

Wasatch Open Lands Board Meeting (WOLB)

February 27, 2023; 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: Steve Farrell, Dr. Steve Stevens, Karl McMillan, Heidi Franco, Tracy Taylor, Maevlyn Stevens, Wendy Fisher, Dustin Grabau.

AGENDA:

1- Public Hearing to consider up to \$790,000 in Open Space Bond money for the Alan Giles NOI.

-Presentation by Wendy Fisher, Utah Open Lands:

4 parcels, shown a map of Alan Giles property, 4 different lots of record. 10 acres, 10.47 acres, 21 acres, 15 acres.

Conservation values tied to Water quality, wetland values, viewshed for entire valley, historically important land value because of ditch on property. High groundwater leads to native grass, adds value for climate resiliency, carbon sink. Adds up to a 75% match for native grasslands.

Still need due diligence and decisions for:

1- Ownership verification, Giles Family Trust and trustee authority (some trusts do not allow Conservation Easements and must check this.)

2-Leins/encumbrance investigation, loans, minerals, easements, etc. (Can't find any significant ones so far, but still need to check 76 more documents; yet any leins must be subordinated for easement.)

Dustin: Request is for \$748,000 for four parcels.

Keep agricultural use, grazing, haying, addressed all criteria in County Code except for trails/public education.

Discussion of needed draft yellow book appraisal (defining scope) & Appraisals (CE and FEE title) (Need a fee title appraisal to provide the easement value. Instead put in language that the purchase agreement that would allow the County to receive fee title with the value of the open space bond money in the event that the CE leveraged funds didn't come through.)

-Dustin discussed that WOLB need to decide which of the four parcels would be equal to the \$758,000 bond money.

Steve Farrell: discussed the 21 acre piece to protect the value of the bond money.

Discussed in current ordinance the bond money can be used for purchase or CE's, so this Giles NOI option does work according to County Attorney's opinion in discussions today.

Dallin Koecher joined meeting at 6:49 pm.

Wendy Fisher: if other funding doesn't come through then UOL would use an outside independent source to determine value of how much land acquired by county from the bond money use. The 21 acres is the collateral in the event that the funding didn't come together.

Heidi F: Do we need deadlines on when the funding needs to come through to protect the County and limited availability of bond money?

Wendy F: offered to include triggering events in language; 1-if funding NOT approved then first triggering event. Failure to get approved funding.

2- If funding is approved but work through the terms, such as 36 months, then second triggering event up to 36 months.

Steve F: Offered other proposal of only one triggering event within 36 months, either CE is closed, or County can take fee title based on value of appraised land. Could extend if funding is approved?

Wendy: UOL and Giles can agree with the 36 month drop dead deadline, asking for compelling reasons for extensions beyond 36 months, bring back 90 days before the 36 month deadline.

Tracy asked for an update in 12 months.

Steve Farrell: Use 36 months, using Kohler's as an example because of bureaucratic red tape. Or ask for six month updates.

Dustin G: Discussion of Open Space bond money, when spent, County Council approval.

Tracy T: Still can affect future applications and need updates.

Wendy F:

Offered funding conditions of: Full title report pending; Survey (weather and parcel dependent) there is no survey which may be weather and parcel dependent. Need a survey for each parcel and all parcels together.

States that these should become conditions for any potential conservation easement. Any of these could negate the bond funding recommendation.

-County funding should also be dependent on these next things. Make these things conditions also to make NRCS Competitive Grant then needs FSA Registration.

Steve F: Allan Giles was going down to sign up today.

Discussion of further conditions: ACEP ACE Application de March 17, 2023 – working on right now. RCPP Application date not yet announced.

Marvelyn: If County is a coholder of the application then County needs to sign it? If wanting to go over LeRay McAllister funds, then Wendy can bring back.

Dustin G: If we become joint owners, then should sign application.

Heidi F: Discussion of 21 acre lot as collateral option for other NOI's with this arrangement.

Steve F: need to ensure the County is covered as well as set a precedent that the County is not in the loan business.

Dustin G: Discussion of lot collateral in case there are any easements or damages then County value is covered.

Wendy F: This is lot collateral option is a new precedent to protect County funding as security because of being the first funding in.

Steve F: Even JSSD is willing to have the County do this.

Discussion of setting up a procedure to continue this - buying options on the easements.

Heidi F: Discussion of this new procedure of lot collateral to accelerate the process.

Steve F: Yes, if we can get this one done; then we work on the JSSD property too. Consolidate parcels contained within the JSSD property.

Wendy F: Potential of using another government program for water quality to protect JSSD land, that she will check on.

Hopes that WOLB will make recommendation to County Council so this can be a process that sets a precedent to guide future deals like this in a good and thoughtful manner. That is issue.

Tracy T: Have other counties used this type of option/new procedure of lot collateral?

Wendy F: Yes, other places have done this: purchasing an option, by putting earnest money as bond money, and provide a time frame to finish the option. She thinks other state agencies use this. Ensure WOLB meets the principles of the bond/code language.

Steve F: also put in an option for the Giles to buy back the option.

Heidi F: Discussion of charging interest on option?

Dr. Steve S: can't be an interest free loan for 36 month. Future attorneys will raise this issue.

Steve F: Could require the current interest we are getting on bond money.

Karl McMillan: we won't lose money because land values will likely escalate.

Dustin G: what if value doubles?

Tracy T: Discussion of trying to understand unforeseen incidences.

Wendy F: in conservation easement there is a 'proceeds clause' that allows value of bond money back WITH interest. Think of the Kohler family taking so long to close, and values went up and conservation easement funding locks in the deal before land values rise. Have the title report be a condition for the bond money at the beginning.

Public Hearing Open:

No public attended. No comments.

Closed Public hearing.

WOLB Board then discussed/listed the conditions for open space conservation option agreement to proceed on Alan Giles NOI. Written down by Dustin Grabau.

Steve F: ask Jon Woodard and Wendy Fisher to put together a document, put the terms into the conservation easement option agreement.

Wendy F: asking for the 10 different conditions for the conservation option agreement on the Alan Giles NOI.

Agenda deadline is Friday, March 10, 2023 by Noon.

Steve F: Wendy F needs to take it to Alan Giles, plus Steve and Karl.

-Discussion of needed land survey, how to obtain and pay for. Landowner obtain survey.

Heidi Franco: Discussion of upcoming County Council presentation/public hearing.

Wendy will present the analysis, county code, then WOLB presentation of conditions.

Steve Farrell: Motion made to recommend the Alan Giles NOI to the County Council using the conservation easement land collateral option agreement for the 57 acres of the Alan Giles trust family with all the conditions stated (as written down by Dustin Grabau).

2nd : Karl McMillan

Vote: unanimous

Steve F: Asked Wendy F to meet with Max Covey and explain this land collateral option.

Motion to adjourn:

Dr Steve Stevens

2nd: Karl McMillan

Vote: unanimous

- No Closed Session per U.C.A. 52-4-205 needed.

2023 Meeting Schedule:

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

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