

Public Benefits of a Conservation Easement Located in Bunnell's Fork in Provo Canyon

Informal analysis of public benefits provided by placing Provo City-owned parcels into a conservation easement located in Bunnell's Fork in Provo Canyon

Prepared pursuant to Utah Code §10-8-2

Introduction

The City of Provo is proposing to place three city-owned parcels in Bunnell's Fork of Provo Canyon, totaling 152.90 acres, into a conservation easement to be held by 501c(3) Utah Open Lands for the preservation and protection of the open land and natural resources it possesses.

Consistent with Utah Code §10-8-2, Provo City finds that the proposed conservation easement of the identified city-owned parcels provides substantial public benefit, advancing the safety, health, prosperity, and well-being of the inhabitants of the municipality, and directly fulfilling adopted City policy goals in the General Plan, the Conservation & Resiliency Plan, and the Hillside & Canyons Plan. And while this property lies outside the city's incorporated boundaries, it is within the city's and surrounding communities' vital watershed and recreation landscape central to Provo's identity and long-term sustainability.

The City proposes to grant a perpetual conservation easement on this property to Utah Open Lands (UOL), a nonprofit land trust with a statutory mission to conserve open lands through easements and stewardship. The easement rights will be granted at no cost to UOL pursuant to the process outlined in Utah Code §10-8-2. The initial costs associated with the easement creation and ongoing maintenance of the property will be at no cost to Provo City. The goals of the easement, as outlined below, align with guiding plans and goals for Provo City as found in the City's General Plan, Conservation & Resiliency Plan, and Hillside & Canyons Plan.

Goals of Bunnell's Fork Conservation Easement

- Protect critical watershed resources serving the Provo River and municipal water supply;
- Preserve wildlife habitat and ecological connectivity between the Uinta-Wasatch-Cache National Forest and valley foothills;
- Safeguard the scenic values of Provo Canyon and its highly visible hillside;
- Maintain opportunities for low-impact public recreation while prohibiting development incompatible with canyon management goals; and
- Reduce future City costs associated with managing and protecting this land.

Legal and Policy Framework

Utah Code 10-8-2(1)(a)(v) states that after first holding a public hearing, a municipal legislative body, "may authorize municipal services or other nonmonetary assistance to be provided to or

waive fees required to be paid by a nonprofit entity, whether or not the municipality receives consideration in return.”

As UOL is a nonprofit organization with the mission, “to preserve, protect and steward open space in order to maintain Utah’s natural heritage and quality of life for present and future generations,” the City may waive receipt of the appraised fair market value of a conservation easement for the identified parcels so long as the municipal legislative body, in this case the Provo City Council, holds a public hearing regarding the easement and authorizes the Administration to place the property into a perpetual easement without receiving the appraised fair market value in exchange.

Under Utah Code section 10-8-2(2)(a), a formal study is not required for services or assistance provided to a nonprofit entity after public hearing. Even so, this informal analysis, considering the same factors as a formal study would, is set to assist the Provo City Council in their consideration of the costs and benefits of the requested waiver of easement costs. The factors that would be considered in a formal study if the benefits were to a for-profit entity are outlined under Utah Code §10-8-2(3)(e). Those factors are:

- i. what identified benefits [including intangible benefits] the municipality will receive in return for any money or resources appropriated;
- ii. the municipality’s purpose for the action, including an analysis of how the action will enhance the safety, health, prosperity, moral wellbeing, peace, order, comfort or convenience of the inhabitants of the municipality; and
- iii. whether the action is necessary and appropriate to accomplish the reasonable goals of the municipality in the area of economic development, job creation, affordable housing, blight elimination, job preservation, the preservation of historic structures and property, and any other public purpose.

