

1                                   **Application for Funding**  
2                                   **Gallatin County Open Space Grant Program**  
3                           **Purchase of Conservation Easements on Private Lands with Important Agricultural,**  
4                                   **Natural Resource and Community Identified Values**  
5

6   **Introduction**  
7

8   Proposals for funding through the Gallatin County Open Space Grant Program will be considered  
9   by the Open Lands Board and the Gallatin County Board of Commissioners in two steps: Level  
10   One: Proposal Evaluation and Level Two: Due Diligence.  
11

12   **LEVEL ONE** reviews substantive issues such as the agricultural, wildlife and community  
13   aspects of the property. This review will include a site visit and utilize information provided by  
14   the Applicant and the sponsoring qualified land conservation organization (A qualified land  
15   conservation organization shall be defined under the Internal Revenue Code).  
16

17   **LEVEL TWO** review occurs after Open Lands Board (OLB) and County Commissioner  
18   approval of the Level One Application and addresses due diligence issues and the transaction  
19   documents.  
20

<p>21                   <b>NO APPLICATION SHALL BE ACCEPTED WHERE THE CONTEMPLATED</b> 22                   <b>TRANSACTION WAS COMPLETED OR CLOSED BEFORE NOVEMBER 7, 2000.</b></p>
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23  
24   All applications should be submitted as a proposal from the Applicant and the Sponsoring Land  
25   Trust. This application package contains the following items to be submitted by the Applicant  
26   and Sponsoring Land Trust:  
27

- 28       **1. Level One Summary Page**
- 29       **2. Level One Application Checklist, Narratives and Letters of Support**
- 30       **3. Level One Property Description, including proof of current ownership, legal**  
31            **description and maps.**
- 32       **4. Level Two Application Checklist and Due Diligence Items to be Provided**  
33

34   In addition, the package includes the criteria and rating system used by the Open Lands Board to  
35   evaluate applications and compare funding proposals. It is recommended that Applicants and  
36   Sponsoring Land Trusts carefully review these materials to ensure that all information is included  
37   in the application. Proposals will be reviewed to ensure that County funds are targeted to lands  
38   possessing the greatest open lands values and not be used to advance speculative real estate  
39   transactions.  
40

41   While all of the information submitted will be utilized to evaluate an application, the Open Lands  
42   Board will utilize six main criteria to compare and rate applications (items 1 to 6 in the  
43   Application Checklist). When preparing your narrative addressing the criteria, please provide the  
44   information for each category and subcategory in the order listed. If any of the subcategories do  
45   not apply, please indicate so in the narrative. Please be aware that your proposal will be

1 evaluated on its own merits and the absence of a particular subcategory does not mean that the  
2 project will not be approved for funding. Incomplete applications will not be reviewed and will  
3 be returned. If your application is returned, you will be encouraged to apply for funding in the  
4 next cycle.

5  
6 Applicants that are applying for funds to cover all or a portion of transaction costs (appraisal,  
7 legal fees, title, stewardship endowment, etc.) and not the value of development rights must  
8 complete a full application. However, since landowners are donating the full value of the  
9 conservation easement, they will not be held to the same standard as applications to purchase the  
10 development rights. This is because the County will be receiving far greater leverage of its  
11 limited funds. However, the OLB must be convinced that the proposal is producing significant  
12 conservation benefit as measured by the application criteria for the expenditure of funds to cover  
13 transaction costs.

14  
15 Beginning in May, 2002, applications for funding are accepted twice a year and must be  
16 submitted no later than 4 pm on May 15 or November 15 to the Gallatin County Board of County  
17 Commissioners in an envelope marked "Open Lands Project Application".

