



LeRay McAllister Critical Land Conservation Fund Application Form, Due Friday, July 14, 2017

Including Eligibility Requirements and Evaluation Criteria for Grants

1. Project Name	
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2. Applicant: must be a county, city, town, Utah Department of Natural Resources, Utah Department of Agriculture, or a 501(c)(3) charitable organization (must submit letter from IRS)

<input type="checkbox"/> County	<input type="checkbox"/> City	<input type="checkbox"/> Town	<input type="checkbox"/> Natural Resources	<input type="checkbox"/> Agriculture	<input type="checkbox"/> 501©(3)
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Name of Applicant	
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3. Person authorized to submit this application on behalf of the above entity:

Name	
Title	
Mailing Address	
Phone Number	
FAX Number	
E-mail Address	

I. Definitions

"Local entity" means a county, city, or town.

"Open land" means land that is preserved in or restored to a predominantly natural, open, and undeveloped condition; and used for:

- Wildlife habitat
- Cultural or recreational use
- Watershed protection
- Another use consistent with the preservation of the land in or restoration of the land to a predominantly natural, open, and undeveloped condition.

"Open land" does not include land whose predominant use is as a developed facility for active recreational activities, including baseball, tennis, soccer, golf, or other sporting or similar activity.

The condition of land does not change from a natural, open, and undeveloped condition because of the development or presence on the land of facilities, including trails, waterways, and grassy areas, that:

- Enhance the natural, scenic, or aesthetic qualities of the land; or
- Facilitate the public's access to or use of the land for the enjoyment of its natural, scenic, or aesthetic qualities and for compatible recreational activities.

"Agricultural Land" means land devoted to the raising of useful plants and animals with a reasonable expectation of profit, including:

- Forages and sod crops
- Grains and feed crops
- Livestock
- Trees and fruits
- Vegetables, nursery, floral, and ornamental stock
- Land devoted to and meeting the requirements and qualifications for payments or other compensation under a crop-land retirement program with an agency of the state or federal government

"Affordable housing" means housing occupied or reserved for occupancy by households with a gross household income equal to or less than 80% of the median gross income of the applicable municipal or county statistical area for households of the same size.

II. Eligible Applicants

A city, town, county, the Utah Department of Natural Resources, the Utah Department of Agriculture and Food, and charitable organizations that qualify as tax exempt under Section 501 (c)(3) of the Internal Revenue Code may apply for funds.

III. Funding Awards

Loans or grants may be awarded. There is no specific limit on amounts that may be requested. However, funds are limited and the application process is competitive. The Commission must consider the number of actual and potential applications for financial assistance and the amount of money sought by those applications. *Applicants must provide matching funds equal to or greater than the amount of money received from the Fund. Leverage is one of the criteria upon which your project will be judged. On average, the Commission funds about 20 to 25% of total project costs.*

IV. Use of Funds

All money from the fund must be used to preserve or restore open and/or agricultural lands. Eligible costs include the acquisition of a conservation easement or fee title and restoration costs such as grading, re-channeling, vegetation, and others. *Each interest in real property purchased with money from the Fund, whether fee title or an easement, must be held and administered by the State Departments of Agriculture or Natural Resources, a county, a city or a town.*

The 20 Acre Rule for Fee Title Acquisitions

There is no limit to the number of acres that may be placed under conservation easement using money from the LeRay McAllister Program.

However, the legislature has placed significant restrictions on the use of these funds for fee title acquisition. A fee interest in real property may be purchased ONLY IF the parcel is no more than 20 acres in size. In counties where 50% or more of the total land mass is publicly owned, a parcel of similar size must be contemporaneously transferred to private ownership from the governmental entity that purchased the fee interest.

V. Application Requirements

All applicants must submit a completed application cover sheet and supporting documentation, including the following materials:

1. Appraisal, or Certified Statement of Value (See Appraisal Policy)
2. Negotiated option, purchase agreement or other contract to purchase the property.
3. Conservation easement (if available): applicants must submit at least the name of the eligible easement holder. The easement to be recorded will be required before the grant or loan is paid.
4. Site map, or parcel description.
5. Letters and resolutions of support from:
 - a. Local governments (the city, town, or county which includes the area to be preserved.
 - b. Special service districts, if they have an interest in the preservation (such as a water conservancy district which may support a watershed preservation project.)
 - c. State Senator who represents the area to be preserved
 - d. State Representative who represents the area to be preserved
 - e. Others, this could include citizen groups, community councils, wildlife organizations, or any other group supporting the acquisition.
6. Update of the information provided on the pre-application form
7. Phase one environmental assessment (If not available, it will be required before funding)
8. IRS Letter (If applicant is a 501(c)(3) organization)
9. Project time line
10. Project budget showing costs of acquisition, restoration and long term preservation
11. Project narrative of *no more than 10 pages* addressing the evaluation criteria of the Quality Growth Commission as described in Part VII

