

Wasatch Open Lands Board Meeting (WOLB)
DRAFT - Minutes for November 14, 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=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 Franco, Steve Farrell, Marilyn Crittenden, Dr. Steve Stevens, Tracy Taylor, Justin Keys, Wendy Fisher, Dan and Trudy Simmons, Kate Sattelmeier, Mike Mills.

Closed Session – 6 pm

Motion to go into closed session to Discuss Real Estate: Steve Farrell

2nd: Dr. Steve Stevens

Vote: unanimous

Motion to go out of Closed Session: Marilyn Crittenden

2nd: Steve Stevens

Vote: Unanimous

Welcome to Regular Meeting

Attendees: Heidi Franco, Steve Farrell, Dallin Koecher, Marilyn Crittenden, Tracy Taylor, Dr. Steve Stevens, Wendy Fisher, Kate Sattelmeier, Dan and Trudy Simmons, George Holmes, Mike Mills, Craig Hancock, and Laren Gertsch, Andrea Clayton, Adam Wickline from SLC, Christi Judd, Naomi Kisen.

AGENDA:

1- Public Comments – Open to All

- Christi Judd, FOHV – from Friends of Heber Valley, introduced group, mission, purpose, passed out map to show the number of landowners that are in various stages of conservation easements in the North Fields. Stated this shows how serious citizens are to save the North Fields, fragile lands, revered throughout the State, asking WOLB and County to help preserve parcels.
- Questions from Board: How many acres? How many landowners?
- Laren Gertsch: estimates 40 landowners. Stated it seems to be around half of the 3,000 total acres.

2- Approval of Sep 12, 2022, Draft Minutes.

Motion to Approve: Marilyn C

2nd : Steve F

Vote: unanimous

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

A-County Council motion of general support on Nov 2, 2022 of NOI's submitted from North Fields. Heidi Franco explained the County Council's latest motion on this.

B-Wendy Fisher, Utah Open Lands, NOI Proposals: Gertsch and Simmons NOI's

Simmons Property NOI received and explained. Wendy is saying other landowners are contacting her this week.

-One landowner ready to do a total donation.

-Wendy has come to our County for over 20 years.

-She invited up Mike Mills, URMCC, Executive Director, who provides protection and mitigation for Provo River Corridor.

Two projects to update us on, with Laren Gertsch's NOI. Received his NOI May 10, 2021.

Laren G: No tax deduction depending on where's the proposed road is going to come. That's was the reason for the holdup on his NOI –because of the bypass road/Heber Parkway.

-Simmons' NOI: want their land protected, looking at all possible avenues and resources to do so. Wendy has worked in partnership with URMCC before on properties for agricultural soils, wildlife, conservation values. The Simmons are working with Utah Open Lands and URMCC for holding the conservation easement.

-URMCC, Mike Mills: this agency exists to do mitigation for CUP and Jordanelle, 1200 acres of preserved corridor for recreation, open to the public, great fishing, wildlife mitigation, great asset to the valley. Its connection for water projects is very important because if the mitigation fails, then they run jeopardy of losing water supply and water access that population of Utah depends on. URMCC has always been interested in buying a buffer around the Provo River Corridor land. Want to hold federal easement, and/or buying land. Want to preserve the water supply.

Wendy F: Simmons property does this specifically.

Anticipates coming back with funding request soon for these properties.

Kate Sattelmeier: Summit Lands Conservancy

Presented two NOI applications –Allan Giles, and George Holmes

Giles, 57 acres in North Fields.

Landowner is ready to go now.

George Holmes, NOI is with two different LLC's, yet he is long time landowner.

Totals, 110 acres. Several different parcels.

-Historical Significance: the first ground ever plowed in Heber valley is in one of the parcels.

Two separate parcels around Muirfield Park.

Adam W: value of the soils, unique for Utah, contain a lot of water, when you disturb it through development it really impacts the water cycle in the connection between the ground water and the surface water. Agricultural heritage, the first field ever plowed in the valley, that's important. Ag is such a big part of Heber Valley and want to protect.

-Parcels are putting together a nice viewshed, protection buffer that the public will value as well.

-Potential funding sources, ACEP-ALE NRCS money, state, private funds, county and municipal,

*Utah Headwaters Initiative, already have \$9.4 M to get it from NRCS, will renew in 2023 for another \$10 Million in 2025 – 2030.

Steve F: when will you know if funds are renewed in 2023-2024?

Answer: Still 1-2 years out.