Background on the Property

The City-owned property is located in Bunnell’s Fork of South Fork Canyon in Provo Canyon, on the north-facing slopes above the Provo River corridor and includes city-owned South Fork Park, a treasured open space and recreation area. Bunnell’s Fork is home to a valuable and complex ecological habitat. The land is made up of steep mountain terrain characterized by mixed conifer and aspen forests, riparian corridors including important watershed resources, and small open meadows, all left undeveloped besides open-to-the-public trails maintained in part currently by Provo City. The fork directly adjoins the Uinta-Wasatch-Cache National Forest, enhancing its connectivity to broader regional conservation and public lands. Currently, the property remains undeveloped open space, while serving an important role in watershed protection for the Provo River system.

Public Benefit & Fiscal Analysis

Fiscal Costs to the City

City costs associated with establishing the easement are limited to internal expenses incurred through the established land use process the city undertakes. As such, the City takes on no additional or new costs for the baseline documentation, research, drafting, legal review, and recording.

Utah Open Lands will assume responsibility for long-term monitoring and enforcement of the easement at no ongoing cost to the City.

The greatest cost to the city in placing a conservation easement on the identified parcels in Bunnell's Fork, is the potential loss of monetary value the city would receive from selling the land either for development and/or other purposes. An easement will reduce the land's marketability and availability for potential development and therefore equate to a loss in value to Provo City.

Benefits to the City and its Residents

The conservation easement on the land, however, provides substantial offsetting public benefits. Benefits include, but are not limited to, watershed protection, habitat preservation for plant and animal life, scenic conservation, and protecting the economic value of Provo's natural amenities. While open space and watershed preservation are leading factors in favor of the easement, preserving open space and canyon views aids Provo in sustaining the region's outdoor recreation economy and supports Provo's reputation as a destination for visitors and residents seeking high-quality natural and scenic experiences for generations to come.

The easement is expected to generate long-term fiscal savings primarily by preventing development that would otherwise require costly infrastructure expansion, including, but not limited to, roads, utility lines, stormwater/drainage improvements, and additional water supply/treatment capacity. EPA studies show that natural landscapes in source-water areas reduce water treatment and infrastructure needs by filtering pollutants and stabilizing hydrology. Furthermore, increased forest cover in a source-water area measurably lowers treatment costs.¹ Protecting steep canyon parcels therefore helps avoid the capital and operating costs Provo could face when upland development increases runoff, sedimentation, and demand on the city's water systems.

The easement also reduces the City's exposure to what could be greater wildfire suppression and recovery costs. On a national scale, wildfire suppression in recent years has averaged billions of dollars annually². Through the easement, the city would protect against the conversion of steep,

¹ "Benefits of Healthy Watersheds." *EPA*, United States Environmental Protection Agency, 15 Feb. 2025, www.epa.gov/hwp/benefits-healthy-watersheds.

² "Suppression Costs." *National Interagency Fire Center*, 2024, www.nifc.gov/fire-information/statistics/suppression-costs.

forested slopes to development thus reducing the likelihood of repeated high-cost suppression, not to mention the greater cost the city and state would incur by any recovery expenditures that would follow a major wildfire on a developed area in the Fork.

In addition to its environmental and infrastructure advantages, the proposed easement offers meaningful economic and psychological benefits for the community. Open space and natural settings attract visitors and have the potential to support local Provo and Utah County tourism and recreation economies. In fact, the Utah department of Natural Resources reports that in 2024 the state's outdoor recreation economy contributes to 3.4% of Utah's GDP, supporting 71,898 jobs and \$9.5 billion in value-added to the state's economy on the whole.³ By preserving Bunnell's, the City ensures that its residents now and in the future will benefit from the recreational draw the open space provides.

The proposed conservation easement will be held and monitored by an established and reputable land trust in Utah Open Lands. By using this approach for the easement, the protections will be locked in in perpetuity while shifting ongoing monitoring and enforcement responsibilities to UOL. Land-trust guidance and case examples show easements are an effective tool for preserving watershed and habitat values and for coordinating stewardship actions without creating ongoing budgetary obligations for the municipality.⁴

Provo City Plan Goals

Provo City's guiding plans, namely the General, Conservation and Resiliency, Hillside and Canyons, and River and Lakeshore plans, set out numerous goals for preservation of open space and protection of natural resource-filled land for the benefit of Provo residents now and for generations to come. A list of goals supporting the conservation of Bunnell's Fork can be found in Appendix B.

