

DRAFT MINUTES for July 11, 15, & 18, 2022 WOLB Meetings

Wasatch Open Lands Board Meeting (WOLB)

July 11, 2022; 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=Y2xEU1lHV1Z6Y2xGK1ZOTTaY1RaZz09>

Dial in: +1 669 900 6833 US

Meeting ID: 868 6748 1810

Passcode: 291694

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

Attendees list: Marilyn Crittenden, Dr. Steve Stevens, Dustin Grabau, Heidi Franco, Christen Thompson, Mike Strong, Judy, Travis Dial, Kim, Tracy Taylor, Justin Keys, Keller. Steve Farrell at 6:50 pm; Jenna Strom, Wendy Fisher at 7:15 pm; Philly. Dallin Koecher is excused.

AGENDA:

1- Public Comments – Open to All

Christen Thompson – asked about buying land north of Smith's.

2- Approval of May 9, 2022 Minutes.

Motion: Dr. Steve Stevens

2nd: Justin Keys

Vote: 4 votes in favor: Justin, Dr. Steve, Tracy, Heidi Franco; Marilyn C abstaining.

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

Public Hearing for the Lundin Family Farm NOI from Utah Open Lands.

-Presentation by UOL:

Wendy Fisher:

Lundin Farms 119 acres, request for Open space bond money for \$2M.

Value of Property is \$12.1 M

Estimated total Easement value at \$6-8 Million; not determined with NRCS. Should be about 50-65% of fee value. Latest appraisal was in Sep. 2021. Take fair market value, then compare to fair market value with restrictions in place (no development allowed).

Pending partners:

-NRCS ACEP, Midway City, Wasatch County Bond money, and Private Foundations

-Also get bridge loan financing for \$3M

Located off of Homestead Road and Utah State Route 222, important viewshed for entire valley.

-Property contains many conservation values: soils, irrigated pasture land, viewshed, family provide historic education, trail easement for connectivity with other N/S adjoining properties. Wildlife habitat values, winter/year-long habitat. Property is contiguous to Wasatch Mountain State park on west side, could provide potential trail connections to State Park. Wants to get on national historic registration structures, use natural features for living.

Family will continue raising heritage breed.

UOL is not asking for stewardship/maintenance costs, up to \$50,000. They will cover that as a non-profit.

Could annex into Midway City, could be developed.

Contains 64 shares of midway irrigation.

Slopes could affect zoning. Perhaps 1-2 units per acre on lower (eastern) side, perhaps up to 64 acres of development.

Some family members are making a partial donation, family contribution forthcoming.

Board Considerations:

Trail easement – does it tie into Midway Trail Plan? Or ties into the State Park trails?

Midway Open Space Committee would like to investigate the trail possibility.

Steve F: water value is up to \$3M along.

Wendy F: being conservative on the values because of family dynamics. Family does see the same fee title value. Believe that the CE value could be higher with older appraisal. Depends on family donation and IRS determination.

Discussion of proposed Conservation easement:

Wendy: This easement was previously reviewed by County Attorney.

Steve F: how will easement deal with water rights?

Wendy F: still working with family, need to ensure that water rights stay on the land and are protected.

Justin: Exhibit D will deal with it. Not yet submitted. Reminder that historic water rights must be included on conservation easement.

Water rights would be a major contribution.

Steve F: private water rights in springs 8 or 9 shares that they need to prove ownership.

Midway Irrigation Company also filed claim to provide long-term lease is owners can't prove.

Justin: put this into Exhibit D, must be subject to CE agreement. Can document State Engineer's forthcoming decision on private spring rights.

Marilyn C: what is the timeframe for this NOI?

Wendy F: looking to get some funding commitments to get NRCS funding. Not any immediate funding; but trying to immediate funding pledges. NRCS needs pledge FSA info; yet Wendy is working on Family qualifications.

Use pledges to get bridge loan, then move forward with NRCS funding.

Public Comments: None given at hearing.

-Michel NOI

Wendy F/UOL presentation: adjacent to Kohler Farm property, by white barn.

Go to NRCS for funding, 42 acres of land.

Family dynamics between those that want development, versus those who want to conserve. Some family members are willing to make a partial contribution/donation.

-Proximity to Provo River, the URMCC property, and Kohler Farm. Provides broader wildlife corridor, continue to farm property with cattle, water rights would be included.

Is a fee title appraisal. Is outside of annexation boundary of Midway; yet 2-3 of properties between Michel property and Midway current city property (including Kohler Farm).

-Do have an authorized representative, Jeff Kissel, who signed NOI.

-will put together all information in coming months.

Does Board want to accept the NOI?

Motion to accept the Michel NOI: Steve F.

2nd: Dr. Steve Stevens

Vote: unanimous

Allan Giles NOI: no updates.

Closed Session:

Motion to go into closed session to discuss real estate purchases: Marilyn C

2nd: Justin Keys

Vote: unanimous

Motion to come out of closed session: Marilyn C

2nd: Justin

Vote: Unanimous

WOLB recommendation on Lundin Family Farm NOI to County Council:

Conditions/findings

Justin: UOL is looking for a pledge from WOLB or County Council for a positive recommendation for up to \$2M funding for the Lundin Family Farm, assuming financing from NRCS, Midway City, other private donations.