Adam: RCPP money if focused on land conservation, not then money doesn't go very far. New Inflation Reduction Act provides money. Yet there is a 'Nesting doll' of agreements, several agreements within each other.

-SLC creates their own criteria to spend their money on. Due diligence is the same with appraisals, etc, with other NRCS money.

Steve F: what's the possibility of private foundations funding this?

Kate S: yes, looking at that.

Adam: NIFWIF, etc, explanation.

NOI's will come back in future.

C -Discussion with UDOT on Heber Valley Bypass EIS Process and Pending NOI's:

1) Discuss concerns related to the bond and how it relates to the EIS.

2) Discuss any future conservation easement that we should be aware of.

3) Discuss how open space will be addressed in the EIS.

Craig Hancock:

UDOT's Presentation:

-update on where they are in process

-wanted to know which property are in play with conservation easements

-understand our concerns regarding the open space bond requirements

-keep open lines of communication

Trudy S: public comments from July – when posted?

Craig H: Next January.

Purpose of Bypass/Heber parkway: improve regional and local mobility on US-40 from SR132 to US-189, provide opportunity for non-motorized transportation while allowing Heber City to meet their vision for the historical downtown.

Five alternatives best meet the needs for purpose, best range of solutions.

Marilyn C: Purpose statement missed open space bond, citizens voted twice in 2016 and 2018 where people protected zoning in North Fields. The Citizens' vote should triumph.

Craig: does not want to change the purpose of the project, that would be a step backwards. Issues around open space we can address in the forthcoming environmental document appropriately. The reason why we chose to include Heber City's downtown in the purpose because its directly related to Us 40 Main Street. Any alternative would affect the downtown. That was an appropriate place to address it in purpose. We couldn't come up with a solution to contradict it.

Marilyn C: without the open space, citizen's vote being in purpose, then it will be forgotten.

Trudi S: Purpose statement, vexed on 'their vision' from Heber City. Where did that come from?

Craig H: Refer to Heber Envision General Plan 2050. That's where the definition of the 'downtown' is.

Trudi S: Many people feel this is abandoned by Heber City, because City is not following it. Most people think its goes for 200 N to 200 S, took 30 seconds to drive through when not congested. Such a short area, yet it trumps preserving the North Fields and importance to Valley. The people's first choice is the North Fields instead of downtown. Lehi's Thanksgiving Point didn't 'ruin' anything to make it. Yet the North Fields bypass Parkway will 'ruin' this valley. The Heber Valley Parkway is not an objective decision, it is subjective. A lot of people in the Valley don't care about downtown historic area, but care very much about the North Fields.

Steve F: Why wasn't the general plan of Wasatch County recognized as part of the UDOT decision making process?

Craig H: it is, it is part of the evaluation of the five alternatives.

Steve F: should be part of the purpose as well as the Heber City.

Steve S: Should be.

Heidi F: will county general plan be in next screening criteria?

Craig H: UDOT is done with the screening criteria, yet County General Plan will be 'folded' in to evaluating the five alternatives.

Showed slide on 'detailed evaluation of alternatives:

- screening is not detailed analysis,
- beginning detailed evaluation of five action alternatives
- resources to be evaluated in draft EIS includes: land use, open space, farmland, social economics.

Naomi Kisen: by federal requirements look at visual impacts, 4f properties, look at a range of reasonable alternatives, narrow it down in a meaningful way. Do the alternatives meet the purpose?

Its hard to go back in time, two years ago we did official purpose.

Says back two years ago we had 13 alternatives. Must focus on mobility problems and work with approved planning documents which are from city, county, and the compatibility of County general plan with NEPA.)

This purpose is a result of planning documents available back then.

Marilyn C: all alternatives affect the County, on County land; yet the County was not in the purpose, neither are the concerns with the County in that purpose. Nothing is written about the County's purpose, documents, or concerns.

Naomi K: UDOT will look at that in the EIS process, whether or not you agree.

Craig H: It will be part of NEPA process, look at open space, viewsheds, all requirements of NEPA.

Trudi S: What format or where in the draft EIS?

Naomi K: Done next summer (2023). Broken down by chapters, purpose and need, etc.

Trudi S: Will emerging purposes and needs be recognized?

George Holmes: This is important because two years the north fields bypass wasn't proposed. It is newer than two years.

Heidi F: Only last year it was proposed.

George H: County has already bought land, this was already proposed and planned for by the County, City and Community.

Trudi S: In those last two years why can't the new knowledge and community input be put into the purpose and need? No revisions to purpose? Why not?

Naomi K: There's a concept that if the purpose and need were different then we wouldn't be in the North Fields.

