

**GALLATIN COUNTY OPEN SPACE
GRANT PROGRAM**

***ALL APPLICATIONS AND INFORMATION CONTAINED THEREIN ARE
SUBJECT TO FULL PUBLIC DISCLOSURE.***

Please follow the grant application guidelines:

15 copies of the grant application must be submitted, spiral bound. After the application deadline the applicant will be notified to appear before the board for a fifteen minute oral presentation followed by inquiries by the Open Lands Board.

Please complete all of the following application sections that apply to your project and please adhere to the page limit per section.

Additional information and application assistance can be received by contacting the following:

**Gallatin County Open Lands Board
311 W. Main Room 200
Bozeman, MT 59715**

**Phone: (406) 582-3130
Fax: (406) 582-3135**

**Website:
www.montanaopenlands.org**

**SECTION I
GALLATIN COUNTY OPEN SPACE GRANT APPLICATION**

Submitted by _____

Name: _____
Organization: _____
Address: _____
City, St. Zip: _____
Phone: day: _____ Eve _____
Fax: _____
email: _____

NAME OF LAND TRUST _____

GRANT AMOUNT REQUESTED: \$ _____
NUMBER OF ACRES IN GRANT PROPOSAL: _____

This application is for:
(Please check all that apply to your application)

- Conservation easements
- Recreation
- Trails
- Community parks
- Fee simple purchase
- Other, specify

Submitted By: _____
(signature of applicant)

Date: _____

**SECTION II.
GRANT FINANCIAL INFORMATION**

Itemize all financial contributions associated with the easement or project acquisition costs:

SOURCE OF FUNDING	ACQUISITION COSTS	TRANSACTION COSTS	COSTS BORNE BY LANDOWNER	TOTAL
OPEN SPACE BOND				A.
OTHER, (SPECIFY)				
OTHER				
OTHER				
OTHER				
OTHER				
OTHER				
OTHER				
OTHER SUBTOTAL				B.
TOTAL A&B				C.

- (A) _____ The amount of funding requested from Open Space Grant
(See A. in above box)
- (B) _____ Total of all other financial contributions
(See B in above box)
- (C) _____ Total of A & B

List any other financial information that is pertinent to your project (NO MORE THAN ONE ADDITIONAL PAGE)

**SECTION III.
PROPERTY INFORMATION**

List all title holder(s) of property proposed for easement or fee simple purchase:

1. _____
2. _____
3. _____
4. _____
5. _____

A. The legal description of the property is:
(attach a copy of the deed)

B. The property is the subject of the following mineral reservation:

C. The property is the subject of the following mortgages, liens, and encumbrances:

D. Give a description of the physical location of the property (i.e. distance and location from nearest town) and the amount of acreage proposed for easement, and/or purchase, along with appropriate maps or aerial photos:

SECTION IV. CRITERIA DOCUMENTATION

The following 11 criteria will assist the Open Lands Board in prioritizing which projects will receive funding. Please explain how your project will meet the following criteria. Please limit your responses to one page per criteria.

1. **Prime agriculture crop, range, and forest land**
A higher priority will be given land with historical ties to agriculture and where the preservation of this land will maintain the rural landscape and important view shed areas.
2. **Size and configuration of land**
A higher priority will be given to projects of 640 or more acres of land. The configuration will be considered, giving a higher priority to land enhancing all of the selection criteria.
3. **Positive social and economic impacts**
A higher priority will be given to applications that promote and maintain economic viability of the agriculture industry, thereby benefitting the community's social and economic stability.
4. **Wildlife habitat and wildlife movement corridors**
A higher priority will be given to areas containing basic habitat components needed to support diverse, healthy, and viable fish and wildlife species. The more of these components there are and the more juxtaposition there is of these components in any given area, the more important this area will be to fish and wildlife species diversity. These components are food, cover, water, and open space.
5. **Riparian areas and wetlands**
A higher priority will be given to land that has perennial or intermittent streams, rivers, ponds and/or wetlands. Preservation of this land will help maintain the quality of surface water and underground aquifers.
6. **Development pressures**
A higher priority will be given to land that is currently for sale or in the process of conversion to uses other than agriculture or open space. Consideration will be given for urgency in decision making because of development probability.
7. **Recreational value**
A higher priority will be given to land for recreational consideration that will provide regional benefits. Consideration for recreational use will be given land that has suitable topography, soils, vegetation, size, and environmental education possibilities. The area should have optimal potential for social, cultural, and or athletic activities.
8. **Within designated preservation areas**
A higher priority will be given to land that is located in an area that has been identified for preservation in accordance with the County's growth policy.