Wendy: UOL is asking for a pledge from County Council assuming NRCS funding. Recommendation to the County Council.

Justin: several conditions for such a recommendation to the County Council: at this preliminary stage without seeing an appraisal, fee title and conservation appraisal, and seeking financing from NRCS. This is an obligation to the voters. Make it a condition of recommendation to County Council that it's based on appraisal and NRCS funding.

WOLB can give a positive recommendation to the County Council on the condition that UOL will present a full appraisal and it comes in consistent with the numbers presented today to WOLB.

- Need County Council must be given complete appraisal information that is consistent with the numbers presented today to WOLB. (Wendy believes that waiting for the one final appraisal will save bond money for easement costs. Best to leverage taxpayer dollars.)

- Trail, public access, not a condition of a pledge; but encourage Lundin Family Farm to work with the County trail planner and Midway City to see feasibility.

- Water rights in Easement draft are adequate.

Justin: if appraisal comes in lower, then the pledge is no longer good. We are trusting that the current numbers are accurate, or else County Council pledge and WOLB recommendation will not be fulfilled.

- Wants UOL to write down how this project fulfills all County Code criteria. Need written documentation for the pledge to the County Council.

-Set up Friday, July 15, 2022; special meeting, get it posted, noticed.

Motion to set up special meeting July 15, 2021, 2:30 pm to discuss the Lundin Family Farm NOI and recommendation to County Council by Steve F.

2nd: Justin Keys

Vote: unanimous.

Steve Farrell: wants update from UOL on Allan Giles NOI.

He did get email from Liz Lewis saying they'd be back in the Fall to proceed.

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

Midway: Dr. Steve Stevens, Midway open space committee on Lundin NOI. Information session from UOL. Still working on small parcel conservation easements.

Heber City: finishing the Muirfield conservation easement review, getting legal land description to executive easement and receive County Open Space reimbursement.

County: Update on UDOT Comment Period ending July 22, 2022.

Justin: WOLB representative for UDOT Stakeholder Committee, said we are opposed to properties that we've put easements on being used for potential Bypass/Parkway. Take into consideration of projects with currently pending. Asked that they talked to us and want to

meet with us. Bring in UDOT on what date? Our conservation easements do not qualify for UDOT because of no public access.

Marilyn C: this comment period is about their processes? Can WOLB point to anything errors in process?

Dustin: section 4F, Draft DS or DR that protect historical places. WOLB could show how North Fields is a locally historic place of value. Eligible to be placed on the national register.

Marilyn C: what is the criteria to get it on that category.

Dustin: 4 ways to qualify:

Tracy: asked for the email on the recording, can WOLB get the presentation?

Dustin: This Wednesday the County Council presentation, in agenda packet for Wednesday, gave four criteria:

-significant contribution to the broad patterns of our history, lives of person significant in our past, type, property must show information important to history or prehistory.

Tracy: find out historical agricultural grounds, from first pioneers. When Valley was first settled. NF shows contribution to broad patterns of history of Valley.

Dustin: compelling argument for at least one or more of criteria. Locally significant.

Embodies the collective component of the distinctive values within County. This selection criteria should be used in UDOT.

Justin: did County show other fields being designated?

Dustin: Century Farms, Utah designation, farming for over 100 years. Validate this historical nature of the properties.

Other discussion of historic properties.

Marilyn C: what proof do we need to know to get fields recognized historically?

Go to deeds in recorder's office? How to prove and track and put in County materials?

Contact state historic preservation office.

WOLB can send letter of support of County Council.

Discussion of drafting a support letter that any others could sign, such as WOLB.

Marilyn C: when there is another alternative, 'no other prudent or feasible alternative' then avoid the use of that property.

Discussion of agricultural district protection designation in NF?

Justin: thinks the national historic register is important.

Historic register eligibility discussion.

Motion to support County Council recommendation for UDOT Comment Period: Marilyn C.
2nd: Steve F

Vote: Unanimous.

-Update on any BBQ date set with North Fields property owners (With Gifford H.).

-Update on Sorenson/Heber City Open Space Agreement Status between City and County

-Dustin met with Matt B, set up a subcommittee on City/Council.

Sorenson open space keep buildings off of it, Steve F wants a third-party holding the agreement, UOL or SLC, who owns the easement, stewardship costs, is there conflicts between the County or City Sorenson agreements, anything missing?

-Update on Sorenson/Wasatch County Agreement for JSSD land in North Fields

Putting together a working group in August to see what options are. With Marilyn C., Steve F, Wendy Fisher, Max Covey, Russ Funk, North Field Irrigation.

-Discussion of potential Federal conservation easements.

5- Miscellaneous Items, call for next month's agenda items.

6- Closed Session per U.C.A. 52-4-205 if needed.

