



GOVERNING BOARD

Thursday, November 18, 2010, 7:30 a.m.
Historic County Courthouse Ballroom, 3rd floor
51 South University Avenue, Provo, Utah

ATTENDEES:

Commissioner Larry Ellertson, Utah County
Dick Buehler, Utah Division of Forestry, Fire &
State Lands (FFSL)
Representative Mike Morley, Utah State
Legislature
Mayor John Curtis, Provo City
Mayor Jim Dain, Lindon City
Mayor Randy Farnworth, Vineyard Town
Gene Shawcroft, Central Utah Water
Conservancy District (CUWCD)
Mayor James Hadfield, American Fork City
Mayor Heather Jackson, Eagle Mountain City
Councilman James Linford, Santaquin City

ATTENDEES

Councilman Cecil Tuley, Saratoga Springs City
Councilman Dean Olsen, Springville City
Mike Styler, Utah Dept. of Natural Resources (DNR)
Mike Cobia, Mapleton City

INTERESTED PARTIES / VISITORS

Bob Trombly, Provo City
Robyn Pearson, DNR
Rick Cox, URS
Steve Densley, Chamber of Commerce
Carol Waters, Utah Valley Earth Forum
Bryce Packard, UVU student
James O'Neal, Citizen

ABSENT:

Genola Town, Highland City, Lehi City, Orem City, Pleasant Grove City, Utah Department of Environmental Quality, and Woodland Hills.

1. Welcome and call to order.

Chairman and Commissioner Larry Ellertson called the meeting to order at 7:34 a.m. He welcomed all visitors and Governing Board members to the meeting.

2. Review and approve the Utah Lake Commission minutes from September 23, 2010.

Commissioner Ellertson asked for corrections to the minutes. Corrections included: Page three, item five, third paragraph, changing the word east to "the west side of the lake near Saratoga Springs." On page six, third paragraph from the bottom, third line down, the name should read "Blackham" rather than "Blackley." Mayor James Hadfield motioned the minutes be approved as corrected, seconded by Mayor Jim Dain, and the motion passed unanimously.

3. Review and approve the monthly financial report of the Commission for September and October, 2010

Mr. Price reviewed and explained the financial reports for the months of September and October 2010:

September: The financial report dated September 30, 2010, with 75 percent of the fiscal year remaining, showed the Zions checking account balance was \$1,091.32; the money market account balance was \$226,369.96, and the Public Treasurers Investment Fund (PTIF) balance was \$128,260.27. The money market

account balance received a rate of return at .85 percent and the PTIF received a return of 0.56 percent. There were two transfers to checking, \$11,000 on September 7, and \$10,000 on September 20, 2010. Interest earned in September was \$237.47, bringing the year-to-date interest earned to \$650.96. The expenses for September are listed in the middle totaling \$20,674.36. The expenses out of the ordinary are the liability insurance payment made on September 7. A payment for reimbursement of expenses incurred during the curriculum development was made to the Provo School District, who acted as fiscal agent for the project. The general fund budget report was listed at the bottom, showing percentages left in each of the accounts. The overall general fund balance showed \$215,507.04, with 82 percent of the budget remaining.

October: The financial report dated October 31, 2010 showed 67 percent of the fiscal year remaining. The Zions checking account balance was \$1,866.19; the money market account balance was \$226,533.44; and the Public Treasurers Investment Fund balance was \$111,312.27. The money market account balance received a rate of return at .85 percent and the PTIF received a return of 0.56 percent. There were two transfers to checking on October 6 for \$7,000 and on October 18 for \$10,000. Interest earned in October was \$215.48, bringing the year-to-date interest earned to \$866.44. The expenses for September are listed in the middle totaling \$16,225.13. The only item out of the ordinary was a payment in the amount of \$1,895.38 to Logan Simpson Design for consulting services in creating the model ordinance. General fund budget report was listed at the bottom and showed percentages left in each of the accounts. The overall general fund balance was \$199,281.91, showing 76 percent of the budget remaining.

Mayor Hadfield moved the financial reports for September and October 2010 be approved as presented; seconded by Mayor Heather Jackson. The motion carried and the voting was unanimous.

a. Review the completed financial statements of the FY10 financial review.