In addition to the goals outlined in the city's guiding documents, residents indicated during the drafting of the plans a desire to protect Provo's open space and natural resources. Statistically valid surveys distributed and collected during the drafting of these plans found that 91% of Provo residents visit Provo Canyon at least once a year, and nearly half of respondents considered the canyon to be the most iconic to visitors. When asked about management of the hillsides and canyons in Provo, residents largely indicated a desire to see the areas preserved as they are with limited development.⁵ Residents also report that when it comes to "improvements"

³ *Utah's Outdoor Recreation Economy Breaks Records, reaching \$9.5 billion (2024) Utah Department of Natural Resources*. Available at: <https://naturalresources.utah.gov/dnr-newsfeed/utahs-outdoor-recreation-economy-breaks-records-reaching-9-5-billion/>.

⁴ Hart, Charley. "Conservation Easements," *Policy Briefs: Utah State Legislature, Office of Legislative Research and General Counsel* (2024): https://le.utah.gov/interim/2025/pdf/Conservation_Easements.pdf?.

⁵ Provo City Hillside and Canyons Plan: Appendix B

to waterways in Provo, they would like to see these focused on overall cleanliness, natural habitat and ecological restorations, and preserving the watersheds Provo draws upon.⁶

Appendix D of the Hillsides and Canyons Plan specifically outlines the City's commitment to work "collaboratively" with stakeholders and conservation groups to "ensure [city-owned parcels outside of city limits] are preserved for the public in perpetuity and are managed in a manner that reflects the guiding principles of the Hillsides and Canyons Plan." Bunnell's Fork land is identified as one such parcel. This appendix was added to the greater Plan after a resolution was unanimously passed by the City Council in 2024 and signed by the Mayor. The entirety of the appendix can be found in this document's Appendix C.

Conclusion

When finalized and recorded, the Bunnell's Fork conservation easement will provide environmental protection for Provo residents and generations to come. This action will also further many of the City's goals as outlined in its guiding documents, namely the General, Hillsides and Canyons, River and Lakeshore, and Conservation and Resiliency plans. The costs to the City are outweighed by both the tangible and intangible benefits to the City.

