed by the Midway Open Space Committee. The two separate parcels are described below.

- a. The Kem C. Gardner Legacy Preserve contains 45 acres and is located at approximately 1171 South Center Street. Midway City has long envisioned this land as the location for the monument marking the southern entrance into Midway. This conservation easement will allow for continued haying, as well as public uses including signage, picnic tables, a trailhead, overflow parking for Swiss Days and such other uses as may be agreed to. The

land will continue to be owned by the KC Gardner Midway River LC. Because of the contemplated public uses, this conservation easement will be a donation to Midway City.

- b. The proposed 37-acre Gardner Snake Creek Preserve encompasses greatly valued hay fields and public access along Snake Creek at approximately 100 South 500 West. Public access will be limited to a walking and riding path along Snake Creek, because of the family ownership interests in these properties, the conservation easement will need to be purchased. The purchase price is \$3,000,000 and is based on the acquisition costs the Gardner family incurred in their recent purchase of this and other parcels from Raspberry Probst.
- c. Utah Open Lands, on behalf of the Gardner interests is hereby requesting a \$1,000,000 contribution to the Gardner Snake Creek Preserve 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, criteria for participation was established based on the 2017 Midway General Plan Open Space Element. And the Midway Open Space Criteria listed in the General Plan.

These proposed easements meet 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”.

The Kem C Gardner Legacy Preserve and the Gardner Snake Creek Preserve meet these goals in the following ways:

- *Open Space Preservation of these parcels preserves scenic view sheds along Snake Creek.*
- *The properties will continue to be used for haying and other concomitant agricultural uses.*
- *Formalizing the public access easement along Snake Creek on the Gardner Snake Creek Preserve will guarantee that the public will continue to enjoy access to this beautiful view corridor.*
- *Providing a trailhead at the Kem C. Gardner Legacy Preserve will provide access to the east/west trail, which, when completed, will connect to the Provo River. Adding parking at this location will also provide a convenient location for horseback riders to begin their rides. Picnic tables and other amenities will enhance the public experience.*

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 "Openess", and Providing Public Recreation Venues.

In addition to the citations mentioned above, these two proposed Preserves meet the design guidelines by

- *The Snake Creek Preserve provides inner-city open space and preserves Midway's historic character.*
- *The Snake Creek Preserve also furthers local neighborhood "Openess" by preserving significant viewsheds.*
- *The Snake Creek Preserve, through the dedication and preservation of a public access trail provides an opportunity for the public to ride horses and walk along Snake Creek.*
- *The Kem C Gardner Legacy Preserve preserves Midway's unique character by providing enhancing the southern entry corridor to the City that highlighting the rural and agricultural nature of Midway*
- *Through the trailhead, picnic tables and other amenities, the proposed open space provides passive recreation venues.*
- *While both areas are presently zoned RA-1-43, the Midway City Development Code allows for planned use developments, and clustered developments which would greatly increase the potential density on these parcels. The Gardner Legacy Preserve could be subdivided through a PUD into 56 lots, while the Gardner Snake Creek Preserve could be developed into 31 lot. Thus, preserving these 82 acres will extinguish up to 87 units of density in these significant areas.*
- *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 these the Kem C. Gardner Legacy Preserve meets Midway's goal of a large, publicly owned open space area on the southern boundary of the City. It will be used for the Midway monument, a trailhead, overflow parking for Swiss Days, passive outdoor recreational activities and the northern portion will continue to be hayed.*
- *The walking path along Snake Creek is regularly used by horseback riders, hikers and others. The iconic hayfields serve as the visual representation of Midway's rural character in many photo essays of the community.*

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 Kem C Gardner Legacy Preserve and the Gardner Snake Creek Preserve meet these objectives by:

- *A signed Letter of Intent with Utah Open Lands committing to donate the development rights on the Kem C Gardner Memorial Preserve and sell the development rights on the*

Gardner Snake Creek Preserve covering 82 acres of property has been executed. It will be followed up by a formal purchase agreement drafted by each party's attorneys as soon as practicable.

- *The agreed on purchase price of the conservation easement for the Gardner Snake Creek Preserve is \$3,000,000.. Utah Open Lands has committed to raising \$2,000,000 of the needed funds from various foundations, private donors, and other funding sources.*

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 the southern parcel enables Midway to preserve over 82 acres for \$1,000,000, leaving Utah Open Lands to raise the balance of \$2,000,000.