Mr. Price summarized the year-end financial review.

Squire: A year-end financial review is required by the Utah State Auditor's Office for all governmental organizations. The Utah Lake Commission is considered a special district, and needs to have a financial review conducted on an annual basis and this was conducted by Squire Company of Orem. They were provided the financial information to conduct the review. Special Districts with a budget under \$350,000 have reviews, and budgets over \$350,000 have audits done yearly. The Governing Board elected to conduct the less expensive and less intensive review process. After completing the review, Squire submitted a report. Mr. Price read the report document, third page, the third paragraph down, which said, "Based on our review, we are not aware of any material modifications that should be made to accompanying financial statements in order for them to be in conformity with generally accepted accounting principles." He said the Commission received a good grade.

Additional highlights Squire noted are:

On page two, a summary was included. Squire said the assets of the Commission exceeded the liabilities at the close of the most recent fiscal year by \$170,848, with \$168,425 in unrestricted net assets. Much of this is in the capital projects fund, which was used to purchase the Land Tamer. The Commission's net assets showed an increase of \$71,320, which was expected and was put into the capital projects fund.

On page three, the total net assets increase for the year was \$71,320 (as noted above). On page four, it describes the fund balance, "The Commission completed the year with a general fund balance of \$69,737 of the current year balance, and \$11,312 is designated for employee benefits, paid-leave, and the remainder of \$58,425 are unreserved. The \$58,000 is the general fund balance available to use, if needed. On page five, the Commission completed the year with a capital projects fund balance of \$110,000. The basic financial statements, which are the different amounts of accounting, whether it is the accrual method or cash method, the work sheets are work-related and listed. The important line on page 12, shows total budgeted expenditures were \$10,081, less than budgeted, and the Commission did not go over budget. At the end of the report are the notes about the basic financial statement summarizing the accounting policies, how the money is handled, controlling the assets, and other information.

He summarized the annual report from Squire Company for 2010. The report shows the Commission was under budget by \$10,081 and money was in reserve. Mr. Price has been in discussion with the accountant to

assure compliance with proper information to the state auditor's office, reporting the budget when it is completed as well as submission of the report. There are also regular financial reports to the Governing Board, a written and followed personnel policy, liability insurance, cash management procedures where it is explained how to deposit the money to qualified institutions, and established procurement procedures. No formal vote was required.

Mayor Dain complimented Mr. Price for his work, stating it is evident by the actions and words in the Squire report. Mr. Price said clear records are a high priority for him and assures the Commission is financially sound. In discussion, the accountant Mr. Bartholomew commented the Commission has clean records. Groups who have the accounting problems are those with no organization, however, the way the Commission is structured makes it quick and easy to locate all information.

4. Report from the Technical Committee.

Mr. Greg Beckstrom reported on the activities of the Technical Committee. He said the Technical Committee has been actively focused for several months on the Utah Lake Model Ordinance. The Committee has been actively involved in the processing of the Utah Lake Bridge crossing. The state accepted the application and now FFSL is actively engaged in the review process of the application.

He said the Utah Lake Symposium held at UVU and sponsored by JSRIP had several presentations related to Utah Lake. He was gratified by the number of people and entities involved in studying, monitoring, and evaluating ways of improving the condition of Utah Lake. Several of the presentations are available on the Provo City website, www.provo.org/, through channel 17, and are found under miscellaneous categories.

In October, Mr. Mike Mills described the ongoing activities of removing carp from the lake. They had some challenges this year, and are behind their goal. JSRIP believes Loy Fisheries has the ability to achieve the goal of removing five million pounds of carp from the lake by February 2011, which completes the one-year contract. What they consider their prime fishing season in terms of carp removal has arrived with the elevation of the lake going down, colder weather, and icy conditions.

Mountainland Association of Governments (MAG) with Jim Price, Shawn Eliot, and Andrew Jackson updated the Technical Committee about ongoing preparations going into the 2040 transportation plan for Utah County. A couple of elements were presented, which could have potential impacts and concerns with Utah Lake. The Technical Committee understood the perspective of how transportation, planning, and potential construction activities are going to occur over the next several decades and how they interface with Utah Lake issues. Several of the mayors are actively involved with MAG planning activities and are familiar with the future plans. MAG's presentation was helpful and beneficial for the Technical Committee's view and understanding of their activities.

