

Wasatch Open Lands Board Meeting (WOLB)

December 12, 2022; 6:30 pm MT

DRAFT Minutes

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, Dustin Grabau, Karl MacMillan, Dr. Steve Stevens, Tracy Taylor, ad Justin Keys, Marilyn Crittenden, Kate Sattelmeier.

Excused: Dallin Koecher, Steve Farrell.

AGENDA:

1- Public Comments – None given.

2- Approval of Nov 14, 2022, Draft Minutes.

Motion to approve: Marilyn Crittenden

2nd: Dr. Steve Stevens

Vote: Unanimous

3- Approval of 2023 WOLB Meeting Schedule. Proposed dates listed below.

Motion to approve: Tracy Taylor

2nd: Dr. Steve Stevens

Vote: unanimous

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

Kate Sattelmeier, SLC: At the Nov Meeting we presented the NOI for Allan Giles, on Potter Lane, North Fields, 57 acres. Discussed funding request and WOLB asked for FLUP. Working with the Wasatch Planning Dept, Giles submitted old deeds to them and from Nathan, a County Planner said the Giles parcels are likely to have four development rights.

Discussion of potential funding proposals.

Justin K: Nothing in our code that allows us to provide a loan, only either outright purchases or only purchases of development rights. We need to have guarantee of purchase of development rights.

Dustin G: Should contact bond attorney to see about use of bond proceeds.

Kate S: Allan Giles really wants to protect his property, very interested in a transaction happening soon. Asked WOLB if it's time to move forward with an appraisal? Is there any sense of commitment from WOLB for these things? SLC will still look for federal matching funds, yet this is years away. LeRay McCallister funding was not funded at all in FY 2023.

Marilyn C: This will take time, it can't move as fast as he wants.

Kate: IRS appraisal only lasts so long, with a closing within 3 months. Will it help the WOLB determine it's recommendation?

Dustin G: Could WOLB recommend a conditional approval up to 20% with matching funds?

Marilyn C: We can't provide a loan but can recommend conditional approval.

Heidi F: Asked about UDOT report's come out.

Marilyn C: Could go forward with support *IF* matching funds, & give that message to UDOT.

Justin K: The highest percentage value is 25% so far that WOLB's recommended to County Council.

Dustin G: We contributed 25% for the public access at Muirfield Park.

Justin K: He would like to see the appraisal. Under the code we can't do anything until we know the value is---contingent on appraisal. If Allan Giles wants more security, then need an appraisal.

Kate S: differences in IRS appraisal versus fee title appraisal, could we use a fee title appraisal only at this point?

Dr. Steve S: No, we need to be protected. The Seller should feel comfortable as well.

Justin K: At the end WOLB needs a full appraisal. We've done that before to use a fee title appraisal only, but if the Giles are not going to seek those funds; then WOLB can't get the IRS appraisal to show the conservation value to the County Council. At the outset WOLB has used fee title appraisals, but we must get an IRS appraisal to get conservation value to get County approval of money.

Kate S: Did use fee title for Mountain Spa project, but County was a small part of the entire funding package. Because landowner wants to move forward, then next NRCS funding process is November 2023 to apply for funding.

Justin K: The challenge is getting the matching funding, not just from WOLB. If WOLB/County Council agreed to fund some quickly then get written assurances that the potential Conservation Easement would be matched with NRCS and McAllister for the rest of it with eventual conservation easement (or open space bond money returned?).

Still need to see a real appraisal before that. The Risk to the Giles is they must get other funding sources, but understand that by taking any first money from the Open Space bond they've made an obligation to finish getting the other sources and putting on the conservation easement.

Kate: Restated Justin's ideas.

Justin K: Potentially the County be willing to wait on the recording on the conservation easement until the other matching funds are received.

Kate S: We could pursue that option.

Justin K: Make the Giles' aware that they've agreed to give up certain development rights, with a deed restriction, and it can sit in escrow pending recording until other money is matched.

Kate S: She will think about that and see how it will work with NRCS, etc.