9. **Acceptable contract**
A higher priority will be given to an application in which cost, conditions, and terms support the goals and objectives of the Gallatin County open space program. The lower the proportion of County bond proceeds to be contributed toward the total cost of a specific project, the higher the priority under this criterion. A desirable target for the proportion to be contributed from the bond proceeds is not more than 20%.
10. **Close or next to existing preserved areas**
A higher priority will be given to land that adjoins or is close to an area already preserved by conservation easement or designated for public use.
11. **Away from existing development**
A higher priority will be given to applications on the basis of relation to existing development.

**SECTION V.
EASEMENT CONDITIONS**

A. THE TYPE OF PROPERTY TRANSFER PROPOSED IS:

- An easement in perpetuity; or
- A renewable term easement pursuant to 76-6-202 M.C.A. for a term of _____ Years
- Other (Describe)

B. THE METHOD OF PAYMENT REQUESTED IS:

- A lump sum in the entire amount for the proposed easement; or
- An annual cash payment in the amount of \$_____, for a period of _____ years; or
- Other (describe)

C. THE FOLLOWING IS A DESCRIPTION OF THE LIMITED RESIDENTIAL DEVELOPMENT RIGHTS, IF ANY, THAT THE APPLICANT PROPOSES TO MAINTAIN:

D. ATTACHED IS A COPY OF NOTIFICATION TO THE OPEN LANDS BOARD THAT GALLATIN COUNTY HOLDS THE SECOND POSITION ON THE EASEMENT AGREEMENT, AUTHORIZING THE COUNTY TO ENFORCE THE EASEMENT PROVISIONS IF THE QUALIFIED EASEMENT HOLDER FAILS TO DO SO.

E. ATTACHED IS A STATEMENT OUTLINING THE SPECIFIC DUTIES OF THE QUALIFIED EASEMENT HOLDER TO GALLATIN COUNTY.

SECTION VI. TECHNICAL RESOURCES

The development of an easement is no small undertaking, and often involves substantial negotiation and clarification of terms. The Gallatin County Open Lands Board strongly encourages applicants to work closely with a land trust or similar organization that can assist you in preparing your application. These organizations can refer you to the proper professional groups listed below under the “Technical Resource Assistance.” The following are three organizations that you may contact:

Gallatin Valley Land Trust	Bozeman(406) 597-8404
Montana Land Reliance	Helena (406) 443-7027
The Trust For Public Land	Bozeman (406) 585-8692

Other land trust names and contact numbers are available upon request

Technical Resource Assistance:

Before making any decisions about land use changes a land owner or organization needs to consult with experts from different professional groups. This assistance is referred to as a TRT or Technical Resource Team and is composed of the professionals listed below. The land trust, if applicable, you select can refer you to specific individuals or companies for the technical assistance.

Please check the professional groups you have contacted prior to submitting your application:

- Government planning departments
- Estate planners or estate attorneys
- Land appraisers who specialize in conservation easements
- Engineers who can illustrate the best use of the land as it pertains to cluster development, riparian areas protection, maintaining water quality and proper use of fertile soils.

- Attorneys for legal advice, contract reviews and preparation.

- Park and landscape architect

SECTION VII. SUPPLEMENTAL PARK AND/OR RECREATION APPLICATION

Please address all of the following items as they apply to your project (*no more than 10 pages*):