Commissioner Ellertson thanked Mr. Beckstrom and the Technical Committee for their work. Mr. Price also complimented the Technical Committee. He said Mr. Beckstrom is a good sounding board and can quickly get to the important issues when discussions come up.

5. Report from the Executive Director.

Mr. Price recounted the activities and projects of the Utah Lake Commission over the past month.

a. Update on Commission activities over the past month.

Mr. Price presented at the Utah Lake Symposium where he showed the 4th grade curriculum to those in attendance and what the elementary school students were learning. It was well received with positive interest and excitement knowing the Commission is reaching out to the young children and promoting Utah Lake.

He updated the Board on the phragmites project stating removal is continuing down by the Lindon Boat Harbor and Vineyard Center Street. Project funding came from the Commission's commitment and a grant for from the Utah State Water Resource Initiative for \$27,000. Over several months, Russian olive and Tamarisk have been removed. The beach and south of the area has opened up the pilot area. Another part of the project was reseeding a test plot of the shore to see if reseeding can slow down other invasive species.

Commissioner Ellertson asked if the reseeded was native vegetation and grasses. Mr. Price confirmed the statement. The Commission has been working with DWR to determine the best type of seed. DWR is out of their comfort zone because most work in the uplands, and they had to get educated on the best seed to use.

The approved acquisition of a Land Tamer in September has been purchased and should be delivered around December 1. Aaron Eagar, Utah County Weed Manager, will pilot the vehicle. He is excited with his plans of what is going to be done to remove the biomass and to treat appropriate areas in the spring.

b. Commission response to Central Utah Project funding cut.

Mr. Price brought to the Governing Board's attention that funding sources were recently cut for CUP. For unexplained reasons, the Department of the Interior (DOI) Secretary, Ken Salazar, cut their funding. Gene Shawcroft and Chris Finlinson at the Central Utah Water Conservancy District had spoken with Mr. Price and agreed it would be beneficial for Utah Lake Commission to express support and to encourage the Utah Federal Delegation to approach the DOI for re-instatement of the funding. CUP has been around for over 40 years and received significant investments from Utah citizens and from the federal government, and it was unexplainable why DOI would cut funding at this point. Mr. Price felt there was a legitimate reason to contact the Federal government delegation since Utah Lake is part of the CUP, and cutting the funding will slow the goals to be completed, including recovery of the endangered June sucker. He proposed the Governing Board prepare a letter to the Utah State federal delegation, and signed by the chairman, vice chair, or himself. The letter would go to the current senators, senator-elect, and Utah representatives in the House to encourage DOI to reinstate the funding. He asked the Board how they wanted to proceed.

Commissioner Ellertson called for comments. He asked Mr. Shawcroft how funding fits in the overall picture of taxes generated locally and if there was a match to federal money. Mr. Shawcroft said in 1993, the district was allocated local cost-share for the project. Pipelines were presently going through Provo and are cost-shared at about 65 percent federal and 35 percent local. The facilities are in the ground from Strawberry Reservoir down to Provo and have been purchased with local money. He affirmed there was a significant local contribution in addition to the federal funds. The proposal of cutting funds was to zero out the Central Utah Project funding for the fiscal year 2012.

Mayor Curtis said he would support a letter. In the letter, it would be important to thank the staff for their efforts and help them feel like they would be supported in trying to get the funds reinstated. He said this would encourage and thank them at the same time, and some may take offense if they were not thanked.

Mr. Shawcroft thanked Mayor Curtis for his appreciation. He said CUP has been working closely with the state delegation over the years and they are supportive. He felt if cutting funds was in an overall effort to reduce budgets and the district was cut the five or ten percent like others, they could accept the decisions. However, when no others were cut, and only CUP was zeroed out, it was difficult to accept. The state delegation has been active in supporting and pursuing reinstatement, and is positioning them for a personal meeting with President Obama to review this with him.

Mr. Tuley asked if it had been zeroed out in the present budget. Mr. Shawcroft said the DOI pulled the money from the budget due in February for 2012, but early information indicated the item had been zeroed out. The budget included money for the mitigation and the completion of their present project.