OPEN SPACE COMMITTEE RECOMMENDATION:

Motion to Recommend Approval of the Gardner Open Land Project

After extensive discussion of the details of the Gardner Legacy Open Land Project as set out in the Midway Open Space Committee Staff Report, dated May 6, 2020, the following motion was made, seconded, and unanimously adopted by the Committee:

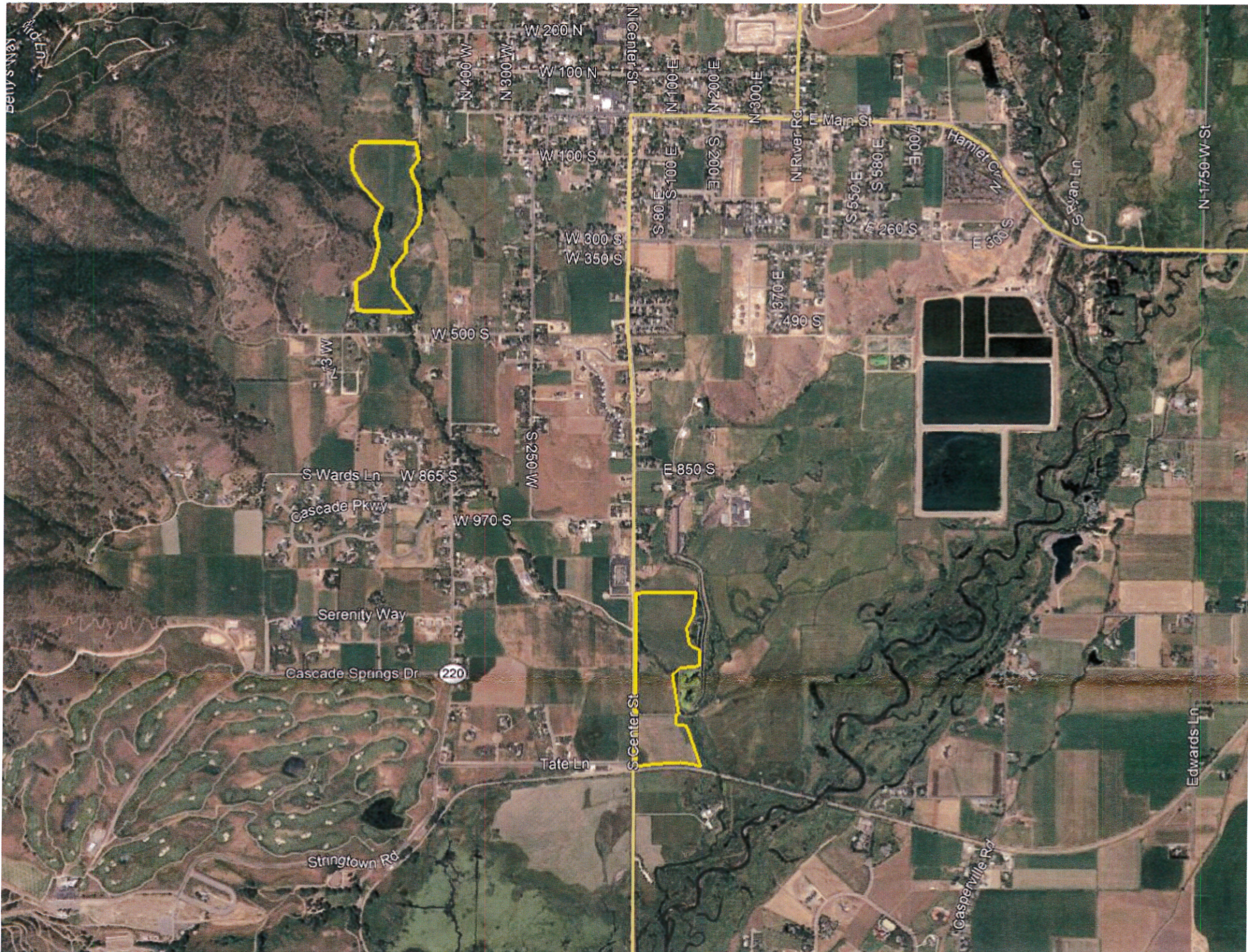
“The Midway City Open Space Advisory Committee recommends to the City Council that the Council approve up to \$1,000,000 of open space bond funds to put toward the Gardner Legacy Open Lands Project for the reasons set out in the Midway Open Space Committee Staff Report, dated May 6, 2020.”