18  
19 Gallatin County Board of County Commissioners  
20 311 W. Main, Rm. 300  
21 Bozeman, MT 59715  
22

23 These dates are firm except for the first cycle, which shall remain open until June 21, 2002 due to  
24 the change in procedures. Applicants are advised that all materials submitted in the application  
25 become part of the public record. The Open Lands Board will forward its recommendations to  
26 the Gallatin County Commissioners no later than thirty (30) days after the acceptance deadline.  
27

28 If your proposal is approved for funding following the Level One review, you must then provide  
29 evidence of due diligence and final transaction documents to satisfy Level Two. Such  
30 information should be submitted according to any conditions identified in the Commissioner's  
31 approval of the Level One Application. If you fail to meet the Level Two requirements, funds  
32 will not be disbursed. However, you may submit the same proposal for funding consideration in  
33 a future proposal cycle.  
34

### 35 **Open Land Project Review Process**

36 The following is a summary of the steps in the Gallatin County review process:  
37

#### 38 **Level One**

39  
40 Step 1: Pre-Application meeting with Open Lands Board Coordinator to review  
41 application requirements and process and answer questions.  
42

43  
44 Step 2: Level One application is submitted by landowner and sponsoring land trust.  
45 Application includes response to all application questions, application checklist, proposed

1 easement terms, property information and map, supporting letters and preliminary  
2 appraisal. Incomplete applications are returned.

3  
4 Step 3: Open Land's Board evaluates and reviews the application according to the  
5 Gallatin County Open Space Program Criteria and the information supplied by applicant.  
6 Review will include a site visit and utilize information submitted by the landowner and  
7 sponsoring, qualified land trust.

8  
9 Step 4: Any County agency that has oversight, including the Planning Board and County  
10 legal counsel, shall review the application and provide the Open Lands Board with  
11 comments.

12  
13 Step 5: Open Lands Board meets with the applicant and sponsoring land trust at a  
14 scheduled meeting. Issues from the review are raised and discussed. If the application  
15 and terms are agreeable to the Board, applicant and sponsoring land trust, the Open Lands  
16 Board passes a motion to recommend approval to the County Commissioners. If the  
17 quality of the property, terms and/or conditions are unacceptable, the application is  
18 denied. If there are outstanding issues, action on approval is put off until issues are  
19 resolved and taken up at a later Open Lands Board meeting.

20  
21 Step 6: County Commissioner Action. The recommended Level One application is  
22 submitted to the County Commissioners and reviewed. The Commissioners will take up  
23 the recommendation at a business meeting and hearing that has been noticed. The  
24 applicant, Open Lands Board and any concerned member of the public shall be permitted  
25 to present information on the application. At the end of consideration, the  
26 Commissioners shall take action to approve the Level One application, to approve with  
27 conditions or to reject the application.

28  
29 **Level Two**

30  
31 Step 7: Applicant submits a Level Two application that includes due diligence items  
32 including: final appraisal, purchase agreement, conservation easement document, title  
33 commitment, environmental hazard survey and closing arrangements. Incomplete  
34 applications will not be accepted.

35  
36 Step 8: The Open Lands Board and County legal counsel shall review and comment on  
37 the Level Two application documents. When these have been finalized and if they  
38 conform to the Commissioner's Level One approval, the application shall be forwarded to  
39 the Commissioner's for final approval.

40  
41 Step 9: County Commissioner Action. The County Commissioners shall grant final  
42 approval for funding at a regular business meeting as long as all conditions and due  
43 diligence requirements have been met.

44  
45 Step 10: Project closing takes place and County disburses funds.

1  
2 If you have questions regarding the application requirements, review process, the scoring process  
3 or other aspects of the Gallatin County Open Space Program, please contact the Open Lands  
4 Board Coordinator C/O Open Lands Board, 311 W. Main, Room 200, Bozeman, MT 59715

5  
6 **Level One -Application for Funding**  
7 **Gallatin County Open Space Grant Program**  
8 **Purchase of Conservation Easements on Private Lands with Important Agricultural,**  
9 **Natural Resource and Community Identified Values**  
10 **Summary Page**

11  
12 **Applicant(s)**

13  
14 Name: \_\_\_\_\_ Telephone No.: \_\_\_\_\_

15  
16 Address:

