

Parks & Open Space



(NO CURRENT ACTIVE APPLICATION CYCLE)

January 2017

Dear Landowner,

Thank you for your interest in the San Miguel County Land Heritage Program. The purpose of this program is to provide willing private landowners with financial incentives to maintain ownership of their land and help protect open space, wildlife habitat and agricultural land within our County. Participating landowners will place a conservation easement on their land, held by a qualified tax-exempt, charitable land trust. Landowners can apply to this program for funding to pay for either retired development rights or just the transaction costs associated with the conservation easement (i.e. survey, appraisal, endowment costs, etc.). This program is funded by Great Outdoors Colorado (GOCO), San Miguel County, the Telluride Foundation, as well as by various voluntary County open space fundraising programs.

Any landowner in San Miguel County who owns land with unused development rights (i.e., if you own your land in fee with no restrictions on development from existing easements or covenants, then you have the development rights) is eligible to participate in the program. In addition, the land must either be agricultural (at least 100 acres) or reside in mapped wildlife habitat or contain riparian areas.

In order to apply to this program, a landowner must first complete the attached application form. Completed application forms may be submitted anytime, but no later than ---- (NO CURRENT DEADLINE SET). Mail to P.O. Box 1170, Telluride, CO 81435 or drop off at the County Finance Office, 1120 Summit Street, Norwood or the Parks & Open Space Department, 333 W. Colorado Avenue, 3rd floor, Telluride.

A Review Committee, comprised of a representative of the County Commissioners, at least 2 members of the San Miguel County Open Space Commission, and a resident of San Miguel County, will meet to select which applications to recommend for funding. The Review Committee will try to fund as many projects as possible. However, because funds are limited, the Review Committee will select projects that best fit the review criteria, including the best value for money spent. Landowners interested in participating in the program are encouraged to begin conversations with the land trust of their choice about a conservation easement as soon as possible.

If you have any questions or would like more information, please contact Janet Kask at the County Parks & Open Space Department at (970)369-5469 or email her at janetk@sanmiguelcountyco.gov.
Sincerely,

Susie St. Onge, Chair
San Miguel County Open Space Commission

**Application for San Miguel County
Land Heritage Program**

All information provided in this application will be treated confidentially. However, awarded projects will become part of the public record.

General and Summary Information

- 1. Name of Property _____
- 2. Owner Name _____
Address _____
Phone & Fax _____
Email _____

3. Describe the location of the property (miles from nearest town, county roads, etc.)

4. Total Acres _____ Total proposed for easement
acreage _____.

5. Legal Description: Please provide the legal description of your property with this application.

6. Total acres and development rights of entire parcel and total acres and development rights to be retired.

Total acres of entire parcel _____ divided by 35 acres = _____ total number of Development Rights (DR) on entire parcel

Acres to be preserved _____ divided by 35 acres = _____ DR on preserved acres

DR on preserved acres -- Already utilized DR (e.g. Ranching homestead) -- DR being retained for future use = **DR to be retired**

_____ minus _____ minus _____ equals _____

7. If you are retaining development rights in the easement area, how many acres are in the building envelope/s?
8. How much funding are you requesting in order to retire your development rights?
9. What are your specific goals for the land, both short term and long term?
10. Please describe if you and/or your family are vested in and have a connection to agriculture and maintaining the agricultural viability of the property.
11. Please describe the historic uses of the property.
12. Please describe in detail the current agricultural operations of the property.
13. How many of the preserved acres, if any, are irrigated? (Note: irrigated acres get a 100% acreage bonus to make application more competitive in the Program). For the acreage to qualify for the 100% acreage bonus, water rights must be dedicated with the irrigated lands. Please explain the source of water and, if applicable, the number of shares dedicated with irrigated acreage. If less than 100% of the irrigated lands are in the easement, what percentage of the water goes with the easement?
14. How long have you and your family owned the property?