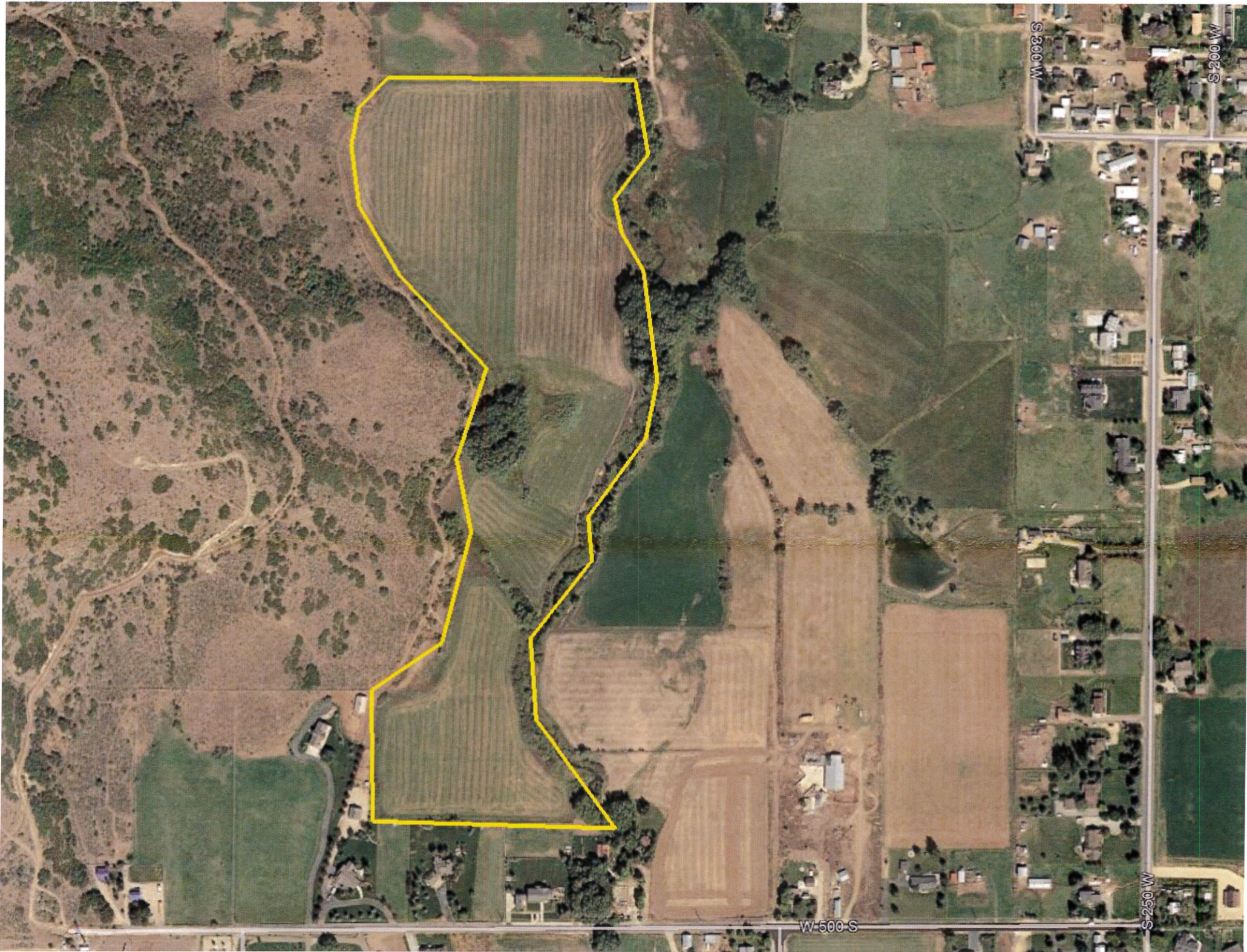
POSSIBLE FINDINGS:

- This project and the \$1,000,000 funding request are consistent with the vision of the Open Space Element of the General Plan.
- Preservation of the Kem C Gardner Legacy Preserve and the Gardner Family Snake Creek Preserve meet the goals of the Midway Open Space element and General Plan by preserving scenic viewsheds, continuing agricultural uses, providing public access along Snake Creek, conserving inner city open space, and providing a trailhead, passive public recreation area and monument location along the southern entry corridor.
- In addition, preservation of these 82 acres will extinguish up to 87 units of density in Midway City.
- The Midway City Open Space Committee has recommended that the Midway City Council allocate \$1,000,000 to this project.

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





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