VI. Quality Growth Act Requirements

The Quality Growth Act established the following criteria that the Quality Growth Commission must consider when reviewing applications:

- The nature and amount of open land/agricultural land proposed to be preserved or restored*
- The qualities of the open land/agricultural land proposed to be preserved or restored*
- The cost effectiveness of the project.*
- The amount of funds available
- The number of actual and potential applications for financial assistance and the amount of money sought by those applications
- The open land preservation plan of the local entity (county, city or town) where the project is located and the priority placed on the project by that local entity (this is also established by resolution of the local commission or counsel, and by letters of support from legislators and other interested parties)*
- The effects of the project on housing affordability and diversity*
- Whether the project protects against the loss of private property ownership.*

*These criteria must be addressed by the applicant and are described in Part VIII.

VII. Evaluation Criteria (Project Narrative)

The Commission has established the following priorities for the evaluation of applications (Not necessarily in order):

- **Local support** for the project and compliance with the community's general plan. The Commission will not fund a project that does not receive the support of the local government where it is located, and the state legislators who represent the area.
- **Project Leverage.** The Commission is looking for multiple funding partners in every conservation project. On average, the McAllister Fund provides about 20 to 25% of the funding for approved projects.
- Projects conserving **Multiple Public Benefits.** The Commission will evaluate the benefits of conserving each project. The more public benefits that accrue, the higher the project will be ranked.
- High quality projects; i.e., **benefits that are Unique and Irreplaceable** at the current location. The Commission is looking for truly unique parcels. Applicants should explain why the benefits of conserving the parcel are unique and do not accrue to other parcels.
- **Urgency.** The Commission has limited funding. They intend to fund the most urgent projects first. Urgency takes many forms, but generally it is defined as some factor or factors that require that the project be conserved now or risk losing the opportunity to conserve the unique public benefits.
- The assurance for long term **Monitoring and Maintenance** of the land. A conservation easement or other preservation method is required for every parcel.

Each application criterion will be rated on one or more of the above priorities.

PLEASE READ THE MCALLISTER FUND DEFINING PRINCIPLES FOR FURTHER GUIDANCE ON THESE REQUIREMENTS.

1 APPLICANTS MUST SUBMIT A PROJECT NARRATIVE OF *NO MORE THAN 10 PAGES* ADDRESSING THE EVALUATION CRITERIA OF THE QUALITY GROWTH

COMMISSION AS DESCRIBED BELOW (If you have Microsoft Word, you can download this document and fill it out electronically by entering text in the forms provided. If not, please attach a narrative addressing all the relevant items.):

Criterion 1. Describe the multiple public benefits of preserving or restoring open land or agricultural land included in this proposal.

To be eligible for funding, proposed projects must preserve or restore open land/agricultural land. Applicants should demonstrate that the open land/agricultural land in their project is consistent with the definition of open land and agricultural land in the Quality Growth Act (See definitions in Section I above), and that preserving this land provides multiple public benefits.

In addition to addressing the benefits of preserving the land, the Quality Growth Commission will also consider the amount of land to be preserved. This does not mean that large tracts of land will automatically receive priority over smaller parcels, rather, that applicants must demonstrate that their **project size maximizes the benefits** of preserving the open land or agricultural land in the proposal.

- Priorities** - Projects serving multiple purposes.
- High quality projects; i.e., land of exemplary natural or agricultural value.
- The amount of financial leveraging and cost effectiveness of the proposal.

Text for Criterion 1	
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Criterion 2. Explain why the benefits of preserving the open land or agricultural land in this proposal are unique and irreplaceable at its current location.

Applicants should indicate the most important conservation aspects of their project, and how it applies to the open land or agricultural land definitions in the Quality Growth Act. They should explain why the benefits asserted must be preserved at this location. When summarizing the property, applicants should state:

- the significance of the property; what is unique and irreplaceable about the property
- the potential for development of the property; the urgency of development in the area
- the importance of the property to the region and state; what the public benefit will be
- why this parcel needs to be protected; why the State should fund the project

For example, the most significant aspect of the project may be that it protects land inhabited by an endangered wildlife species, or it is the winter habitat for a particular herd of deer or elk. If the land is allowed to be developed, the region will lose a valuable resource, etc. If more than one aspect of the project applies to the definitions, then they should be listed in order of importance.

- Priorities** - High quality projects; i.e., land of exemplary natural or agricultural value.
 - The longevity of the preservation.
 - The assurance for long term monitoring and maintenance of the land.

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Criterion 3. The Leverage or cost effectiveness of the project to preserve or restore open land/agricultural land.

Although there is no limit on the amount of money which an applicant can apply for, the Quality Growth Commission must consider the amount of funds available. Requests for Fund money cannot exceed 50% of the total appraised value for acquisitions, and 50% of the project costs for restoration.

