



Utah Quality Growth Commission
C/O Governor's Office of Planning and Budget
150 State Capitol, Salt Lake City, UT 84114
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Utah Quality Growth Commission

Flint Richards, Chair, JT Martin, Vice Chair

John Bennett, Executive Director

MEETING MINUTES

Thursday, February 24, 2011, 10:30 AM to 12:00 Noon
Governors Office of Planning and Budget Large Conference Room
Suite 140, Utah State Capitol Building, Salt Lake City, UT 84114

Commission Members Attending

J T Martin, SLCity Council, Vice Chair
Leonard Blackham, Comm. of Agriculture
Sally Elliott, Summit County Council
Larry Ellertson, Utah County Commissioner
David Mansell, Association of Realtors
Mike Kohler, Wasatch County Council

Staff Attending

John F. Bennett, Executive Director
Evan Curtis, GOPB Staff

Visitors

Val John Halford, WFRC
Janice Jardine, Salt Lake City Council Staff

- 1. Welcome and Introductions,** Vice Chairman Martin asked everyone present to introduce themselves.
- 2. Public Comments,** Val John Halford of the Wasatch Front Regional Council Staff indicated that the 2040 Regional Transportation Plan Update is complete and available for comment, if Commissioners wish to comment that they can do so by logging onto www.wfrc.org.
- 3. Approve Minutes from January 2010 Meeting** , **ACTION ITEM:** Approve Minutes
John Bennett indicated that he did not have the minutes finished yet. The minutes for both January and February 2011 will need to be approved at the next meeting.
- 4. Review of the Quality Growth Act and the Commission's Responsibilities,**
Definitions: John Bennett reminded the Commissioners that they had asked him at the January meeting to give them a report on the Quality Growth Act and on the Commission's Duties and Responsibilities. He distributed copies of the Quality Growth Act to those present and proposed to walk them through the act. He indicated that he had added one of the references, the definition of land in agricultural use, so they could see what that was, but otherwise what he printed is exactly as it appears in the statute. They discussed the definition of agricultural land and Mr. Bennett answered clarifying questions from Commissioners.

He then referred them to the definition of open land as it is used in the Quality Growth Act. Mr. Bennett explained that one of the Commission's duties is to administer the LeRay McAllister Program. He said that funds from the program may be used to preserve or restore open and agricultural land. He explained that open land is land in a natural state. The statute specifically prohibits using this money for property the use of which is for developed recreation such as ballfields and tennis courts. However, the statute makes it clear that the presence of a trail on the property does not change it from natural to developed use. Mr. Bennett explained that, as a matter of practice, the Commission had determined that a trail must use less than 50% of the acquired land for that test to be met. As an example, the funds could not be used to acquire land or easements that are only wide enough to place the trail surface on. The Commission has taken the position that the land or easement acquired would have to be twice as much as needed for the actual trail surface at the least.

Mr. Bennett next referred to the definition of surplus land and indicated that there is a provision in the act

that allows the proceeds from the sale of surplus land to be deposited into the LeRay McAllister Program. The definition indicates that surplus land owned by the Dept. of Administrative Services, Natural Resources, Agriculture or Transportation and is sold is eligible under this provision.

Members and Appointments: Mr. Bennett next moved to the section of the act that describes the Commission and its membership. He indicated that there are thirteen commission members; two statutory members, the Executive Director of the Department of Natural Resources, and the Commissioner of the Department of Agriculture and Food, six elected officials, three from cities nominated by the League of Cities and Towns and three from counties nominated by the Association of Counties, and five members representing the private for profit and not-for profit sectors. Five of the thirteen must not be from counties of the first or second class. Mr. Bennett explained that this was change that the legislature made to the act to ensure that there was adequate representation from areas off the Wasatch Front.

Of the five from the for-profit or not-for profit sector, two represent agricultural interests and are nominated by agricultural organizations such as the Farm Bureau and the Cattlemen's Association, and two represent real estate and development interests one nominated by the Home builders Association and one nominated by the Association of Realtors. The final member is appointed by the governor and is a member at large representing the public. All the members must be confirmed by the Utah State Senate.

Mr. Bennett explained that the terms of office are staggered so that every two years, some members of the commission are subject to reappointment. The act also prohibits anyone from serving more than two consecutive four year terms. If an elected official leaves office before his term expires, he is replaced by nomination from the organization which originally nominated him—the League of Cities and Towns or the Association of Counties.

Commission Duties and Powers: The Commission has no regulatory authority. Mr. Bennett distilled the Commission's duties down to three: advise the legislature and the governor on growth management issues, provide technical assistance and resources to local governments to do Quality Growth planning, and administer the LeRay McAllister Critical Land Conservation Program.

Mr. Bennett explained the requirements of the McAllister program, what the Commission is required to consider, and restrictions on use on funds. He explained that funds can only be use to purchase a fee title interest in property of 20 acres or less and if the property is located in a county where more than 50% of the land is privately owned, or where a contemporaneous transfer property of similar size from public to private ownership occurs.

Mr. Bennett indicated that all of the Commission's money has been in the LeRay McAllister program, and that the Commission's effort has followed the money. He suggested that some additional effort in the other areas of responsibility might be important.

McAllister Program Funding Report, Outstanding Grants Status Report, Funding Situation

Mr. Bennett indicated that the outstanding grants are proceeding. He indicated that if commissioners wanted to contact the members of the Executive Appropriations Committee it might be helpful for the Commissions budget. Commissioners took assignments on who they would visit.

6. Bills of interest, John Bennett referred the Commissioners to HB 88 which creates a taskforce to look at agricultural sustainability. The commission is represented on the taskforce.

7. Administrative Matters: Next meeting scheduled for March 24, 2011, State Capitol.