Dr. Steve S: Is there any estimated value?

Kate S: Wants to discuss in closed session.

Dustin G: 57 acres, 4 building lots.

Justin K: Giles will hold one back so only 3 building lots?

Kate S: Building envelop will be smaller than 20 acres in the A-20 zone; within 1 acre; yet not fenced; maybe restrictions on the size on the house. Agricultural parcels have large homes and out buildings, still deciding on the building envelop.

Tracy T: Land values more stable in the last six months. Not enough sales to show other trends, slowed down generally. Not a lot on the market, still low on inventory. Plateaued in the last six months.

Kate S: Discussion of market, analysis of trends, residential values versus agricultural land.

Heidi F: Would the County Council support this/Justin's ideas?

Dustin G: Need to get County Attorney's involved. Mitigate risk, could be very cumbersome for the property owner. Could be risk to property owner if full value is not realized.

Karl MacMillan: Need to mitigate the risk with County attorneys. Could take time.

Marilyn C: Could take a year minimum. What is the Giles' goal? What are they willing to give?

Kate S: Go into closed session to discuss.

Marilyn C: Please go back to the Giles and discuss with them.

Dustin G: General commitments on leveraging these funds, hesitant to be the only funding source. We've tried to hold to that.

Heidi F: Asked SLC to go back to Giles, work with Dustin and Justin K. Discuss again when ready with SLC and Giles.

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

-County Council, Ag Protection Area Ordinance, Wasatch Conservation Board info to Doug Smith. Their meeting is this Wednesday, 9 am at CUP building on 1200 S. Doug Smith and Steve Farrell will attend their meeting to verify they will become the Ag protection Advisory Board.

Tracy T: Questions on Wasatch Soil and Water Conservation Board. Who is on board? Where are there public notices, records? She talked to Addison Hicken.

Dustin G: Steve and Doug will go to their meeting.

Heidi F: Would like information about their elections.

Dustin G: Thinks the Governor appoints them. Appointed by the Commission of Agricultural and Food at the state level.

Tracy T: No way to trace any of this information.

Marilyn C: Utah County, do they use this kind of Board?

Dustin G: Yes, state 17-3-1101 U.C.A.

Tracy T: Suggests putting Ag Protection Area on WOLB website. Put on new dates for WOLB, and link to them and how to get application from Planning Department. Can provide information/education.

Dustin G: Get Tracy a link for our appointment.

Midway: Dr. Steve Stevens, working on small parcels preservation. Draft proposal to take to the Midway City Council in January. Discussed APA also.

Heber City: Boundary lines disputes for Muirfield Nature Park Conservation Easement. Have Jeremy Cook talk to Jim and Jon Woodard. If property's description is different from the fence line, then need boundary line agreement.

Discussion of not giving property to the adjacent landowner because of County's existing requirements for open space bond money reimbursement.

Preservation Fee ordinance discussion coming. Can divide it up per building permit, versus ERU.

Discussion: Have their own board? Or collaborate with WOLB.

Purposely to preserve the North Fields, City thought enough hadn't been done yet.

Dustin G: TDR discussion, fee as a funding source to catalyze transferring density into Heber City.

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

Tracy T: Work on website updates. Work on Annual Report 2022 in January 2023.

Tracy T: Thanks to Marilyn Crittenden for her service and doing so much this year and her work on the Agricultural Protection Ordinance!!!

Marilyn C: We must have a plan to protect our rural nature or it won't be protected. Need a plan to protect what people cherish. Be careful to do that.

Tracy T: Actively have to fight for it.

7- Closed Session per U.C.A. 52-4-205 if needed. None held.

Motion to adjourn: Tracy T

2nd: Dr. Steve Stevens

Vote: unanimous

2023 Meeting Schedule:

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

January 9, 2023
February 13, 2023
March 13, 2023
April 10, 2023
May 8, 2023
June 12, 2023
July 10, 2023
August 14, 2023
September 11, 2023
October 9, 2023
November 13, 2023
December 11, 2023