17  
18 Name: \_\_\_\_\_ Telephone No.: \_\_\_\_\_

19  
20 Address:

21  
22 **Property Owners (if different from or in addition to the Applicant(s))**

23  
24 Name: \_\_\_\_\_ Telephone No.: \_\_\_\_\_

25  
26 Address:

27  
28 Name: \_\_\_\_\_ Telephone No.: \_\_\_\_\_

29  
30 Address:

31  
32 **Qualified Sponsoring Land Conservation Organization**

33  
34 Name: \_\_\_\_\_ Contact: \_\_\_\_\_

35  
36 Telephone No.: \_\_\_\_\_

37  
38 **Funding Information**

39  
40 What is the appraised value of the conservation easement's development rights? \_\_\_\_\_

41 What is the amount of funding you are requesting? \_\_\_\_\_. Are you requesting transaction  
42 costs, and if so, how much are you requesting? \_\_\_\_\_.

1 If leveraging is available or has been applied for, what are the source(s) and amount(s)?

2

3 Source: \_\_\_\_\_ Amount: \_\_\_\_\_

4

5 Source: \_\_\_\_\_ Amount: \_\_\_\_\_

6

7 Source: \_\_\_\_\_ Amount: \_\_\_\_\_

8

9

10

**Level One -Application for Funding**

11

**Gallatin County Open Space Grant Program**

12

**Purchase of Conservation Easements on Private Lands with Important Agricultural,**

13

**Natural Resource and Community Identified Values**

14

**Application Checklist**

15

16 The following checklist is designed to aid you in putting together your application and in making  
17 sure that it is complete. Please make sure that you have provided all the information requested in  
18 this application packet for all 11 items.

19

**Narratives**

20

21 For items 1 through 7 provide a succinct narrative description of the information requested.

22

23 While all of the information will be used to assess the merits of a proposal, items 1 through 6  
24 relate to specific criteria that will be utilized by the Open Lands Board to compare and rate  
25 applications. The rating sheet for these items is included at the end of this packet.

25

26

1. **General Description.** Provide a narrative describing the size of the ranch or property, the  
27 size of the area to be covered by the conservation easement, the number of home sites that  
28 will be retained by the owners for future use and water rights appurtenant to the property.  
29 Sizable properties with a larger proportion of the property placed under conservation  
30 easement, fewer retained home sites and water rights remaining with the land provide greater  
31 conservation benefit.

32

33

- 1a. Size of Property or Ranch – what is the total acreage of the property or ranch, including  
34 deeded land, leased land, or permitted public land and what is the acreage of each  
35 category?

36

37

- 1b. Size of Conservation Easement - what is the total acreage and percentage of the deeded  
38 land to be restricted by the conservation easement?

39

40

- 1c. Retained Home sites – Excluding the existing home sites on the property, how many  
41 additional home sites do you plan to retain in the conservation easement?

42

43

- 1d. Water Rights – What are the water rights appurtenant to the property and will these rights  
44 remain with the property?

