



Utah Quality Growth Commission
C/O Governor's Office of Planning and Budget
150 State Capitol
Salt Lake City, UT 84114
Telephone (801) 538-1027

Utah Quality Growth Commission

*Flint Richards, Chair
JT Martin, Vice Chair*

John Bennett, Executive Director

MEETING MINUTES

**Wednesday, September 23, 2009, 11:00 AM,
Room 140
Utah State Capitol Building
Salt Lake City, UT, 84114**

Commissioners Attending

Flint Richards, Chair
JT Martin, Vice Chair
Sally Elliott
Laraine Swenson
Reed Erickson
Brent Tanner
Mike Styler
Mike Kohler
Larry Ellertson
Justin Allen

Staff Attending

John Bennett, Executive Director

Visitors Attending

Janice Jardine, Salt Lake City Council
Val John Halford, WFRC
Mike Roberts, TNC
Laura Ault, FFSL
Vaughn Lovejoy, TreeUtah

1. Welcome and Introductions, Flint Richards, Chair, 5 Minutes

Chairman Richards conducted the meeting. He asked each person attending the meeting to introduce themselves, and state their names for the record. All commission members present when the meeting began, and all the visitors present at that time introduced themselves.

2. Public Comments, Flint Richards, Chair, 5 Minutes

Chairman Richards asked those members of the public present if they had any public comments they wished to make. No one made any public comments.

3. Approve Minutes from August, 2009 Meetings, Flint Richards, Chair, 5 Minutes ACTION ITEM: Approve Minutes

Chairman Richards asked for a motion to approve the minutes. Reed Erickson moved that the minutes be approved. Sally Elliott seconded the motion. The motion carried unanimously.

4. Discuss and Act on recommendation from Critical Lands Subcommittee, John Bennett, 45 Minutes

ACTION ITEM: Discuss and Act on LeRay McAllister Fund Recommendation.

Chairman Richards turned the meeting over to the Critical Lands Subcommittee Chairman Mike Kohler. He walked the commissioners through the recommendation that was made by the subcommittee. He indicated that the subcommittee had reviewed each of the projects and used a rating and ranking system to arrive at the recommendation. The recommendation of the subcommittee appears below.

LeRay McAllister Program Grants CY 2009

Project Name			Award Amount
	16	2.3	
Pine Valley 2, Washington County			30,000.00
Dry Lakes, Iron County	20	2.9	75,000.00
Killyon Canyon, Salt Lake County	23	3.3	\$100,000.00
Bear Lake Gateway, Rich County	39	5.6	\$75,000.00
Stringham Property, Davis County	43	6.1	\$20,000.00
Tooele City Preserve, Tooele County	44	6.3	\$40,000.00
Roring/Gunnison Sage Grouse Preserve, San Juan County	47	6.7	\$40,000.00
Wasatch Hollow Restoration, Salt Lake City	52	7.4	\$20,000.00
Tree Utah 6, South Jordan City	58	8.3	\$10,200.00
Quarter Circle, Nibley City	61	8.7	\$0.00
South Jordan, South Jordan City	64	9.1	\$0.00
Total			\$410,200.00

Applications received July, 2009

Mike Kohler indicated that the subcommittee heard from representatives of each project as well as from those Commissioners who had visited each site. They then took all that information and allocated the limited funds according to that information. He indicated that about ¾ of the commissioners attended the meeting and so were part of the recommendation.

TreeUtah and Center for Documentary Arts

John Bennett presented a couple of questions for the Commission to answer as they considered the recommendation. First, with regard to the award to TreeUtah and the Center for Documentary Arts, the application came in as a two part application. The first part was for the restoration work that the Commission has funded four times before along the Jordan River. The second was for funding for a catalogue for an exhibit of photographs taken along the river. The catalogue was designed to talk about how the river was in the past, how it is today, and how it will be in the future. The TreeUtah project, and the work of the Commission were to be part of that discussion. The Center wanted to take that Catalogue to schools and other educational venues.

John Bennett explained that \$35,000 had been requested for this joint project. That was to be used at the rate of \$25,000 for restoration and \$10,000 for the catalogue. The award was actually only \$10,200, and the two organizations were asked to work together to decide how to divide up that amount. However, due to the haircut given to this project, TreeUtah was concerned about

being able to complete its restoration if it was forced to split the award. So, they asked the Commission to decide how to divide the funds.