Trudi S: The County should be included in the purpose and need.

Steve F: County was working on this for the past 20 years. Mountainlands did studies on intersections, spend a lot of money and time on this. And yet that is not of any value to UDOT?

Naomi K: yes, but in terms of moving forward in NEPA we can't start off with an assumption of a solution. NEPA must look at all options.

Steve F: NEPA will have a different process?

Dr Steve: The Purpose ignores a significant part of the population. Ignored the rest of the Valley. Took Heber's process and ignored the rest of the population. Does purpose address the rest of the County?

Andrea C: UDOT screening is an initial look at a high level to narrow down to reasonable alternatives.... The data that we have and the problem we have is congestion on main street, not a few seconds of travel time.

Steve F: UDOT said it was about level of service F on main street and do something about it.

Craig H: UDOT can stay in the process, can address these concerns, & you'll have opportunity to comment if we don't.

Marilyn C: UDOT missed steps, the community did not have any input on the 3 north field routes that suddenly showed up.

Dallin K: did that comment period just end?

Marilyn C: no comments about the three alternatives in the North Fields yet, officially.

Naomi K: that opportunity is coming when the draft NEPA is released, all five alternatives will be in the NEPA draft; [then public comments will be allowed].

Laren G: Other alternatives not considered by UDOT, yet UDOT only uses the Parkway Group alternative through the North Fields. This is given preference and dismissed everything else, primarily on the Heber Main Street criteria. This isn't the only criteria. What about meeting the County's criteria?

George Holmes: the alternatives through the North Fields was very recent.

Dallin K: What is the Parkway Group?

Craig H: The Parkway group submitted alternatives two years ago, in part of the initial scoping documents.

Tracy T: This was not disclosed to the rest of the community.

Craig H: It was disclosed in reports that they had. Was disclosed in public meeting.

Naomi K: The Parkway route didn't function well; roundabouts didn't work. There was a strong volume of comments of tying in further north.

Trudy S: June 2021 Lane Lythgoe disclosed he had submitted the parkway plan, Oct 2021, then we see Alternative D that was the first time that we'd seen it.

Andrea C: Is UDOT giving preferential treatment to the parkway group? That's not the case. All of the alternatives are submitted at an equal level. Alternatives can be eliminated as redundant.

Naomi K: Explanation of section 4F properties.

Laren G: The concern is not to change the purpose statement. This group is saying you dismissed almost all alternatives because of vision statement. UDOT is using the wrong criteria to dismiss the previous alternatives. You didn't consider County's plan, etc.

Andrea C: Most of the alternatives downtown eliminated because they didn't solve the mobility problem on main street. One way couplet that did meet the mobility criteria was eliminated because of heber city's mobility, one other would not have performed well.

Laren G: Why did tunnel get dismissed?

Andrea C: Tunnel dismissed because it wasn't reasonable from a technological and economic perspective. Diesels can't use tunnel because of hazardous material.

Laren G: what we are challenging is the criteria.

Andrea C: only one didn't meet heber city's vision.

Marilyn C: will the county's vision be used and assured, and documented?

Craig H: it would be easier if we didn't need to use the north fields alternatives. We will consider them all equally and fairly.

Marilyn C: The voice of the people should have a strong effect on that.

Craig H: It will.

Marilyn C: WOLB wants to show a strong message that the two routes [through the entire] the North Fields are not in the ballpark.

Naomi K: are looking at the alternatives because they are viable alternatives, by NEPA we must look at them.

Wendy F: When UDOT comes out next summer with a preferred alternative, that will have the biggest impact on the lands it goes through. Couple of questions: have you considered that easements will not create traffic? Yet UDOT can actually create more traffic congestion by putting the Parkway through north fields which will induce growth because of new road and development? The impact to the protected soils there will change the hydrological system of the entire area.

Craig H: that will be addressed.

Wendy F: The North Fields alternative routes will affect wetlands issues, cut off natural functioning in that system, travesty not to address that the preferred alternative, then have you solved the initial purpose and scope with all of the new development with the new road? Creating uplands instead of wetlands.

Andrea C: This will be evaluated in NEPA process. Wetlands, water quality impacts, visual air quality noise,

Wendy F: if you condemn a conservation easement then development renders conservation values invaluable.

Craig H: We need to understand that. What will happen to conservation easements with the North Fields alternatives?

Dan S: puzzled that this is a regional traffic flow project, but Heber City wants to reduce traffic on main street from what it is presently?? Wide sidewalks, dining on sidewalks. No net traffic reduction, only moving it. A lot of people want Heber City to take over main street. Put highway 40 onto parkway, and heber city could seek jurisdiction for present highway all the way to river road? What that impact would be on traffic impacts?