45

- 1 2. Provide a narrative describing the **Quality of the Agricultural Resource and its Economic**  
2 **Viability**. The purpose of this category is to determine the quality of the land resource for  
3 agricultural production and its potential to stay in agriculture, operating as an economic unit.  
4  
5 2a. Soils Quality– what percentage of the soils in the deeded portion of the property are  
6 identified as prime, statewide importance and of local significance according to NRCS  
7 criteria?  
8  
9 2b. Amount of Irrigated Land – what acreage and percentage of the proposed conservation  
10 easement area is irrigated hay or cropland and/or sub-irrigated pasture?  
11  
12 2c. Average Annual Number of Animal Units Maintained (including cattle, sheep, hogs and  
13 dairy cows) – what is the number of average annual animal units (AUM) that have been  
14 carried on the farm or ranch during the past 5 years as per NRCS Criteria?  
15  
16 2d. Average Annual Crop Production – what is the average annual production of hay and/or  
17 alfalfa (tons), wheat and/or barley (bushels) or potatoes (hundred weights) produced on  
18 the property?  
19  
20 3. Provide a narrative describing the **Quality of Natural Resources Important to Sustaining**  
21 **Wildlife, Natural Communities and Water Quality**. The purpose of this category is to  
22 determine whether the property possesses important wildlife habitat and movement corridors,  
23 natural plant communities and water resources that help maintain the quality of surface water  
24 and underground aquifers.  
25  
26 3a. Significant Habitat Diversity – does the property contain significant wildlife habitat and  
27 plant association types and diversity as defined and identified by MFWP as the  
28 interspersed of the following vegetation communities: shrub/grassland, riparian,  
29 broadleaf forest, coniferous forest and agricultural lands?  
30  
31 3b. Significant Water Resource, Fishery or Recharge Area – does the property contain a  
32 perennial river, stream, water bodies or wetlands that constitute a significant water  
33 resource, fishery (according to MFWP criteria) or aquifer recharge area?  
34  
35 4. Provide a narrative describing **Multiple Community Values**. The purpose of this category is  
36 to determine whether the property has significant recreational, scenic and public policy values  
37 important to the community.  
38  
39 4a. Public Recreational Benefits – does the property provide an important public trail linkage,  
40 fishing access, access to public lands or hunting access? If so, is the public access located  
41 in an area where recreational access is encouraged by a local plans or regulation, if they  
42 exist?  
43

- 1 4b. Scenic Values – is the property visible from a federal or state highway, primary county  
2 road, or minor county road, and is it considered to be within or near a publicly identified  
3 area as having scenic value?  
4
- 5 4c. Public Policy – is the property located in an area where the preservation of open space,  
6 agricultural or rural character is encouraged by an adopted land use plan or regulation?  
7 How is the protection of this property consistent with the intent, goals and policies of any  
8 applicable land use plans or regulations (please identify)? Are there pressures from  
9 encroaching development (please identify)?  
10
- 11 5. Provide a narrative describing **Circumstances Affecting Continued Agricultural**  
12 **Operation and/or Maintenance of Natural Values and Functions.** The purpose of this  
13 category is to determine if the property is located adjacent to working ranches or significant  
14 natural areas and to assess whether the likelihood of continued agricultural activity or  
15 protection of the natural area is high.  
16
- 17 5a. Proximity to Other Operating Ranches or Properties with Significant Wildlife, Fisheries  
18 and Natural Qualities – is the property close to other ranches or significant wildlife  
19 /natural areas and if so, how close (in miles)?  
20
- 21 5b. Proximity to Other Ranches or Natural Area Properties Protected by Conservation  
22 Easements or to Public Lands – is the proposed conservation easement close to other  
23 ranches or significant natural or wildlife areas that are either protected by conservation  
24 easements or are located near public lands?  
25
- 26 5c. Human Resources – is the ranch operated by family members and/or does it provide an  
27 opportunity for a new or existing rancher to create or expand an operation to make it  
28 more viable?  
29
- 30 5d. Continuation of Ranching Heritage: Length of Operation of Ranch by Same Family –  
31 how long has the same family been operating the ranch?  
32  
33  
34
- 35 6. Please provide a narrative regarding **Leverage.** The Gallatin County Open Lands Board  
36 seeks to maximize the use of its limited funds by leveraging other financial resources or  
37 additional protected property for each project. To evaluate leverage, the Open Lands Board  
38 looks at information you provide concerning:  
39
- 40 6a. Landowner’s Contribution and/or Purchase Terms – how much of the value of the  
41 conservation easement will be contributed by a combination of partners including  
42 landowner, local government, state and federal governments, charitable foundations and  
43 non-profit land conservation organizations?  
44  
45

1  
2 7. Please provide a narrative regarding **Hazardous Materials** (as described by the federal  
3 government) that may or may not be located, used, or disposed of on the property.  
4

5 **Supporting Letters, Information and Maps**  
6

7 8. Property Information requested on the accompanying **Property Information Form**  
8 including proof of current ownership, legal description, title and maps and supporting  
9 documentation provided.