15. Will the land remain in agriculture?
management? Please describe.

If so, what are your plans for ranch

16. Do you lease your property for recreational use (hunting, fishing, other) or provide access for public trails or educational field trips? If yes, please describe in detail.

17. Why do you wish to put a conservation easement on your property?

18. Please list the wildlife values that exist on your property with as much detail as possible. Attach a separate page if needed.

If your property contains Gunnison Sage-grouse habitat, the deed of conservation easement must contain language which protects Gunnison Sage-grouse habitat. You and your land trust can negotiate the final language but it can be no weaker than the following:

Protection of the Property will contribute to the conservation of significant, relatively natural habitat for wildlife and plants, including habitat for Gunnison Sage-grouse, a declining species in Colorado. The easement shall include a specific provision that prevents the conversion of sagebrush areas to other uses, such as farmland or irrigated meadows, as well as a prohibition on chemical or mechanical treatment of sage areas outside of the agreed-upon management plan developed between the land trust and the landowner. Nothing in the easement shall prevent the landowners' ability to engage in rangeland restoration activities or pasture improvements including the drilling of native seed, mechanical or chemical methods to control invasive species or other commonly accepted range management practices.

19. Please describe the types of vegetation on your property in detail.

20. Please describe the scenic views which can be seen from the property and neighboring areas that are accessible to the public such as highways, country roads, public lands.

21. Does the property contain any historic structures or archaeological values? If yes, please describe the structures or archaeological values. Will they be preserved or protected?

22. Please describe the natural features of the property (streams, valleys, mountains or valley meadows, uplands, high alpine areas).

23. Please list all improvements (structures, roads, fences, ditches, stock water, abandoned mines etc.):

24. Describe existing easements or encumbrances on your property, including mortgages. For example, if the property has a mortgage, please state the amount and the lender.

25. Are there any ownership and/or liability issues (water rights, encumbrances, environmental hazards such as gas tanks, etc)? Please describe.

26. Please provide documentation of legal access. Describe the physical access to the property

27. If your property fronts a public road, would you be willing to set aside a small portion (an acre or two, maybe less) of the property for installation of environmental education/stewardship/property management interpretative panels?

28. Would you be willing to allow use of the Youth Corp to work on building/maintaining fences, building or maintaining ranch roads? If not, would you be willing to make your property available to youth groups for a different purpose, such as hunter safety training?

29. If your property is a working agricultural property, a property with wetlands or healthy forests, would you allow or sponsor stewardship/management educational outings for youth groups?

Valuation

30. What do you think your land is worth?

What is the approximate per acre value with your present development rights (fair market value)?

Are you basing these numbers on comparable sales, wishful thinking, current appraisal, or property tax assessment?

The value of your conservation easement is determined by subtracting the value of the land without the development rights from the value of the land with the development rights.

31. Describe any donations/contributions by you or others, either cash or in-kind, that would occur if a conservation easement were placed on the land. For example, would legal fees be donated, would you volunteer to build a trail, would you preserve a historic barn?

Land Trust Information

32. Which land trust do you want to hold the conservation easement? _____. If you have not selected a land trust, please reference the attached contact list. Please note that not all land trusts will agree to the language regarding Gunnison sage-grouse habitat.

33. Do you realize that if selected, you will need to spend considerable time working with this land trust?

34. Have you already had conversations with the land trust to discuss easement conditions or acquisition requirements? If so, are there any specific conditions the land trust will require that we should be aware of?

Additional Eligibility and Selection Criteria

The Review Committee will use the following criteria in selecting winning applications. Please respond to the criteria below if applicable for your project. We don't expect all projects to have affirmative responses to all criteria. Please do not duplicate your responses from above.

35. Eligibility criteria: (Check all that apply)

- Traditional agricultural land of at least 100 acres
- Important wildlife and/or plant habitat (See attached maps)
- Riparian corridors or tributaries to the San Miguel and/or Dolores Rivers (See attached maps)

Please indicate your property on the attached parcel map.

36. If you own surrounding lands that aren't included in this application, what are your plans for this land? Is there a commitment to not subdivide these lands?

