

Utah Quality Growth Commission Meeting

Wednesday, November 28, 2007, 11:00 AM,
Utah Association of Realtors Offices
230 West Towne Ridge Parkway, Suite 500 Sandy, UT 84070.

Meeting Minutes

Commission members present

Laraine Swenson
Sally Elliott
Jaren Davis
Mike Kohler
Justin Allen
Brent Tanner
Darrell Smith
Flint Richards
Ken Mitchell
Larry Ellertson

Reed Erickson

Staff Present

John Bennett, Executive Director
Evan Curtis

Visitors Present

Ryan Davies
Shauna Kerr
Lt. Governor Gary Herbert
Eric Hafen

1—Welcome and introductions—5 minutes

Evan Curtis introduced himself to the commission. John Bennett explained that he replaces Laura Ault on the Staff, and that he has been working for GOPB as a contractor on the SUPER Tool. Mr. Bennett also explained that he is the son of Wes Curtis who was the former State Planning Coordinator.

Reed Erickson, our new member at-large, also introduced himself. By way of introduction, John Bennett explained that he was confirmed by the Utah State Senate at their interim meeting in November. Reed introduced himself to the commission. He explained that he lives in Cedar City, and is the circuit rider planner for Iron County. He consults with communities to assist them with planning needs in the area. Mr. Bennett explained that we were looking both for geographic diversity and planning expertise. Reed will help us with our renewed planning focus.

2—Public Comments—5 minutes

Ryan Davies, VP of Market Research for the Cisero Group introduced himself to the Commission and spoke about his passion for Quality Growth. Mr. Davies worked for Envision Utah and served on the City Council in Draper City.

Shauna Kerr of the Trust for Public Land informed the Commission that Ann Price with the Utah Division of Forestry, Fire and State Lands will retire at the end of 2007. As Ann, and the Forest Legacy Program which she managed, have been such an integral part of numerous LeRay McAllister Fund Projects, Shauna suggested that the Commission do something to honor Ann on her retirement.

Sally Elliott moved that the Commission honor Ann at the January meeting or as soon as it can be arranged. Laraine Swenson seconded the motion, and it passed unanimously with eleven members present. Staff was directed to contact Ann, and to come up with an appropriate way to honor her for her assistance to the commission and her land conservation work.

3—Approval of Minutes from October 24, 2007 Meeting

Commissioner Sally Elliott moved to approve the minutes. There were multiple seconds. The minutes passed unanimously with 10 members present for the vote.

4—SUPER Toolkit status: Evan Curtis, 15 minutes

Evan talked about the SUPER Tool (State of Utah Planning and Education Resource). He explained that it is an initiative of the State Planning Coordinator, the Quality Growth Commission and other partners. The idea is to coordinate planning resources and tools that are available around the state to make them more readily available to those who need them. The SUPER tool will be a comprehensive online portal for Utah's planning resources. We want to bring together as many partners as possible, in sort of a NASCAR approach where every partner gets its logo on the project, and everyone contributes something to the larger whole.

Right now, we have identified five components of SUPER. They are:

1. **State resource coordination:** This is an effort to identify all the resources communities may need that are available from various state agencies and make links and information about them available through SUPER. This will put the planners in touch with the State. If they have questions about water, geologic hazards, transportation, they can figure out where to go for this information, and who to talk to to get their questions answered.
2. **Planner education:** This is being done in conjunction with the League of Cities and Towns and others. The idea is to ensure that citizen planners have the training they need to do the job, and to avoid creating problems for the jurisdictions they represent
3. **Planning self assessment tools:** This will help communities identify where they are, where they are going, and give them the information they need to do quality planning.
4. **Ordinance library:** This is a collection of different types of ordinances from around the state that are available to others communities so that they can see what is being done in various areas.
5. **Mapping Tools:** These geographic resources help communities make maps and visually represent their communities.

Currently, the ordinance library, and the mapping tools are completed and available for use by planners. We are making these tools available immediately while we work on the rest of the SUPER Tool.

Mr. Curtis explained the Mapserve program created by the State's Automated Geographic Reference Center. He explained that AGRC has put all the State Data into a system that can be used by anyone with a high speed internet connection. These users can look at various state data, and plot it on a map that can then be printed with a legend and inserted into a planning document. The system is searchable in a number of ways such as zip code, state house district, county and municipal boundaries and many others. It also includes access to the state aerial photography which includes 1 foot per pixel images for most of the state. Jaren Davis asked if this was like "Google Earth?" Mr. Curtis explained that it was like that but with many more information layers such as land uses, wilderness areas, wetlands, wildlife habitat, county and municipal boundaries, and many more.