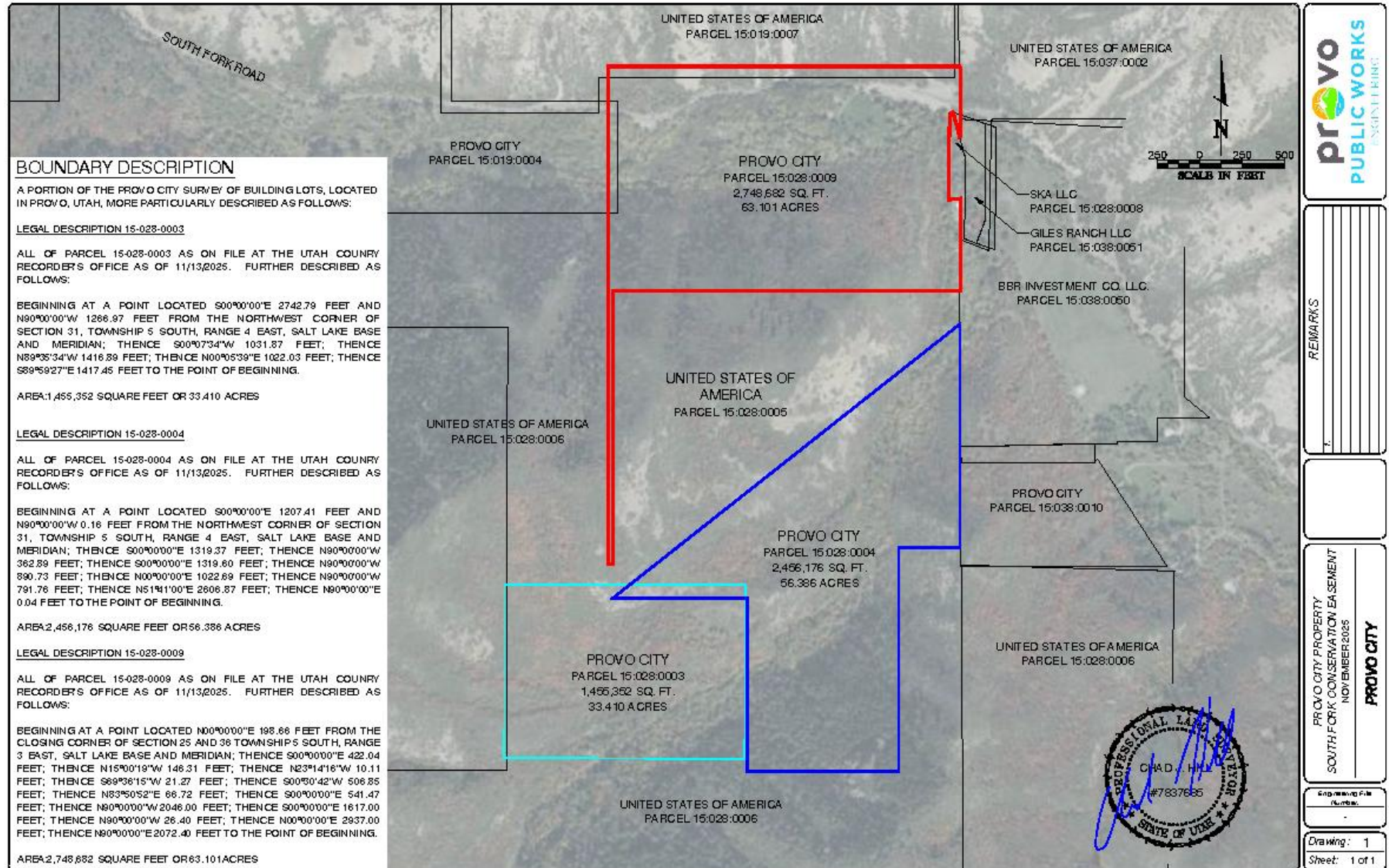
The Provo City Council will hold a public hearing on whether to adopt a resolution approving the proposed. The public hearing will be held on December 16, 2025 at 5:30 PM.

⁶ Provo City River and Lakeshore Plan: Appendix B

Appendix

Appendix A

Parcel Map and Legal Description



Appendix B

Provo Hillside and Canyons Plan

“The hillsides and canyons provide abundant opportunities for outdoor recreation to promote physical fitness, mental wellbeing, and connection to nature. These activities are significant draws for tourists and outdoor enthusiasts, which bring economic benefits to the city, such as increased visitor spending, job creation, and the development of related businesses such as outdoor equipment rentals, guiding services, and hospitality.”- Page 9

“The hillsides and canyons play a crucial role in ecological processes. Disturbance to the current soil, vegetation, and natural landforms could increase the risk of erosion and landslides, negatively impact water quality, and disrupt local habitats and wildlife. Vegetation in these areas helps in carbon sequestration, improving air quality, preventing landslides, and mitigating temperature fluctuations.”- Page 9

“1a.1 Protect environmentally sensitive areas, including wildlife and riparian corridors.