37. Is there any urgency for this project to be completed? If so, please explain.

38. Is the land adjacent to other protected or public land? If so, please describe.

Mineral Ownership

39. Do you own the mineral estate on your property?

If you own the mineral, please answer the following questions:

a. Have the mineral estates already been leased? If so, please describe.

- b. Please list any current mineral extraction activity which is currently taking place on the property or on neighboring properties.

- c. Has mineral extraction taken place on the property in the past? If so, describe.

- d. Have you been contacted about leasing your minerals within the past couple years? If yes, for what minerals.

- e. Do you agree to not separate ownership of the mineral estate from the surface estate in the future?

- f. What are your intentions for exploiting the mineral estate? Are you willing to retire the mineral rights as part of the conservation easement?

- g. A Surface Use Agreement between the surface owner and the mineral leasee is required prior to funding the easement. Are you willing to require a protective Surface Use Agreement?

- h. If you do not own the minerals, who owns the mineral estate associated with your property? Do you have an existing Surface Use Agreement?

For assistance please call Linda Luther-Broderick, Open Space & Recreation Director (970) 369-5469 or email to lindal@sanmiguelcounty.org.

Because GOCO funds are involved, any project selected must comply with GOCO conditions prior to disbursement of funds, including getting: a qualified appraisal, an environmental assessment, a baseline study, a land management plan and perhaps a survey of the property. The applicant and land trust are responsible for coordinating the aforementioned requirements of the transaction. The County's role is limited to selecting the projects and providing funding at the real estate closing and coordinating with GOCO.

It is the applicant's responsibility to pay for transactions costs and any other costs associated with the conservation easement unless you specifically request for these costs to be covered in your application. Please discuss these and other possible transaction costs with the land trust of your choice and keep these costs in mind as you determine how much money you are applying for. Also, be sure to talk to your legal and tax experts throughout the process.

To the best of my knowledge and belief, statements and data in this application are true and correct. I also give San Miguel County permission to order a letter of opinion (at the County's expense) to help verify property values and will cooperate with this process. I understand that the details of my application are confidential until my project is selected. The details, including purchase price, then become public information.

Signature: _____ Date: _____

**SAN MIGUEL COUNTY LAND HERITAGE PROJECT
2013/14 PROCESS & TIMELINE**

- | | | |
|------|---|------------------|
| (1) | Applications available | Sept 2013 |
| (2) | Applications due | October 15,2013 |
| (3) | Application review and analysis | October |
| (4) | Review committee meets and makes selections | October/Nov |
| (5) | County Commissioners approve selections | October/November |
| (6) | All applicants notified | November |
| (7) | Landowners sign letters of intent | November |
| (8) | County prepares GOCO application | Nov - January |
| (9) | County submits application to GOCO | February 2014 |
| (10) | County notified if GOCO funds awarded | June 2014 |
| (11) | County notifies landowner of GOCO award | June 2014 |
| (13) | County & landowners execute purchase agreements | June – July 2014 |
| (14) | Landowner selects land trust | June 2014 |
| (15) | Landowner completes and signs due diligence checklist | June 2014 |
| (16) | Landowner & land trust close on easements | November 2014 |

I hereby acknowledge receiving and reviewing this process and timeline. The County reserves the right to modify the above timeline and process as necessary.

I agree to cooperate with San Miguel County in evaluating my Land Heritage Program application. As noted above, the County may choose to order a letter of opinion, at County expense, to confirm the valuation information I supplied. If this occurs, I agree to cooperate with the appraiser hired by the County.

I understand that land trusts require appraisals, an endowment, administrative fees, surveys, etc. prior to taking conservation easements and that the County is not paying these costs unless requested and approved as part of this application.

I understand that the details of my application are confidential until my project is selected. The details of the application, including purchase price, becomes public information if my application is accepted.

If selected, the County may include my project in the materials they develop to promote the Land Heritage Program.

Signature: _____ Date: _____