Vaughn Lovejoy from TreeUtah explained that he was uncomfortable telling another non-profit that TreeUtah was going to keep all the money. So, he felt that the fairest way was for the Commission to decide and then TreeUtah and The Center for Documentary Arts would live with the Commission's decision.

John Bennett indicated that both parts have merit. The TreeUtah restoration project is something that the Commission has supported in the past, and we know what we get with that. The Center for Documentary Arts proposal is new, the Commission has never done anything like that before, but it could help to advertise the work that the Commission has done along the river.

Chairman Richards moved to amend the subcommittee recommendation to specify that all the money go to TreeUtah. He indicated that in a year when funds are so limited, he did not want to see the Commission go outside of its core mission of conservation and restoration. Mike Kohler indicated that the Commission could make those changes, but Chairman Richards indicated he wanted to make the motion and so asked that it be considered as an amendment to the recommendation rather than as part of the final action. Mike Kohler accepted the motion to amend the subcommittee's recommendation.

JT Martin spoke about the catalogue. He indicated that he felt it was a very worthwhile project and encouraged the Commission to consider giving them some funding, even though it was something that was different than what had been done in the past. He indicated that this exhibit and the catalogue will help to bring more resources to restoring the Jordan River by educating Utahns about the river and its value. Chairman Richards asked Commissioner Martin if he believed this was how the legislature intended the Commission to use the money in the LeRay McAllister Fund. Commissioner Martin indicated that he believed it could help to bring more money and other resources for conservation, and in that sense it was what the Legislature wanted.

Commissioner Elliott asked if we knew what the legislative mandate really was. John Bennett explained that the Quality Growth Act says the funds are to be used for the preservation and restoration of open and agricultural lands. Commissioner Laraine Swenson indicated that she was worried that is set a bad precedent for applications to the fund.

Sally Elliott asked if anyone could identify other sources of funding for the Documentary Arts project. She indicated that she felt is a great project and would like to help support it in some way if she could.

The Commission asked John Bennett to write a letter to the Center for Documentary Arts which they could use to solicit other funds. The Commission also asked him to research other sources of funding that might be available for this catalogue. They also asked him to get clarification from the Attorney General's Office about whether similar applications received in the future would fall within the definition of the Quality Growth Act. Mr. Bennett indicated that he would do these things.

He explained that the Commission had a precedent that they would only consider planning applications if they were tied directly to a project on the ground. He indicated that he had put TreeUtah and the Center for Documentary Arts together on that basis that the Commission could

consider whether that previous precedent should be extended to other activities such as advertising or education as long as they were directly tied to work that we were doing on the ground. He indicated that he would ask how far that precedent should be stretched.

Subcommittee Chairman Mike Kohler then asked for a second to Chairman Richards motion with those directions to the staff. Sally Elliott seconded the motion, and it passed unanimously. The recommendation remained the same with the direction that the TreeUtah money go for restoration only.

Tooele City Inquiry

John Bennett indicated that Tooele City had inquired about why the Commission would agree to fund a project that admitted that it had not completed its due diligence. John Bennett indicated that he believed they were referring to the Bear Lake Gateway Project, which did not have its letters in place or its appraisal. He indicated that the appraisal policy indicates that we need to have an appraisal or a statement of value. The reason is that when you have an appraisal it indicates a higher level of commitment to the project. But, recent changes in Federal policy make having an appraisal difficult since they require one that is very detailed and more recent. So, several of the projects have no appraisal of limited statements of value because they are relying on federal funds, and will have to have a new appraisal when those funds are approved.

Chairman Richards asked John Bennett to indicate to Tooele City that the Commission reserves the right to set aside funds in support of a project which the Commission feels is particularly important, even if they have not completed all of their due diligence at the time of application. The Commission will also look at the technical expertise of the applicant when making that decision. Because, most of our projects will rely on federal funds, and federal policy means that they may need to get an appraisal after our money is secured, we don't want to put anyone in the position of getting two appraisals. He indicated that we need to reaffirm our policy to Tooele.

Laraine Swenson moved that the Subcommittee Recommendation and the amendments be approved and forwarded to the Commission. Sally Elliott seconded the motion. The motion carried unanimously.