Mr. Curtis then described the ordinance library. It is searchable two ways. There is an alphabetical search feature if you know what you are looking for, and a categorical search if you just want to browse categories such as environment to see what is there. The listing shows the county our municipality where the ordinance is from, the title of the ordinance, and the code reference. By clicking on the ordinance, you can view a PDF copy of the ordinance.

Commissioner Larry Ellertson asked if this would be updated. Mr. Curtis explained that he would like to update it over time. He has included his e-mail address and contact information in the toolkit so that if people know of other ordinances that should be included, they can send him the ordinances or point him toward them. We will also be putting some resources into updating the ordinances as resources are available. He also indicated that there are other resources for doing updates such as the American Planning Association Chapter List Serve and other similar resources.

Commissioner Ellertson suggested that Mr. Curtis maintain a database of contacts he used to compile this tool so that they could be contacted periodically and asked to review and update the ordinance library.

John Bennett reminded Commissioners that they had supplied the funds to hire Mr. Curtis to produce this tool, so they have already invested in this effort.

Flint Richards asked if this was available now for planners. Mr. Curtis explained that it is temporarily available. John Bennett explained that as each part of the toolkit is completed, they would be made available and that at some point in the future it they would all be integrated into a common internet portal. He indicated that the library would be available before the end of the year for planners to begin using.

Sally Elliott indicated that Summit County Utah often looks to other similarly situated counties in the west for help with tourism related ordinances and other issues. She suggested that links to resources in other states be included. Staff indicated a willingness to include links as they can be identified.

Sally Elliott also asked about planner education. John Bennett explained that the League of Cities and Towns has hired Craig Call, the former Utah Property Rights Ombudsman to draft a curriculum for planner education. Mr. Call will focus on the legal aspects and due process, training citizen planners on what they can and cannot do under state law. Mr. Call's piece will largely be used to "train the trainers." There are a number of groups that are doing planner education, and the hope is that all these groups can be persuaded to use a common curriculum.

Sally Elliott asked where Craig Call got his authority to write the curriculum. John Bennett explained that he was hired by the league of cities and towns in cooperation with a developers group called the Property Rights Coalition to do this. Some developers have concerns that cities and counties don't know what the law allows, and they just do what they want. So this is an attempt to reach a common education curriculum. John Bennett further indicated that Mr. Call would write a draft that would then be open for comment by many groups. He was chosen because most people agree that he knows what the law says.

Ken Mitchell indicated that all this would be ineffective without a mandate. Mr. Bennett responded that some talk of a legislative mandate in the future is still circulating. He also indicated that the league of cities and towns and the association of counties may start certifying their members and this may be part of the certification.

Sally Elliott indicated that she likes Craig Call and has worked with him on a number of issues. But, it might be a good idea to balance him out. Mr. Bennett indicated that as he understands it, Mr. Call will do a draft which the League of Cities and Towns will circulate to many groups for comment. The goal of the League is to reach agreement on a curriculum that covers those issues—due process, and the legal issues surrounding what can and cannot be done by a local government in the development process.

Mr. Bennett indicated that there is another piece to this that is not covered by what Craig Call is doing, and that it is an issue that the Commission may want to get involved in. That is education on good planning principles and practice. He explained that once you know what you can do, then you need to know how to do it right. This is the Envision Utah toolkit kind of education. Essentially it is teaching quality growth. Mr. Bennett indicated that he feels this is the next step beyond this initial agreed upon curriculum.

5—Workplan discussion, Jaren Davis, 30 minutes, Discuss workplan for 2008

---Possible Roadshow visits across Utah: John Bennett related the history of the Commission. One of the first things that the Commission did when it was organized, 8 ½ years ago was to go out to all 29 counties to meet with the elected officials and others to talk about the Commission, talk about growth and the need for growth management, and get a sense for the needs as they existed in each of these areas at that time. We are now in a situation where all of the original members of the Commission who participated in those visits have completed their 8 years and left the Commission, and no one currently on the commission participated in those visits. Utah is facing incredible growth challenges right now. The Utah Population Estimates Committee estimates that we are adding 10 people per hour to our state, and adding a population equivalent to the City of Ogden, every year. That growth is hitting different areas of the state differently. It might be worthwhile for the Commissioners to decide to do another roadshow. You may want to go out and meet again with elected officials and other stakeholders, find out what the needs are related to growth and share those with the legislature.