1. Review Chapter 15.05 of Provo City Code to ensure sensitive land requirements are met.
2. Avoid any development in critical habitat areas for birds and other wildlife.
3. Ensure that any habitats for vulnerable or at-risk species are preserved and protected in coordination with the U.S. Department of Fish and Wildlife and the Utah Division of Wildlife Resources.
4. Route trails to minimize disturbance to habitats, including avoiding riparian areas, minimizing crossings of habitat corridors, and avoiding wildlife breeding areas. Refer to section 14.33A.140 of Provo City Code on Trails and Public Accesses regarding density bonuses and requirements.
5. Monitor and manage visitor use to ensure that recreational activities are sustainable and do not harm the environment. This may include limiting the number of visitors or restricting access during sensitive times or seasons.” – Page 40

Provo Conservation and Resiliency Plan

“Open spaces and natural areas contribute greatly to Provo residents’ core value of access to recreation and natural beauty. Nature – from trees to parks to recreation areas – improves public health, lowers the ambient temperature, and offsets carbon emissions.” – Page 29

“[Goal] 4a. Continue to preserve agricultural land through conservation easements and selling of development rights as appropriate.” – Page 52

Provo River and Lakeshore Plan

“59% [of Provo residents] identify watershed protection as a priority.”- Page 40

“Restoration or creation of wetlands and vegetated buffers along streams and water bodies benefits the river and lake and provides ecological, social, and economic advantages for the surrounding communities.”- Page 63

“Non-governmental agencies (NGOs) such as foundations, nonprofits, and land trusts are valuable partners for improvements. Private foundations and land trusts often act as intermediaries between cities and private landowners through lease agreements, fee simple purchase agreements, or conservation easements. Public-private partnerships with developers are an opportunity for municipalities, organizations, and individual property owners to work together on shared goals.” – Page 81

Provo City General Plan

“Provo should pursue the preservation of open space as appropriate and consider collaboration with other organizations to further preserve these community assets.”- Page 77

“Create a strategic plan that includes tools and funding opportunities in order to conserve, connect, and protect vulnerable lands and open space.” – Page 80

“The city should...pursue policy that will improve the quality of life for current residents and manage natural resources so that they can be enjoyed by generations to come.”- Page 82

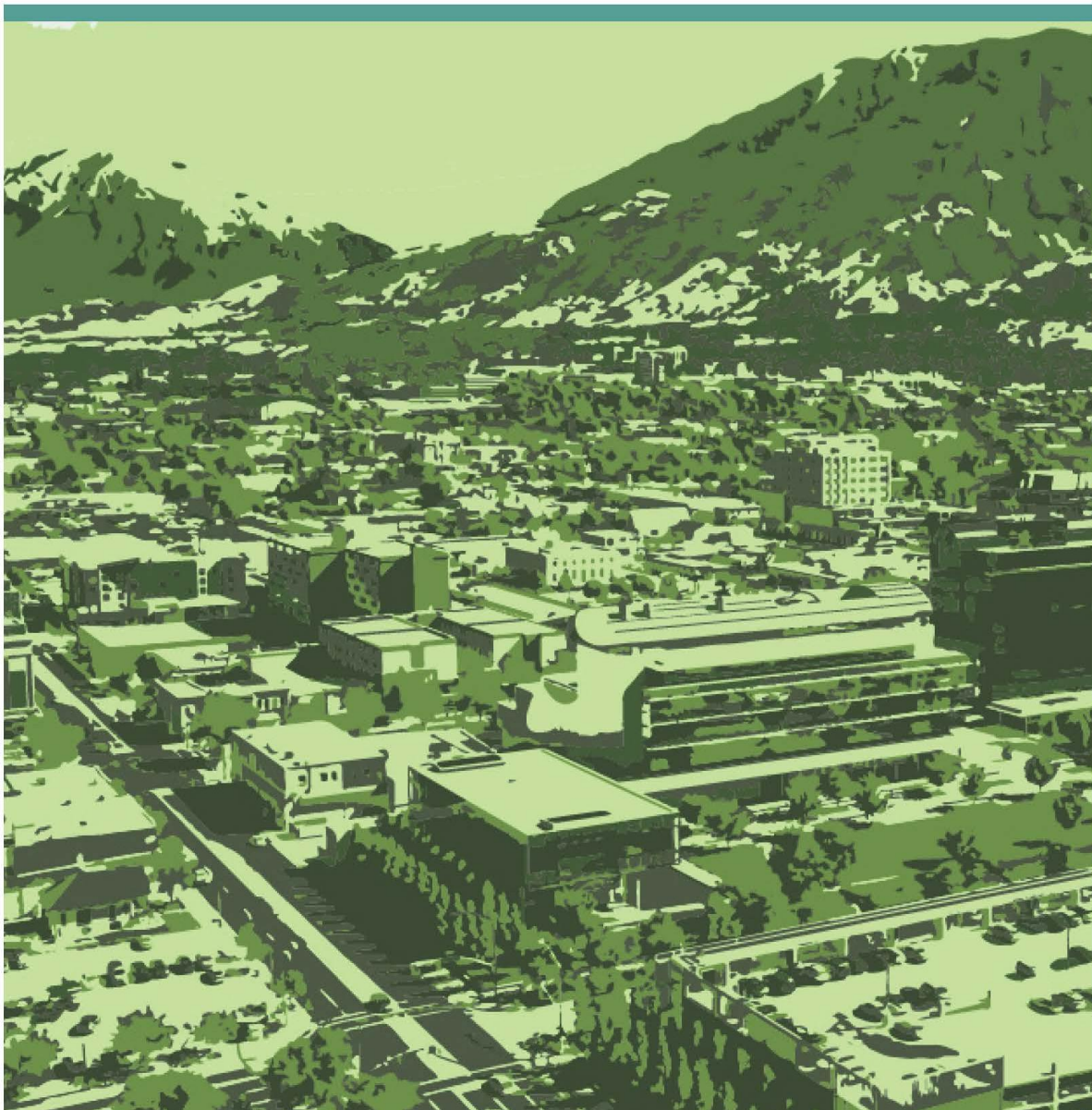
“Provo should continue to be a regional leader in conservation and sustainability conversations, especially in the areas of water, air quality, and energy□ It would also be wise to make the conservation of wetlands and other ecologically critical and diverse areas a high priority.”- Page 82