10  
11 9. Please provide a **Preliminary Appraisal** letter from a qualified appraiser. It is recommended  
12 that your preliminary appraisal letter be no more than one year old. A list of appraisal  
13 qualifications is on file in the Coordinator's office at 311 W. Main, Room 200, Bozeman,  
14 MT 59715  
15

16 10. Please provide a **Letter of Recommendation** from the Sponsoring Land Conservation  
17 Organization that discusses why your project should be approved.  
18

19 11. Please include a **Letter from the Applicant** describing why the proposal should be approved  
20 for funding. This is your chance to describe the importance of your proposal, how it meets  
21 the intent of the Gallatin County Open Space program and why it should be chosen above  
22 others.  
23

24  
25 **Level One -Application for Funding**  
26 **Gallatin County Open Space Grant Program**  
27 **Purchase of Conservation Easements on Private Lands with Important Agricultural,**  
28 **Natural Resource and Community Identified Values**  
29

30 **Property Information**

31 Application must include the following property information:  
32

- 33 1. Proof of Current Ownership. Please include a deed or other document that provides proof  
34 of current ownership of the property proposed for protection.  
35  
36 2. Legal Description. Please provide the legal description for the property proposed to be  
37 protected. The legal description should include the proposed protection area and any  
38 adjacent land that is owned by any of the owners.  
39  
40 3. Map and Supporting Documentation. Please provide a map (aerial photo, USGS  
41 quadrangle, County GIS, Plat) of sufficient size to clearly show the following types of  
42 information relating to the property proposed for protection.  
43  
44 a. Property Boundary of property identified in legal description.  
45



- 1           b.     Surrounding property within a one-mile radius of property boundary.
- 2
- 3           c.     Area of proposed conservation easement.
- 4
- 5           d.     Areas of deeded land, leased land or permitted land (including identity of
- 6                 lessor or permitting party).
- 7
- 8           e.     Other conservation easements on Applicant's land or on adjacent properties.
- 9
- 10          f.     Locations of improvements showing houses, barns, outbuildings, fences,
- 11                 irrigation ditches and any other substantial structures.
- 12
- 13          g.     Locations of proposed reserved home sites.
- 14
- 15          h.     Areas of irrigated land and areas of crop cultivation.
- 16
- 17          i.     Rivers, streams, creeks, wetlands, natural areas and wildlife habitat.
- 18
- 19          j.     Public trails, proposed trails and public access to public lands or rivers.
- 20
- 21          k.     Locations of historic features.
- 22
- 23          l.     Federal or state highways, primary or rural county roads or roads designated
- 24                 by local governments as important scenic areas.
- 25
- 26

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**Level Two -Application for Funding  
Gallatin County Open Space Grant Program  
Purchase of Conservation Easements on Private Lands with Important Agricultural,  
Natural Resource and Community Identified Values**

**Application Checklist**

The following eight items relate to due diligence and the transaction documents to complete the project. These should be provided if your application is approved for funding after Level One review. These items must be prepared according to any conditions attached to the Commissioner’s approval of the Level One Application.

1. The Conservation Easement Document and Baseline Documentation Report
2. The Title Commitment for the subject property and resolution of any title issues.
3. The Final Appraisal
4. The Purchase Agreement
5. An Environmental Hazard Survey concerning hazardous materials (as described by the federal government) that may or may not be located, used or disposed of on the property.
6. An agreement between the County and the Sponsoring Land Trust regarding joint responsibilities.
7. A Mineral Remoteness letter, if the minerals under the property are owned by third parties, prepared by a qualified geologist in order to ensure that mining is unlikely to take place on the property in the future.
8. A narrative describing the Closing Arrangements –where the closing is to occur, closing participants, settlement sheets, escrow arrangements if required, the cost of closing, etc.

Open Space Criteria 2007