Commissioner Ellertson asked if millions of dollars in the projects have been forgotten. Mr. Shawcroft said depending on how the numbers were counted, but newspapers reported about \$450 million have been invested in the project and if it is not completed, the federal government could not issue block notices, which is a contract for delivery of the water, which triggers repayment to the federal government. The \$450 million is there as a mechanism for the federal government to receive repayment.

Mr. Dick Buehler said it would be a good idea with politics to have all the members of the Executive Committee sign the letter with their titles and show a broad support for the CUP. Mayor Curtis agreed saying a letter and conventional meeting with any pressure helps the delegation. A cause carries weight with the Government when it is supported by various entities. He suggested Mr. Price contact the Utah Valley Chamber of Commerce and other organizations to solicit additional letters to become part of a support portfolio.

Mr. Tuley suggested directing the letters to those who make the decisions, as they need to hear the rationale about loss of money, inability to cover costs, and the unfairness of being cut out completely with no warning, as well as the disproportionate factor. If they were a little offended and the letter is worded properly in order to get the information across to them, then they will feel the pressure. Additional letters should go to both the delegation and those who make decisions.

Mr. Shawcroft thanked Mr. Tuley for his suggestion, but based on the sensitivity of the political atmosphere, environment, and where the pressure is coming from, it was recommended the letter be directed to the delegation rather than as a frontal assault to DOI. The delegation requested this approach and preference of CUP's stance.

Commissioner Ellertson said the Commission should contact champions for constitutional issues and use their expertise. He agreed the letter should thank those involved. The consensus of the Board was to move forward by preparing and sending the letter out.

Mr. Mike Styler said he was requested by the Governor's office to attend a meeting where Senator Ralph Okerlund was proposing to sponsor a resolution to the legislature asking for CUP funding to be re-instated. He also spoke with staff from the senior senator's office, which sat on the appropriations committee and could have put it back in if needed. The staff said it was clear the Secretary of the Interior decided to cut the funding because the senior senator had lost the election and wouldn't be able to put the funding back in.

Commissioner Ellertson said it would be time-consuming if every member of the Board signed the letter so it was critical to move quickly. The next meeting would be in January and asked if that would be too late. Mr. Price said the value of having the entire Board sign would be beneficial, but believed it would be best if a limited number signed the letter. He asked Mr. Shawcroft for a time-frame. Mr. Shawcroft said to make a significant impact the letter it should be written within the next ten days. Many letters are already prepared to be submitted within the next couple of weeks. Mayor Heather Jackson suggested positioning the Board's names along the left side of the letterhead. Commissioner Ellertson said the members of the Board would be included on the side but he would sign the letter and asked Mr. Price to compose the letter.

c. Public outreach efforts, including funding for a public editorial plan.

Mr. Price said money was budgeted for website redesign and a public editorial plan. During the budgeting process, the Board requested more specifics, which was provided in a handout about the public editorial plan listing the benefits of a proactive editorial campaign. The project would utilize social networking services to reach out publicly, including a new website and other networking sites such as Facebook and Twitter. He cited a newspaper article about how Pleasant Grove City Council was presented the benefits concerning an editorial campaign. It was suggested the city needed to incorporate something similar to a public editorial plan to reach out to the individuals who do not seek out the traditional informational formats, such as, reading newspapers, city newsletters or going to city websites. Governments are slow to adapt to emerging technologies and they doubt whether they would be effective. Mr. Price felt the editorial plan would be an effective tool to implement and more cost efficient than the long-established, more expensive routes. The program will maximize the return on the investment. The public editorial portion budgeted was \$7500 and website redesign was \$10,000. The plan provided would increase visibility and credibility without the use of traditional forms, as well as use the nonguaranteed forms of public service announcements. This editorial program can be tracked to evaluate the types of usage including demographics, age, etc. It will help form public opinion of what the Commission wants the public to understand about Utah Lake rather than by a self-perpetuating message. The plan would include increasing the frequency of visits to the website, social media sites, highlighting different aspects of Utah Lake, and continually hitting the public with various ideas and facts.

