

Wasatch Open Lands Board Meeting (WOLB)

September 13, 2021; 6:30 pm MT

Held Online and in Wasatch County Building, downstairs Conference Room, 25 N Main, Heber City, UT

Online Login Link: <https://us02web.zoom.us/j/86867481810?pwd=Y2xEU1lHV1Z6Y2xGK1ZOTTdaY1RaZz09>

Dial in: +1 669 900 6833 US

Meeting ID: 868 6748 1810

Passcode: 291694

Send any public comments to: openlands@wasatch.utah.gov

Attendees: Heidi F, Dallin K, Steve S, Justin K, Steve F, Marilyn C (at 6:45 pm), Tracy T, Dustin Grabau, Kate Sattelmeier, Matt Brower.

AGENDA:

1- Public Comments

2- Approval of August 9, 2021 Minutes.

Motion: Dr. Steve S

2nd: S Farrell

Vote: Unanimous

3- NOI – Notice of Interest Applications: Board discussion, updates, & action.

- Final Heber City Presentation for Muirfield Park NOI

Matt Brower presentation: From April until now for \$353,140. Represents 34% of land acquisition parcels for three lots. Total land costs is projected for \$1.03 M. Improvements are more than this. NOI is consistent with County Code. Previously showed MOU for WOLB, Heber City's 'influence' of 18.48% *taxable value of property tax out of entire County. Request is 3.5% of total \$10M bond.

Dallin K: asked about \$5M increment, 18%. Gave analogy to other numbers.

New appraised value for MacDonald property to \$830,000, or \$81,000 per acre.

Board Discussion of acreage in MacDonald parcels, lot of record, latest appraisal costs.

Kate Sattelmeier presented on proposed Heber City Conservation Easement for previous Houston (now City owned) parcel and MacDonald's parcels.

Conservation Easement can cover either 2 or all 3 lots (with amendment).

Still need to cite funding source in Easement in Recitals. Explained other Recitals/purpose. Easement is supported by a baseline report, photos, maps, documents to capture process, intent.

Board Suggestions on Proposed Muirfield NOI Conservation Easement:

Justin K: In Exhibit C: take out 'residential' in the first line.

Clause 5: Take out 'no new structures/buildings' unless as permitted. Wants to spell out exactly what buildings can be erected.

Kate S: can allow building envelopes or not. Doesn't allow bathrooms or kitchen currently. Perhaps put ground maintenance shed next to building?

Justin K: doesn't want additional buildings to protect open space. If Heber City wants to use it for public works, then no wiggle room. Doesn't want ambiguity in the language. Wants it clear on existing building, concerned about commercial uses in existing building.

Marilyn C: Board didn't want any commercial use on this property.

Justin K: Easement allows for commercial.

Matt B: Is a pavilion that can be rented for an evening or used as a classroom defined as commercial?

Dallin K: thinks this is a maintenance fee, not a commercial fee.

Kate S: we've delineated this in other easements, such as summer camps or other non-profits uses instead of commercial uses. Can be delineated as 'for profit' versus 'non profit.'

Justin K: C19 fix typo. Community events are understandable, but what about Cowboy Poetry festival? Wants it spelled out more. Small family gathering can be a wedding.

Marilyn C: if too many events, or large events than large gathering can 'take over' the park and not be so open for the rest of the public.

Matt B: What is the core concern of WOLB? Carrying capacity or use?

Marilyn C: type of use and number of participants.

Steve F: Core purpose is seek preservation of open lands. A reception center goes against that. Wedding reception center would take away that with events.

Matt B: Thinks great value in open space. Public can use this land and will help with other open space bond in the future.

Dallin K: agrees.

Marilyn C: Discussed use for service projects, educational events.

Steve F: Bond wasn't billed as for public use on open space. Concerned about public amenities needs.

Matt B: no intention of building bathrooms, amenities. Enlarge amenities on west side of park, not east side.

Justin K: be clear about how the open space bond money is spent that is totally out of line of what the bond money was original discussed. Doesn't want a wedding venue based on bond money. Emphasize the agricultural heritage of the Valley. Convert existing building to tie into bond and benefit the community.

Matt B: Come back with better language on easement to specific references on not turning park into commercial venue.

Steve F: wants potential uses to be spelled out.

Justin K: these are the conservation values he wants spelled out. Exhibit C paragraph 12, tighten up that language.

Dallin K: where else can Heber City preserve open space given their 18% property tax value?

Heid F: Heber City Open Space Committee has contacted and will continue to educate property owners along 600 West.

Matt B: Mentioned pending annexations and using preservation fee, yet not a lot of other open space in Heber City to preserve.

Tracy T: Pending annexations are a lot of land? So a lot of land to use?

Matt B: Sorenson open space will already be required open space, annexations only; not a lot of other land left.

Justin K: Point of Information: if development already requires open space, then bond money can't be used for that.

Matt B: potentially purchase more open space along view corridor on the west side on Highway 40 to preserve corridor? Discussion of potential \$5M in preservation fee to preserve corridor on both sides of highway 40.

Tracy T: is it an outright purchase or just conservation easement purchase?

Matt B: conservation easement purchase, not land purchase.

Further Board discussion of corridor easement costs, density.

Steve F: county already owns west side of highway 40, 48 acres from UVU to Commons area.