Motion to Adjourn: Marilyn C

2nd: Justin K

Vote: unanimous

2022 Meeting Schedule:

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

August 8, 2022

Sep 12, 2022

October 10, 2022

November 14, 2022

December 12, 2022

DRAFT MINUTES for WOLB Meeting

July 15, 2022; 2:30 pm MT

Held Online Only

Online Login Link: <https://us02web.zoom.us/j/86867481810?pwd=Y2xEU1lHV1Z6Y2xGK1ZOTTaY1RaZz09>

Dial in: +1 669 900 6833 US

Meeting ID: 868 6748 1810

Passcode: 291694

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

Attendees list: Marilyn Crittenden, Heidi Franco, Christen Thompson, Tracy Taylor, Justin Keys, Steve Farrell Wendy Fisher, Justin Keys, Nora Lundin, Dr Steve Stevens joined meeting (2:41pm).

AGENDA:

Heidi Franco welcomed attendees, Board members for meeting to begin. Turned time over to Wendy Fisher to present the Lundin Family Farm NOI information.

1- Lundin Family Farm – NOI

Wendy Fisher presentation of 'Project Details' on Lundin Farms LLC Open Space Bond Request. Asking for \$2M in Open Space bond for easement.

- explanation of major family commitment to agriculture heritage, to also pay off other family members to maintain farm. Major contribution from property owners this way.

- waiting to get final NRCS appraisal in future, yet should reflect previous appraisal.

- continuing existing uses, including heritage breeds.

- Of the 62 shares of water, only 40 shares are necessary for the irrigated portion of the land.

Don't want to encumber water shares above that 40 shares. So required water rights for historic irrigation will be included in conservation easement, but not the other 12. This will be included in Exhibit D.

Nora Lundin: need to sell extra water shares for attorney's fees, etc. Willingness to add in a fire access road.

Wendy F: historic and educational elements of NOI, will be guaranteed in easement, public education opportunities. Land stays under greenbelt. NRCS will help to pursue historic register status. Very imminent threat of development pressure from other family members unless conservation easement funded. Next to resort zoning and other residential development. UOL is not requested stewardship costs or transactional costs from Open Space bond. Fire road solves significant emergency issue for Lime Canyon, Turnberry, Mr. Walker's subdivision.

Steve Farrell: Questions on selling water rights, when the water rights are factored into the conservation easement value. Need to know how much the easement value would decrease. Further discussion/explanation.

Heidi Franco: Discussion on water rights, adjudication and how to move NOI move forward.

Wendy F: Could WOLB consider recommendations on water rights for legal direction. Need recommendation to proceed.

Nora Lundin: judgements coming in August; depending on how the rulings go that can affect this. Only way to get bridge loan is if Positive Recommendation to County Council. Need to sell water shares or property.

(Marilyn Crittenden left meeting: 3:12 pm.)

Discussion from WOLB/Recommendation:

Steve F: Discussed the need of one share of Midway irrigation per acre for each irrigated acre.

Justin Keys:

-Can potentially make a positive recommendation from WOLB for \$2m with two conditions:

1-This be provided to WOLB and County Council prior to funding a certified appraisal showing conservation easement value is \$6.5M or more.

2-that the appraisal include a specific description of irrigated acres, non-irrigated acres, and specify the historic water right for irrigated acres and such water rights are guaranteed within conservation easement.

Dr. Steve Stevens: any barriers? Any other things to expedite this?

Board Discussion of providing information to UOL and Lundin Family for upcoming meetings.
Justin K is able to attend and represent WOLB.

Tracy: Ask the County to notice meeting today for Monday morning, July 18, 2022 at 8:15 am or Monday evening, also write up the Resolution.

Tracy Taylor made motion to close meeting.

2nd: Justin Keys

Vote: Unanimous.

Meeting adjourned.

**DRAFT MINUTES for July 18, 2022, 8:15 am WOLB meeting
Held Online Only**

Join Zoom Meeting

<https://us02web.zoom.us/j/87946350576?pwd=S0dpRGpVR2xWdzJUWEdnLzhnZmRsUT09>

Meeting ID: 879 4635 0576

Passcode: 857548

One tap mobile

+13462487799, 87946350576#,,,,*857548# US (Houston)

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

Attendees list: Marilyn Crittenden, Heidi Franco, Christen Thompson, Tracy Taylor, Justin Keys, Steve Farrell Wendy Fisher, Justin Keys, Nora Lundin, Dr Steve Stevens.

AGENDA:

1. Action on Lundin Family Farm NOI - Recommendation to County Council

Discussion:

Dr. Steve S: correction on Justin's form to change 'national forest land' to 'Utah Forest land.'

Heidi F: Discussion of other revisions to Recommendation Form.

Steve F: wants to ensure that water rights/shares are included for historic irrigated acreage.
Explanation

**Motion to Approve the Positive Recommendation for the Lundin Farm NOI as amended:
Steve F.**

2nd: Marilyn C

Vote: Unanimous by Steve F, Marilyn C, Tracy T, Dr. Steve S, Heidi F.

Discussion on Bypass UDOT Comments for WOLB to sign letter of Support for County's comments.

Motion to adjourn: Tracy T.

2nd Marilyn C.

Vote: unanimous