Chairman Richards then asked for a motion for the Commission to approve the recommendation as amended and forwarded by the subcommittee. Sally Elliott moved to approve the amended recommendation, Brent Tanner seconded the motion. It was approved unanimously.

5. Consider requests for time extension.

John Bennett, 10 Minutes

Chalk Creek Ranch
Pine Valley 1
Baxter Ridge
Salt Lake County Rose Canyon

John Bennett gave to the Commission letters from four applicants who need additional time to complete their projects. Those four projects are listed above. He indicated that this is the first time any of these projects has been extended. The only significant difference in any of the projects is the Baxter Ridge Project which will have an increased landowner donation as Mr. Baxter has agreed to take the funds that the sponsors have been able to accumulate. This is about half of the appraised value of the conservation easement. John Bennett asked that all the projects receive a three month extension until January 31, 2010.

Sally Elliott moved to approve the three month extension until January 31, 2010, Brent Tanner seconded the motion. It passed unanimously.

6. Report on meetings with League of Cities and Towns, and Annual Report to the Legislature. John Bennett, 15 Minutes

John Bennett explained that the Utah League of Cities and Towns invited the commission to host a breakout session at their annual conference in September. He explained that Governors Office of Planning and Budget Staff covered two topics that the League had requested them to cover; Stimulus Funding, and planning tools. Most of the time was reserved for a discussion with the city officials present about their planning and conservation needs. This discussion was lead by JT Martin and Laraine Swenson who serve on the commission as representatives of the League of Cities and Towns. They explained to the city officials present that the Commission would be making its annual report to the legislature during the next week, and the commission would like to present that information to the legislature at that time.

John Bennett prepared a paper outlining and summarizing the comments which had been received at the League meeting in preparation for the meeting with the legislative interim committee on September 16, 2009. He supplied copies of that paper to the commissioners for their review. That paper is attached below.

John Bennett explained that the summary begins with the comments received dealing with public finance. While they were not directly related to the discussion on planning and conservation, they were of interest to the commission and to the legislature. John Bennett walked through the paper with the commissioners.

MEMORANDUM

To: Utah Legislature
From: Utah Quality Growth Commission
Date: September 16, 2009

RE: Needs of Cities and Towns

On September 9, 2009, the Utah Quality Growth Commission hosted a break out session at the Utah League of Cities and Towns Annual Convention in Salt Lake City. As part of this break out session, the Commissioners asked more than 30 attendees to describe the pressing needs of their local governments in the areas of public finance, planning and land conservation. These comments appear below for your information.

Public Finance

Sales Taxes vs Property Taxes: Several cities and towns indicated that they have had severe budget cuts. Others said that they were less impacted. The difference seemed to be whether a community relied more on sales taxes.

Those communities that relied mostly on property taxes (mostly small towns in rural areas) felt that Truth In Taxation made it possible for them to weather the storm. Those communities that relied heavily on sales taxes indicated that they have had budget cuts and layoffs.

School Equalization: Another issue was school equalization, particularly in Salt Lake County. Several Salt Lake County cities were represented. Salt Lake City indicated that their taxpayers are facing an \$8 million annual property tax assessment to pay for equalization in the south end of the valley. This comes at a time when the city needs to issue bonds for infrastructure and the equalization limits their bonding capacity.

Planning and Building Services: In many cities the planning and building services departments have taken the brunt of the cuts. Many cities have used development fees to pay for planning and building services, and when building activity decreased, those revenues were no longer available.

This is unfortunate because this lull in development activity would actually be an excellent time for cities to update their plans and ordinances while the crush of development applications is reduced.

Stimulus funding: The Commissioners asked the communities if they had seen a benefit to their communities from the State Home Run program. Farmington and several others indicated that they had seen the number of homes being constructed in their communities increase because of the Home Run program.

Planning Needs

City officials identified several planning needs that were important.

Agricultural Planning: According to a Nibley City Councilman, Utah has lost 1 million acres of farmland over the last 10 years. He worries that agriculture will be completely gone from his Cache Valley community in the near future. He was surprised to find that there is nothing in the communities General Plan that addresses protecting or increasing agricultural uses in the community. He would like to see the Legislature take steps to encourage communities to include protecting and potentially increasing agriculture in their general plans.