Dallin K: This is likely the only Heber City project.

Steve F: Bond money is to help everyone in the county.

Justin K: Exhibit C concerns: Paragraph 16: Utilities, no above-ground or underground utilities. Do we know about northern MacDonald lot and utility easements. Is powerline a moot issue?

Board discussion: Yes. Powerline Easement is already on north MacDonald parcel.

Kate S: Proposed Easement only applies to NEW utilities, not existing RMP easement on the northern MacDonald parcel. Can't do anything about existing utility easements.

Matt B: gave further update on appraisal.

Board Discussion on updated appraisal.

Justin K: Questions about water rights on MacDonald property? Take out clause 19 applying to MacDonald property.

Heidi F: Questions on latest appraisal.

Summary of Board Discussion on Exhibit C -Proposed Language for Conservation Easement: Work on language of Exhibit C, Clause first paragraph/first sentence, Clause 5 (list types of structures, NOT buildings, yet allow signage/wayfinding/educational, bollards), Clause 6 (community events that tie into the purpose of the bond/educational;), Clauses 12, 19 – doesn't apply to MacDonald property.

Steve F: NOI includes 3 parcels. 3 parcels = 14.38 acres/\$1.28; yet two parcels is 10.13 for \$45000 +\$420,326 = \$859,675.

Further discussion of updated MacDonald appraisal.

MOTION on Heber City's Muirfield Park NOI:

Steve F: For the WOLB to recommend to the County Council to allow 20% of overall purchase price plus 5% (25% total) of Open Space Bond money toward Muirfield NOI because of public access aspect. Plus Rework the NOI to reflect actual, final purchase price from both parcels.

Steve F's further discussion: We don't know actual purchase price of parcels yet, but WOLB would recommend \$320,000 if WOLB went with 25%.

Kohler's had full water right, MacDonald does not. Houston water rights not adequate. City would need to provide the rest of the water for both parcels.

2nd on the Motion: Justin K, also add into motion to work out the conservation easement language as mentioned in discussion above.

Board Discussion:

Dr. Steve S: Would there be a limit on the actual price? Any up to amounts?

Steve F: The limit would be based on the actual purchase price percentage whether it ends up 2 or 3 parcels. Up to \$830,000 purchase price on the current MacDonald appraisal.

Board discussion on wanting to see actual purchase price/appraisal.

Tracy T: Is Board accepting the updated appraisal?

Steve F: Heber City should do their due diligence to see if they want to buy it. See if they want that value. Heber City should verify development right.

Justin K: He thinks the assumption is in appraisal of a development right. Thinks value could be less.

Marilyn C: Updated appraisal, grazing land purchasers would not likely to pay \$81,000 per acre without development right. Should we clarify that appraisal? Find out if there is or is not a building lot.

Tracy T: do we need to make a motion this evening? Should we wait until these things are resolved? Thinks it would look best to the public, appraisal that would be verified. Why do we need to decide this tonight? Realize that this NOI is taking a long time. Do we need to verify the development right?

Steve F: Houston property had a development right. That was verified. If MacDonald has a development right than the value should be close.

Matt B: What if City were to take all documentation and give to Planning Dept, would County Dept opine on this to verify MacDonald potential development rights? What is cost of the application form?

Steve F: County is willing to waive the fee? Or ask MacDonald to prove it?

Tracy T: Does Board want a closed session?

Steve F: Can we legally go into closed session when Houston's property is already purchased?

Matt B: Heber City wants to proceed to see if MacDonald development right can be verified with the County? Also can bring back final draft of easement document in November.

Justin K: that will help with the conditions.

Steve and Justin withdrew their motion/2nd to consider this again in November.

Dustin Grabau: County and County Council needs time for funding/ public hearing if ready to move forward in November or earlier.

Tracy T: need a complete, updated NOI for November meeting.

Matt B: Idea to consider: What if North Fields were a wildlife refuge in wintertime? Would this enhance tourism?

Board discussion of Harbor Ranch example.

Updates on other NOI's:

Steve F: KOHLER LEGACY FARM CLOSED this month!!! MOUNTAIN SPA NOI CLOSED this month!! \$9.9M for Kohler Legacy conservation easement, Open Space bond money was 20%. Mtn Spa was 3% of overall cost.

4- Updates/Reports from Wasatch County Council, Midway City, and Heber City on open space bond funding, and preservation efforts.

Midway City Report:

Mtn Spa project/commercial part going to City Council.

Volksmarch invite for Saturday 18, 2021. Tour and gathering. 10-10:30 am start time.

-no cost to enter. Booths available. Heidi F will get 15 county landowner packets to Dr Steve by Thursday. Also Kohler Farm celebration is at Volksmarch. Dr Steve will let us know details this week.

Lundeen property, Gertsch property NOI still continuing.

Report from Tracy Taylor on Watershed Conservation Dinner. Five landowners there. Wanted more landowners there. Tracy anded out the information. Maybe 20 people total there. No handouts left.

5- Miscellaneous Items, call for next month's agenda items. None.

6- Closed Session per U.C.A. 52-4-205 if needed. Not held.

Motion to adjourn: Dallin K.

2nd: Marilyn C

Vote: Unanimous

2021 Meeting Schedule:

2nd Monday of the month at 6:30 pm.

No October Meeting

Nov 8, 2021

Dec 13, 2021