Marilyn C: will parkway needs widening, etc.?

Craig: all westside alternatives will reduce traffic on main street and move to bypass, reduce traffic from its current levels. By 2050 we'll be back to what we are today if parkway is built.

Tracy T: [Restating] If UDOT puts road through north Fields then the bypass is a 20 year fix, that's it? Then we'll be in the exact same position on main street. If WOLB can preserve the north fields our impacts will be much less in 2050, that land won't be developed, and we won't need another solution in 2050.

-In Heber General Plan, 96% wanted the North Fields preserved. The community is upset about the parkway proposal because of general plan survey, open space, north fields, no development. Stated that heber city council is getting away from their own general plan. UDOT should not be shocked.

Naomi K: it is not a shock to UDOT.

Trudi S: Heber City Council throwing out their own plan. Some other skewed survey about nice downtown.

Dallin K: Routes through north fields came from public input.... Don't see anything nefarious or ill-gotten. I see UDOT responding to comments on both sides.

Have to evaluate those routes. It's pretty clear from this group which routes are preferred.

Thinks that UDOT will look at all alternatives and maybe say the North Fields won't work. Believes it will work out to preserve the North Fields, believes the public comments will bear that out. Good conversation on this. UDOT is doing the best, we can look at all ideas. A lot of businesses on main street feel the same. Hopes for great things to happen.

Andrea C: We understand there are other vision statements that are important. We are just getting to the part of the process to consider all other visions. Trust us, we do understand there are other vision statements.

-Wants to understand if the concerns are for all of the land, just for the easements land, or bisected, or adjacent to parcels.

Dan S: if you move highway 40, then Heber city can annex and develop land to it. There is a big difference between bisection and being close to Highway 40 with a potential frontage road on property.

Steve F: County is concerned about all of the North Fields. How to define it?

North of Highway 132, west of Highway 40 to the Provo River.

Craig H: UDOT will look at maps, Gertsch property, corridor, county property. Consider staying on the east side of the transmission line poles.

Andrea C: can move some poles for design speed.

Trying to avoid future high school, avoid wetlands.

Heidi F: I will send UDOT the Planning Commission definition of 'North Fields' that the City Council approved for the Boundary Commission's requirements with map.

Wendy F: Explained conservation values:

If you cut off wildlife migration or watershed hydrology, or protected soils, then it affects the conservation values. Go through court process as easement holders, and donors who contributed to process, involve the County or Department of Justice as well.

How does it affect the charitable tax consequences from IRS and then having it taking it away. Take away conservation values, affected all donors, and IRS deduction.

UDOT needs to recognize that only two options: either conserve or develop. Then if can't preserve it, then only development left. The alternatives affect all of this.

If development and annexation, commercial and multifamily development then only increases with a multiplier increasing traffic.

Utah Open Lands is doing what landowners want. Landowners want to use their private property, yet UDOT is making them off limits for easements.

What feels unfair to landowners is they can't use the option of conservation easement because of UDOT's actions. It's a challenge because open space is an easy target. It is at the peril of the broader community, broader economic value for community, destroyed the very reason that people love it here and move here.

Kate S: North Fields qualifies for all conservation values. Prime farmlands, wildlife, wetlands, sensitive lands, watershed protections.

Wendy F: Different conservation policies that UDOT must consider: the IRS, NRCS, Wasatch County Bond. URMCC, part of the conservation values.

Mike Mills: There are significant ramifications if mitigation fails for URMCC in the Provo River project. The ways the mitigation could fail, if something happens to Provo river to hold up the mitigation values

wildlife, public recreation, water quality/supply, if the proposed Bypass road makes it worse, then it effects the Provo River Watershed Council, as well as water management/release/retention, stormwater. URMCC can't be in a place where mitigation fails or federal judge can take away water from Colorado River.

Kate S: It's hard to quantify, yet it's really important.

Andrea C: how does it relate to the location of the bypass?

Marilyn C: if we move a road for development, but why not for farming?

How would impacts affect the middle of the parcels, or those adjoining to it?

Wendy F: it depends, hard to quantify. If you cut off a functioning wetland system, a road adjacent to a farmland would, if you cut off the wetlands that are feeding the river then impacts entire river corridor.

George Holmes: Bypass routes bisecting parcels affects our ability to cross, do agriculture, affect the operation. He predicted that water rights will be sold off of bisecting parcels because of the effect on agriculture and access from one side to another which changes the use of the land.