Appendix C

Appendix D of Hillside and Canyons Plan

APPENDIX D

COUNCIL RESOLUTION



Ordinance 2024-51


SHORT TITLE:

AN ORDINANCE AMENDING THE HILLSIDES AND CANYONS PLAN TO
INCLUDE A NEW APPENDIX. (PLGPA20240230)

I
PASSAGE BY MUNICIPAL COUNCIL
ROLL CALL


DISTRICT	NAME	FOR	AGAINST	OTHER
CW 1	KATRICE MACKAY	✓		
CW 2	GARY GARRETT	✓		
CD 1	CRAIG CHRISTENSEN	✓		
CD 2	GEORGE HANDLEY	✓		
CD 3	BECKY BOGDIN	✓		
CD 4	TRAVIS HOBAN	✓		
CD 5	RACHEL WHIPPLE	✓		
TOTALS		7	0	

This ordinance was passed by the Municipal Council of Provo City, on the 1st day of October
2024, on a roll call vote as described above. Signed this 1st day of October 2024


Chair

II
APPROVAL BY MAYOR

This ordinance is approved by me this 14th day of October 2024.


Mayor

Ordinance 2024-51

III

CITY RECORDER'S CERTIFICATE AND ATTEST

This ordinance was signed and recorded in the office of the Provo City Recorder on the 15th day of October 2024 and was published on the Utah Public Notice Website on the 2nd day of October 2024. I hereby certify and attest that the foregoing constitutes a true and accurate record of proceedings with respect to Ordinance Number 2024-51.





City Recorder

ORDINANCE 2024-51.