We talked with the regional associations of local governments about helping us to facilitate regional meetings for the Commission and they seemed very receptive to this idea. Perhaps we should have a commission meeting, or at least have several commission members at the AOG meetings to try to get some of this feedback.

Wasatch Front Regional Council has a Regional Growth Committee, and the others have similar meetings. Mr. Bennett recommended that the Commission go out and do regional roadshows in association with the AOG's to gather information that can be included in our annual report to the legislature.

Justin Allen asked if the AOG's were the best place to do it rather than the Council of Governments. Mr. Bennett responded that he was mostly interested in doing regional meetings. The AOG's could help put those together and identify which groups should participate. It does not have to be at the AOG meeting, though that might be a good idea in some regions. But, for example, the Salt Lake County COG staff is located at the Wasatch Front Regional Council, so in this region, they are the logical partner.

Larry Ellertson asked about the purpose of the original visit. John Bennett explained that he was not there for those visits, but that he had read the documents produced, and had observed the work done afterward. He said the purpose was to observe growth issues from the perspective of

the local officials. Shauna Kerr, of the Trust for Public Land, who was an original member of the Commission indicated that she travel to San Juan County and saw that growth was viewed differently and had different impacts there than in Summit County. She said that all the commissioners came back and made a list of the issues that had been discussed in each county, and she was impressed by how much insight it gave them into the impact of Growth across the state. She also indicated that it made it possible to visit communities she had not been to before, and see what growth was there. She indicated that there have been substantial changes since then so the needs and impacts will be dramatically different than they were eight years ago.

Lt. Governor Gary Herbert, who was also an original commission member, echoed that sentiment. He suggested that 8 years ago Washington County was considered rural. Now it is an urban area that is growing very fast. Clearly things are different now and it may be time to reevaluate the impacts of growth across the state.

Commissioner Larry Ellertson indicated that he wanted to participate. He indicated that it was really a two way street. We can tell them what we are doing, and we can listen to them and find out what their needs are.

Lt. Governor Herbert indicated that one of the great things about the Commission is that we have always provided tools to assist small communities with planning. He said he was in Kanab recently and a woman told him she didn't want Kanab to become Los Angeles. So even in Kanab people are worried about growth.

John Bennett responded that we are trying to help local governments with planning. Lt. Governor Herbert asked about planning grants, and Mr. Bennett indicated that a request had been made to include that funding in the budget. He asked the Lt. Governor to help get it into the budget. Lt. Governor Herbert stated he would do what he could to assist.

Lt Governor Gary Herbert Remarks

Jaren Davis introduced the Lt. Governor. He indicated that Lt. Governor Herbert is a personal friend and mentor, and a realtor. Chairman Davis also indicated that he was proud of the leadership exhibited by the Governor and Lt. Governor and was excited to have Lt. Governor Herbert with us.

Commission members broke to get lunch, and then returned to have a discussion with Lt. Governor Herbert over lunch.

Lt. Governor Herbert said he just wanted to stop by and say thanks. He indicated that it was déjà vu, it seemed that the Commission is still having the same discussions, and maybe always will. It really is what have you done for me lately. Some who have supported you in the past may not in the future. You have to earn your spurs every year. It is easy for people to assume the worst if they don't have all the facts. You are always going to have detractors. But you are all capable of making wise choices, and moving forward. I will help with the Governor's budget.

The economy is growing, that is and will continue to be our focus. We feel like a healthy economy is the salve that heals all wounds. It provides the resources for all the other things we want or need to do.

I am concerned that we have neglected to give resources to our communities who have not yet felt the effects of growth. When is the best time to prepare for growth? Before it happens, not after.

We are behind the curve in many areas. Small towns need resources to help them grow.

Transportation and other infrastructure is key to planning. Businesses tell us if you want us to prosper, you better provide the infrastructure. They need the ability to get from point A to point B. The statewide system needs to function, and we are seeing areas where it is not functioning well. Getting out to Vernal is hard right now, we need to invest in infrastructure to make that happen.

People will come to Utah because of the Jobs and the quality of life. We will continue to make sure that the jobs are here. You have a significant role to play in protecting and enhancing the quality of life.

The Lt. Governor agreed to take some questions. Commissioner Larry Ellertson asked him about jurisdictional transfer of roads. Lt. Governor indicated that he didn't see that happening except in situations where both parties agreed it was beneficial. He also agreed to talk to any legislators who were proposing that.

Flint Richards asked if the administration would support some additional funding to preserve orchards in southern Utah County and northern Weber County. Lt. Governor Herbert indicated that if anything was going to be done, now was the time. He said that the market might have to change to make it more profitable. But, if we can get support from landowners and other stakeholders, he would be supportive.