Several city officials from urban areas indicated that this is an issue even for them. Some are considering chicken and bee ordinances, others would like to see more community gardens or community supported agricultural operations in or near their cities.

Another issue related to agriculture was the location of homes on the prime farmlands. Several local officials discussed the idea of using soils as a zoning criteria to try to protect the most productive agricultural areas. Houses can grow anywhere, they said.

Changing demographics: The Mayor of Orangeville asked about whether the Commission had any information they could use to address the concern they have that the demographics of their town are changing. He indicated that the demographics of their community is going to create a town of all elderly people in the near future. He wanted help to plan for that change.

Resources for Planning: There is a need for state assistance to cities to do planning. City officials were unanimous that they would like to see the state provide assistance (grants) for planning when the resources are available. Some communities lack the resources to plan, and others would like help meeting state planning and notice requirements.

Conservation Needs

The Quality Growth Commission administers the LeRay McAllister Critical Land Conservation Program. City officials discussed with the Commission issues related to critical land conservation.

Watersheds, water quality, and water resources: The quality and availability of water was a major issue for many city officials. City officials indicated that they need help to protect critical watershed areas. They also indicated that population growth is outstripping the water supply in some areas. Some southern Utah officials discussed the need to capture Utah's share of Colorado River water being stored in Lake Powell for culinary and agricultural use.

Conservation Funding: Several community leaders discussed areas in their communities that are in need of conservation for recreation, watershed, agriculture and other purposes. The Commissioners discussed the LeRay McAllister Critical Land Conservation Program and its uses. Several community leaders described their experiences with the fund—all favorable.

Training local officials on Conservation Easements and other conservation options: Some officials indicated that they were trying to get good information about conservation easements, zoning, agricultural protection areas and other options for protecting land in their communities. They indicated that training in some of these issues would be helpful. Commissioners indicated that they, or their staff, would be willing to share their expertise with those

communities, and to put them in touch with others who were expert in these areas.

Other issues: some officials wanted information about creating open space coordinator positions, or assigning someone on staff to take responsibility for these issues. One official from West Bountiful indicated that they need some help working with UDOT to fund maintenance and conservation on lands in the legacy preserve. Commissioners encouraged them to call the Commission staff with their questions. Staff will ensure that they are connected to with the right people.

Commissioner Reed Erickson asked if the discussion about water resources and water quality also included discussions of agriculture and the potential conflicts that might bring. John Bennett indicated that it did not, but that that was an important part of any discussion of these issues. He explained that these were municipal officials who were looking at growth and saying "I'm not sure that I have enough clean water to meet that need." They were not really talking about the possible conflict that brings with the desire to protect agriculture, although that does exist.

Commissioner Reed Erickson also asked what motivated the desire for agriculture planning. John Bennett indicated that land conservation was part of the equation. The participants also indicated that they had heard from their constituents about their desire for locally grown food, and that that was a big part of it as well. He indicated that the discussion had included not only preserving what agriculture existed, but also whether there was an opportunity to expand agriculture in some cities. He noted that this interest was not just in rural communities. It also included a discussion of ways to promote community supported agriculture, and community gardens in urban areas. Commissioner Reed Erickson indicated that he felt there is a disconnect in some of these communities because they are making agriculture impossible by taking the water off the land for municipal uses. Commissioner Erickson indicated that one of the roles of the commission might be to help educate communities about this conflict and help them look for ways to minimize those conflicts. He indicated that water development was going to be a major issue in the future and communities need to understand those impacts.

John Bennett indicated that the Commission ought to think about how to do that education. There may be further opportunities to conserve, and we need to find ways for agriculture and growth to coexist. Another consideration is that development often occurs on the best agricultural lands. Communities could try to protect those lands as they grow.

7. Administrative Matters: Next meeting scheduled for October 28, 2009, Location: to be determined.

The Commission agreed to hold the next meeting at the State Capitol on October 28, 2009. Further, they decided to hold a year end meeting, if necessary on December 9, 2009 at 1:30 PM at Salt Lake City Hall.

Laraine Swenson suggested that, at a future meeting, we have another briefing on the SUPER tool and specifically tie it to the work of Envision Utah. She would like us to try to take the vision statements prepared by Envision Utah and try to find ordinances and other tools that would support those visions.