Although a step into the dark, Mr. Price felt it would be worth the risk and the benefits to reach out. If the program doesn't work, then the feedback from the self-tracking programs will determine if it should be discontinued at a future date. The Commission's intent is to have the consultant train the staff on how to do an editorial plan for the future, and the Commission can then reach out to the public without assistance. Mr. Ellertson said a number of entities were moving in the same direction and this becomes a tool to get the facts

out to other media sources. An increased opportunity is provided for many to get additional information through other media sources if some are not connected through electronic forms. He asked for comments.

Mr. Linford asked if there was a way at present to track how many hits the website receives. Mr. Price said he set it up several months prior, and the website received from 20-25 per day and an average of over a couple of hundred a month. Mr. Linford asked if \$17,000 was enough to do what was proposed. He suggested putting a link of each municipal member or participating entity of the Governing Board on the new website, which would substantially increase the number of hits. Mr. Price concurred. Mayor Dain said each entity should also put a reciprocal link to the Utah Lake Commission website on their city or entity website.

Mr. Price said the board probably needed to vote on the editorial campaign since he was asked to bring further information to the board. Mayor Dain motioned to approve moving forward with the proactive editorial program; seconded by Mr. Shawcroft, and the motion passed unanimously.

d. FFSL Utah Lake bridge review process update.

Mr. Price reminded the Board about the public open house sponsored by FFSL that evening in the second floor rotunda of the Historic County Courthouse from 6-9 p.m. By their rules, the public scoping meeting and open house is required once they select an application to move forward in the review process and to solicit comments. The public comment period begins that day, November 18, and goes for 45 days before it closes.

Mayor Curtis asked if the public would be able to comment. Mr. Buehler said FFSL will only accept written comments at the meeting and will have computers set up to for comments on line or written on the forms provided. At the open house, people can ask questions and get answers. Commissioner Ellertson asked how long the comment period would be. Mr. Buehler said for 45 days. Mayor Hadfield said at the last MAG meeting, the long-term transportation plan recognized the proposed termination point at 800 North should be at a different location than the one proposed. He said he hoped the Governing Board would make MAG aware of their public notice period so MAG could communicate their goals of Utah County's future transportation plans and the actual location they feel the bridge should terminate.

Mr. Price stated the Commission was involved only in the review process and would continue to offer help to FFSL throughout the process. At present, the Commission's stand of the Governing Board is neither proponents nor opponents of the bridge. Commissioner Ellertson asked if MAG has been actively involved in the process and Mr. Buehler said no, but FFSL invited comments from anyone at the Division website or meetings.

Mayor Curtis said one of his constituents had a desire to make verbal public comments tonight and asked if it would be considered. Mr. Buehler stated FFSL was providing ample opportunity for public comment with the 45 days and referred people to submit them in writing that evening or on line. At the completion of the specific period, another opportunity for comments will be provided totaling two comment periods for the project. He encouraged people to put their comments in their own words so FFSL was not left to interpret what was said.

6. Review and approve the tentative schedule for next year.

The Governing Board meets the fourth Thursday of each month and the Technical Committee meets the fourth Monday, prior to the Governing Board meeting. The Technical Committee had approved their meeting schedule for 2011. Commissioner Ellertson asked if anyone had issues or concerns with the proposed schedule. Mayor Curtis stated if there is not enough new information, meetings are canceled. It was decided to reserve dates and cancel the meetings when necessary. Mayor Jackson motioned to approve the meeting schedule for 2011 as presented, seconded by Mayor Hadfield, and the motion passed unanimously.

7. Review and consider approval of the Utah Lake Model Ordinance.

Mr. Price explained to the Governing Board the Technical Committee, city land planners, and other staff members had been working for over six months with Mr. Jim Carter of Logan Simpson Design to create a model ordinance for Utah Lake and its shoreline. Mr. Beckstrom would give the background of the process and Mr. Carter, consultant, would explain the results of the model ordinance. He noted a resolution had been drafted

for consideration and approval. A citizen, Mr. Jim O’Neal asked if he could come forward to hear the speaker because of a hearing problem, and Commissioner Ellertson said yes.

Mr. Beckstrom said the Committee was excited about the Model Ordinance. Three documents were provided to the Governing Board. The first was a four-page companion paper and was an accessory to the main ordinance. The second record was a nine-page model ordinance document and was accompanied by a third set, entitled Utah Lake Non-motorized Trail Standards. Three additional papers included a roster of the model ordinance participants from each municipality, a revised page with changes made on Monday by the Technical Committee, and a draft resolution for consideration and approval. He gave a brief description of the preparation and drafting of the ordinance. He explained what was anticipated, and how the local communities should proceed after approval to facilitate implementing the ordinance.