Jaren Davis asked about helping the Commission get ongoing funding for the LeRay McAllister fund. Lt. Governor Herbert indicated that he thought it should be ongoing and would help.

Lt. Governor Herbert again thanked the commissioners and left sitting other responsibilities.

Sally Elliott wondered if we should issue a press release touting all the work we have done. Jaren Davis indicated that that was a good idea. John Bennett agreed to draft something for Commission review.

---Joint meetings with Wasatch Front Regional Council to promote

Quality Growth Principles John Bennett explained that WFRC is already scheduled to visit every local government in their region to talk about quality growth. He suggested that the Commission find ways to support that effort and use it as an outreach opportunity.

Commissioners expressed support for that idea. They suggested that perhaps a flyer or brochure could be supplied that WFRC could distribute during the visits.

---SUPER Tool Completion—Timeline for completion for the whole portal by early next year.

LUNCH: Provided by Association of Realtors, 15 minutes.

Jaren Davis introduced Justin Allen, Commission member who also works for the Salt Lake Board of Realtors to talk about the new building. Chairman Davis first thanked Justin Allen for chairing the last meeting in the absence of both the Chairman and Vice Chairman.

Justin Allen explained that the building was completed in July, 2007. It has three owners. They are the Utah Association of Realtors, the Salt Lake Board of Realtors, and the Wasatch Front Multiple Listing Service. There will also be some tenant space available for rent in the building.

Chairman Davis added some additional information about realtors and the realtor family. He said that there are over 17000 realtors in Utah, and more than 1.3 million nationwide. The Association of Realtors will celebrate its 100th anniversary in May 2008. It was created at a time when the sale and exchange of real estate was plagued by fraud and deceit. 120 men got together to form an association to curb those practices and protect the ownership of private property as integral to our freedom. The Association is now 53 percent female, and has worked for 100 years to protect property rights, promote quality communities, preserve open space and other amenities and contribute to the quality of life of all Americans.

He indicated that the Association has produced several toolkits to assist communities in planning and development. One is a smart growth toolkit. The Association is going to provide a copy of this toolkit to all commission members. Other toolkits deal with transportation and other important issues.

6—Legislative Strategy Discussion, discuss legislative issues, and strategy for securing funding and support in upcoming session, John Bennett, 20 Minutes.

---Planning Grants Funding

---McAllister Fund

Larry Ellertson asked if we know who the advocates and opponents are. Jaren Davis discussed the earlier visit with Rep. Mel Brown. Chairman Davis indicated that Rep. Brown was not an advocate, but at least he now better understood the issues. Sally Elliott asked Lt. Governor Herbert to help with Rep. Brown. He agreed and wanted to know where Rep. Brown is. John Bennett indicated that he felt Rep. Brown would be supportive of the work we are doing with planning. Mr. Bennett indicated that he believed that Rep. Brown's main objection is to the way the LeRay McAllister fund is being used. Mr. Bennett indicated that he believes that Rep. Brown thinks all the funds should be spent along the Wasatch Front. The Commission has tried for Geographic diversity; we are now in 19 counties. There are limitations to what we can do along the Wasatch Front based on the act and how it works. But, that seems to be what Rep. Brown wants.

Mike Kohler indicated that he recently spoke to Rep. Brown and that Rep. Brown opposes easements in any form. Jaren Davis indicated that one of the positive things that came out of this meeting was thinking about different uses for easements that may have terms and not be in perpetuity. At least considering these things is healthy.

Shauna Kerr indicated that term easements would not get tax benefits. Flint Richards indicated that many people in the agricultural community also worry about perpetual easements. Lt. Governor Herbert indicated that this has been a long term debate. The key is establishing the public purpose.

Flint Richards indicated that he hears this from others in the agricultural community, and we need to address it in some way. John Bennett indicated that perhaps a clause could be written into the

easement indicating that both parties agree to reevaluate the conservation values after a specified time and if they no longer exist, they agree to go together to a court and petition to have the easement vacated. There is nothing preventing a landowner and easement holder from doing that now, but this would formalize it.

John Bennett went back and tried to answer the questions about who the supporters are:
Senator Greg Bell has been a supporter
Senator Dennis Stowell and Rep. Fred Hunsaker have been supportive.

Mr. Bennett indicated that he thinks that the Governor will be one of the most important allies. If the Governor is supportive, that will carry a lot of weight.

7—Administrative Matters

The next meeting is at the Capitol. January 23, 2008.