AN ORDINANCE AMENDING THE HILLSIDES AND CANYONS PLAN TO
INCLUDE A NEW APPENDIX. (PLGPA20240230)

RECITALS:

It is proposed that the Hillside and Canyons Plan be amended to include a statement from the Municipal Council regarding City-owned properties outside City jurisdiction;

Provo City owns lands in Provo Canyon east of the area described in the Hillside and Canyons Plan and outside the official city limits;

The Provo Municipal Council does not have direct land use authority over these parcels as they are located outside of Provo City's jurisdictional boundaries;

These City-owned properties hold significant value for the residents of Provo in regard to the conservation, recreation, and ecological health of the region;

The Hillside and Canyons Plan seeks to address the demands associated with growth, enhance recreational use, conserve environmentally sensitive areas, and ensure the safety and enjoyment of these natural resources for future generations;

Declaring the Municipal Council's preferred future land use scenarios for these properties in the Hillside and Canyons Plan will help guide future actions and decisions regarding their use, management, and conservation;

On September 11, 2024 the Planning Commission held a duly noticed public hearing to consider the proposed amendment, and after such meeting, the Planning Commission recommended approval to the Municipal Council by a vote of 6:0;

On October 1, 2024, the Municipal Council met to ascertain the facts regarding this matter and receive public comment, which facts and comments are found in the public record of the Council's consideration; and

After considering the facts presented to the Municipal Council, the Council finds that (i) the Hillside and Canyons Plan should be amended as set forth below, and (ii) such action furthers the health, safety, and general welfare of the citizens of Provo City.

THEREFORE, the Municipal Council of Provo City, Utah ordains as follows:

PART I:

The Hillsides and Canyons Plan is amended by adding the language shown in Exhibit A as Appendix D.

PART II:

The Municipal Council directs Council Staff to transmit an official copy of this ordinance with its accompanying exhibit in addition to the fully updated Hillsides and Canyons Plan to the Utah Department of Natural Resources; the Utah Division of Forestry, Fire, and State Lands; the Utah Division of Outdoor Recreation; the U.S. Forest Service; and Utah County.

PART III:

- A. If a provision of this ordinance conflicts with a provision of a previously adopted ordinance, this ordinance prevails.
- B. This ordinance and its various sections, clauses, and paragraphs are severable. If any part, sentence, clause, or phrase is adjudged to be unconstitutional or invalid, the remainder of the ordinance is not affected by that determination.
- C. This ordinance takes effect immediately after it has been posted or published in accordance with Utah Code Section 10-3-711, presented to the Mayor in accordance with Utah Code Section 10-3b-204, and recorded in accordance with Utah Code Section 10-3-713.
- D. The Municipal Council directs that the official copy of Provo City Hillsides and Canyons Plan be updated to reflect the language adopted by this ordinance.

Exhibit A

The Provo Municipal Council acknowledges and recognizes the existence of City-owned parcels that are outside of Provo City limits and outside the scope of the Hillsides and Canyons Plan, specifically in the region of Provo, South Fork, and Bunnels Fork Canyons. A map of these and other City owned properties can be found at the [City-Owned Property Outside Provo Map](#).

We commit to working collaboratively with relevant stakeholders including neighboring jurisdictions, state and federal agencies, and local conservation groups to ensure that these properties are preserved for the public in perpetuity and are managed in a manner that reflects the guiding principles of the Hillsides and Canyons Plan and other goals of the Municipal Council, including:

1. **Conservation of Environmentally Sensitive Areas:** Prioritize the preservation and restoration of natural habitats, landforms, and ecological features.
2. **Enhancement of Recreational Opportunities:** Encourage the development and maintenance of recreational facilities that interact with the natural environment while minimizing impact.
3. **Mitigation of Hazards:** Address and manage potential natural hazards such as wildfires, seismic activity, water contamination, and soil erosion to ensure public safety.
4. **Water Resource Management:** Strategize for responsible water resource infrastructure development for these properties, ensuring adequate water supply for current and future residents of Provo City.

We call on the governments or agencies that hold land use authority over these properties to develop land use statements for said properties that align with the spirit of these principles and goals of the Hillsides and Canyons Plan to ensure that the value of these lands is preserved for current and future generations.

Appendix D

Bunnells Fork Open Space: Preliminary Conservation Easement Baseline Documentation Report
authored by Utah Open Lands

*(Will be attached prior to public hearing date- available for preview upon request through the
Provo City Council office)*