The cost effectiveness of a project will be evaluated based on:

- The ability of the applicant to complete the project
- Matching funds from other sources
- Fair market price
- Project endowments
- Restoration costs, for restoration projects.

When considering applications, the Quality Growth Commission will address the ability of the applicant and its partners to complete financing of the project and repay the loans (if applicable) in a timely and efficient manner. This will require that the applicant demonstrate a familiarity with the process of negotiation and finalization of conservation easements, purchases of land and other land preservation techniques, or partner with an individual or organization that has experience in this field. The applicant should provide a summary of specific transactions previously completed and information about its (or its partners’) expertise and experience in finalizing projects of this nature.

A full description of the project financing must be provided. The Quality Growth Commission cannot pay for a land purchase, or a purchase of a conservation easement that is over fair market value. The determination of fair market value will be based on the results of a qualified land appraisal. By law, the LeRay McAllister Fund may not pay more than 50% of the appraised value. The applicant will be responsible for any costs that exceed the appraised value.

Priority will be given to those applications that include in the project budget an endowment to be used for monitoring, management and possible enforcement of the terms of the easement (endowments should range between approximately 5-10% of the cost of the easement).

- Priorities** - The amount of financial leveraging and cost effectiveness of the proposal.
 - Projects with participation of multiple Partners.
 - The longevity of the preservation.

- The assurance for long term monitoring and maintenance of the land.

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Criterion 4. Urgency. What factor or factors require that this parcel be conserved now or risk losing the opportunity to conserve the unique public benefits of this parcel?

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Criterion 5. The Critical Land preservation plan of the local entity where the project is located and the priority placed on the project by that local entity.

The Quality Growth Act requires that all easements purchased with money from the Fund be held by a government entity. Because of this, it is important that the entity responsible for holding the easement have a plan addressing its intentions with regards to the preservation and management of the open land/agricultural land project. A Critical Land Preservation Plan for open land/agricultural land should:

- State the significance of the land
- Detail the ecological values of the land
- Describe the impact of protecting this parcel on surrounding parcels
- Identify future plans for connecting the parcel with other significant parcels
- Describe the service that parcel will provide community/region

A Critical Land preservation plan will identify what significance the land has to the community as a whole and be consistent with the community's general plan. Critical Land preservation plans address the urgency of the project. Urgency may be related to purchasing property before development pressure increases land values or before the land is acquired for development. The open land preservation plan should justify the entities's proposal by documenting the various benefits of the acquisition such as wetlands, stream or habitat corridors, urban open land, regional benefits, ties to adjacent parcels to create a larger preserve, viability for continued agricultural use, etc. Critical Land preservation plans must include a detailed long term management plan for the property to be preserved. This includes who will manage the property, how the management will be funded, periodic inspection and reporting to the Commission.

Priorities - Local support for the project and compliance with the community's general plan. Applications must include:

1. *Documentation that the local elected legislative body within whose jurisdiction the subject property lies has in a public meeting, subject to normal notice requirements, provided the opportunity for public input*

and has subsequently approved the acquisition.(this can take the form of a resolution of support adopted by the local government)

2. Letters of support from the legislators from the districts where the project is located.

- The assurance for long term monitoring and maintenance of the land.

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Criterion 6. Describe your understanding of the effects of the project on housing affordability, diversity and values.

Concerns regarding the affordability and diversity of housing opportunities are common when entities or organizations attempt to preserve open land/agricultural land. Land preservation efforts may unintentionally have the effect of increasing the property values of surrounding parcels, thereby eliminating persons with lower income levels from the area’s housing market. Applicants should discuss whether or not the project for which they are seeking funds would impact the cost and diversity of housing opportunities for persons living in the community where the project is located.

Priority - Local support for the project and compliance with the community’s general plan

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Criterion 7. Whether the project protects against the loss of private property ownership.

In addition to the limitations on purchase of fee title with money from the Fund as described in Part IV, applicants should provide an analysis of any effects the project may have on the loss of private property ownership.

Priority - Local support for the project and compliance with the community’s general plan. (Include supporting documents from city, town, county, special service districts, local legislators, others)

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VIII. Application Deadline

The application deadline is Friday, July 14, 2017. The Commission will review applications and make preliminary allocations of funding. **SUBSEQUENT REQUIREMENTS MAY BE IMPOSED FOR EACH APPLICANT AND MUST BE COMPLETED PRIOR TO AWARD OF FUNDS.** See the schedule for important dates for this application cycle.

Some funds may be reserved for urgent requests. Pre-applications for urgent requests can be submitted at any time and will be reviewed by the Commission as necessary.

IX. Award of Funds

Funds will be issued to successful applicants when actually needed. For example, if the project involves the purchase of land or a conservation easement, funds will be issued by the closing date.

Please note that the fund receives a quarterly allocation of appropriated funds. This means that not all awarded projects can close at the same time. Please be as flexible as possible in your closing date.