1. Indicate the activities or programs that will be allowed in the park.
2. Indicate the activities that will be restricted in the park.
3. List the total amount of acres in the project.
4. Describe the current land use of the property surrounding the proposed project.
5. List all streams, rivers, ponds, or other riparian areas within the project.
6. Are there water rights with the purchase of the land?
7. List the fair market value of the land and supporting documents reflecting this value.
8. List the current zoning regulation for the proposed park or project area.
9. List the proximity of this land to city services: water, power, and sewer.
10. What group or organization will have management authority for the park or project.
11. Submit a “business plan”, reflecting development and maintenance costs and projected sources of revenue with corresponding time lines. Describe safeguards applicant will build in business plan in case revenue projections don’t materialize.
12. List all improvements and buildings currently located within the proposed area.
13. List any public safety or environmental hazards or their potential legal liabilities.
14. Describe all public input that has been received to date and outline proposed public outreach programs.
15. Is this project supported by a community needs assessment?
16. Please provide all documents reflecting your organization’s status. Example: by-laws, articles of incorporation, membership, officers, budget, and sources of operational income and expenses.
17. Is the project area, or any portion of it, currently under review for zoning, re-zoning, platting, or interest in purchase by other parties? List agency reviewing proposing land use changes.
18. Will the land owner accept deferred payments for fee simple purchase?

19. Will the land owner donate conservation easements on land surrounding the proposed project?
20. List governments that are in support of this project.
21. List any current leases on the land.

Please submit any additional information that will aid the Gallatin County Open Lands Board with accessing this project's feasibility.

<p>SECTION VIII OTHER INFORMATION DEEMED PERTINENT BY APPLICANT</p>
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Please use this section for any additional information that would help the Open Lands Board members better evaluate your grant project. Limit is five typed pages and any supporting attachments.

APPLICATION PROCESS FOR OPEN SPACE PRESERVATION FUNDS
Adopted 10/9/01

- STEP #1:** Application (form attached) is submitted to the Open Lands Board. The application will contain notice that it and all information contained therein is public information. The applicant will be required to name the land trust with whom they will be working. No application will be accepted where the subject instrument granting an interest in property under the Montana Open Space Land and Voluntary Conservation Easement Act is conveyed on or before November 7, 2000. ¹
- STEP #2:** The Open Lands Board's executive committee will use approved criteria (form attached) to evaluate each application. The Open Lands Board's executive committee will meet with the landowner and staff of the land trust designated by the applicant. General information, funding request, restrictions, and reservations will be discussed.
- STEP #3:** The chosen land trust will initiate their approval process for the project. The land trust will take the project to their full board. If the land trust votes not to work with the applicant, the executive committee will ask the applicant if they want to present the project to another land trust.
- The executive committee will make a decision concerning the amount of funding it will recommend to the full board of the Open Lands Board.
- The Open Lands Board's executive committee will meet with the deputy county attorney and discuss the project. The attorney will inform the executive committee of any appraisals that will be required with the project and of any other legal considerations. If an appraisal is required the process will be initiated at this step.
- STEP #4:** Land trust board will vote to proceed with the applicant and project. The applicant may select a another land trust if their application is not being processed by the designated land trust in a timely manner.
- STEP #5:** The Open Lands Board's executive committee will meet with the applicant and the land trust. The reservations and restrictions are discussed and finalized at this point, applicant is informed of the level of funding recommended. The applicant is informed that the amount requested can be changed at this time or their application can proceed through the process with the original request along with the amount recommended by the executive committee.
- STEP #6:** The project will be presented to the full Open Lands Board for approval based on the recommendations from the executive committee. Changes, additions, or conditions may be placed on the project at this time.

¹ Amended 12/11/01

- STEP #7:** The Open Lands Board's executive committee will meet with the deputy county attorney and review the application prior to submitting it to the County Commission. The language for the public hearing will be finalized at this time and any conditions clearly delineated for the public hearing.
- STEP #8:** The applications or projects will be submitted to the county commission office to be processed for the public hearing.
- STEP #9:** Public hearing is noticed and held. The Commissioners will vote on the project or projects. Changes, additions, or conditions may be placed on the application(s) or project(s) at this hearing. The Open Lands Board staff will make written findings of the public hearing.
- STEP #10:** The land trust will meet with the applicant and sign the "cost" contract that reflects the charges for the work the land trust staff will be doing, endowment fund, and other costs that the landowner must pay.
- STEP #11:** The land trust will process the title report, baseline study, prepare the easement contract, and submit project to necessary government agencies for approval.
- STEP #12:** Deputy county attorney will review all legal documents.
- STEP #13:** The transaction is closed. Landowner will sign contract and the document will be recorded. County will issue check from the Open Space Preservation fund.
- Note:** Projects may be submitted to the Open Lands Board from other organizations that are working with the landowners. When these projects are received they will be submitted into the above process at the appropriate step depending on the work already completed.