Wendy F: if you bisected it the property, affects the operation and if there is NRCS funding then conservation purpose impossible to achieve. If the Bypass route is adjacent to easements/parcels that is somewhat better, but bisected parcels are worse.

Heidi F: Further explanation of hardships to continue farming operations if parcels/easements are bisected or adjoining roads/highways.

Marilyn C: Kohler gave up millions in order to keep farming. Must keep the agricultural heritage of this valley.

Laren G: Heber city created their own problem, didn't plan for it. The growth is on the east side, not the west side.

Heidi F: The Bypass Road will affect calving, grazing, animals, water management, nighttime with noise, lighting, animal/wildlife impacts with cars/diesels. Affect property values.

Dan S: Everything that the business people want can be created in Heber's general plan, and is already doable, more stop lights, more pedestrian, medians, so forth. All things can be done as the main artery. Wouldn't noise be significant for the North Fields? What is worse? Closer to Provo River or farther away?

Naomi: These things will come out in draft EIS.

-Craig H: wants to see particular NOI's parcels, [Heidi F will get property owners permission and give to UDOT.]

Tracy T: other alternatives can happen to help main street.

Marilyn C: UDOT, please talk to URMCC. How do we work together, collaborate together. Be awesome to work together, let's work this out.

Laren G: Other landowners ready to go with conservation easements if UDOT doesn't pick the road routes through the North Fields.

Heidi F: Explained that WOLB has several NOI's pending in North Fields: the Giles, Gertsch, Holmes and Simmons property NOI's received in 2021-2022 in this area.

Need to get permission from property owners to give to UDOT.

Wendy F: Also some pending NOI's are really donations from owners do not need open space bond money.

Andrea C: UDOT:

-wants to know which parcels ARE in easement

-Which parcels are pending

-Want updates from WOLB.

General Discussion to provide this information to UDOT.

Motion to adjourn: Tracy T

2nd: Steve Farrell

Vote: unanimous

2022 Meeting Schedule:

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

December 12, 2022

January 9, 2023

*2023 Meeting Schedule will be approved at the December 12, 2022 meeting.

Heidi Franco also emailed this information to Craig Hancock from the County Code, easement criteria, requirements for payback of Open Space bond money to County if easement land is condemned.

Wasatch County Code:

3.06.04: Selection Process:

<https://wasatch.municipalcodeonline.com/book?type=ordinances#name=Chapter 3.06: PRESERVATION OF OPEN LANDS>

GENERAL CRITERIA FOR SELECTION. In evaluating applications requiring approval by the Wasatch County legislative body, including applications that will utilize Wasatch County bond monies, the WOLB and the Wasatch County legislative body shall consider all or some of the following criteria in deciding whether to recommend approval or denial (note that several of these criteria come from "conservation purposes" specified in section 170(h)(4)(A) of the Internal Revenue Code):

1. Agricultural use of the property, including grazing and ranch lands with required water rights for existing & historical uses;
2. preservation of land areas for outdoor recreation by, or the education of, the general public;
3. Protection of a relatively natural habitat of fish, wildlife, plants, or similar ecosystems;
4. Preservation of open space, including farmland and forest land, where such preservation is for the scenic enjoyment of the general public;
5. Community separator;
6. Viewsheds;
7. The preservation of a historically important land area;
8. Cultural resources;
9. Urban passive-use natural area;
10. Having and maintaining greenbelt status;
11. Public Parks;
12. Land contiguous to land that meets these criteria;
13. The threat of reasonably imminent loss of existing open space resources;
14. Ownership complexity;
15. Partnerships to help purchase and maintain the property;
16. Costs and feasibility of stewardship and maintenance of the property;

17. Equity;
18. Adopted financial policies;
19. Preservation of open space, including farmland and forest land, where such preservation is consistent with the Wasatch County General Plan and this Wasatch County Code Chapter 3.06.

6. ADDITIONAL CRITERIA FOR FULL OWNERSHIP PURCHASES. The WOLB and the Wasatch County legislative body may consider all or some of the following criteria, in addition to the other criteria, in deciding whether to recommend approval or denial or an application for full ownership:

1. Public access,
2. Multiple-use trails,
3. Connectivity to open space lands; and
4. Recreational uses.

3.06.05: Execution

Conservation easements purchased with the Wasatch County Open Space Bond money can only be relinquished as a result of eminent domain. All of the revenue received from the eminent domain action shall be used to purchase interests in open space lands pursuant to this Chapter 3.06.