Mr. Beckstrom wanted to recognize members of the land-use sub-committee, which included planners from the communities as well as county and state representatives who were the key participants. Those involved had spent three to four hours in five meetings to prepare the documents going through numerous changes to fulfill the stated objectives. In the meetings each of them debated, discussed, considered, and evaluated the various policy options of putting together the ordinance to effectively incorporate it into the communities, and yet being respectful of the interests of private property owners.

The document headlined Utah Shoreline Protection Overlay Zone, is the “why” document to inform many people in the local communities, including planning commissions, municipal council members, and staff members about the creation process. The document provides the reasoning for asking the local communities to consider adopting these ordinances pertaining to the Master Plan goals and objectives. It goes through some of the Master Plan policies and gives a baseline reference why the ordinance should be considered by the local communities. The ordinance provides protection for the Utah Lake shorelines, the immediate areas of the upper shoreline, and regulates development secondary to the sensitivity and protection of the lake but allows compatible development to occur on private properties. The third document describes the non-motorized trail standards used by MAG. It is used as a reference tool for maintaining consistent trail standards within Utah County. The ordinance refers to the Trail Standards but the document is not included in the main ordinance and needs no formal action by the Commission. After discussion, the Board can pass the Model Ordinance with the resolution as the ordinance is or take it under advisement for further discussion.

It is important the Utah Lake Commission Governing Board have a level of understanding and comfort with the document, especially the mayors and council members representing the shoreline communities who will be asked to consider adopting the Model Ordinance. The land-use sub-committee representatives, will speak as an advocate for the ordinance, and explain the importance of the model ordinance.

Commissioner Ellertson had a question concerning moving the document forward. Mr. Beckstrom said if the Commission is comfortable today, the Technical Committee anticipates approval or adoption at a future meeting. The resolution should be adopted which approves the two documents. After approval, motivating the local communities to consider and accept the ordinance would be encouraged. The bottom line is approval of the ordinance has zero legal effect. Joint approval of the Governing Board and the Technical Committee would create momentum, impetus, and credibility of the document to facilitate the local shoreline communities to give serious consideration of the ordinance and then adopting it into their development regulations.

Mayor Dain said with the different opinions and disciplines on the Technical Committee, if they unanimously approved the ordinance. Mr. Beckstrom said yes, except with the noted red-lined changes. At the Technical Committee’s meeting, in a unanimous vote, the ordinance and accompanying documents were recommended for approval by the Governing Board. Commissioner Ellertson said he wanted to have a legal review of the Shoreline Protection Overlay Zone document to see if it passes legal scrutiny.

Mr. Beckstrom said after the resolution is adopted, Mr. Price would forward the three documents to the mayors or planning directors to give serious consideration of putting the ordinances before their individual city’s councils for adoption. Mr. Carter counseled each attorney who looks at the ordinance would have different advice and ideas of what is supportable or not supportable. The Technical Committee was cautious in terms of

land-use regulations generally in order to develop a draft or model ordinance palatable in general terms to the various municipalities. The Committee tried to develop an ordinance that was clear, but may still need adjustment and tweaking by each community.

Commissioner Ellertson said the Property Rights Commission and the League of Cities and Towns would want to make sure the ordinance is correct. He suggested waiting and evaluating the ordinance at the next meeting in January. Mr. Tuley stated he would like to have a work session with his mayor and city council to see if they had any reservations. Commissioner Ellertson asked if the Board had concerns about adopting the ordinance at the next meeting. Mr. Beckstrom said it wasn't a problem. Each community's development and zoning ordinances vary, and the model ordinance should be used as a template for formatting the ordinance to each community's standards and policies. The Technical Committee is hopeful the substance and essence of the ordinance would largely be incorporated and approved by the local communities.

Mayor Curtis said the more the ordinance is discussed and evaluated, the better the document will become. He wondered if the Commission was planning to utilize Mr. Carter as a resource to help get through the process and said there was limited budget for Mr. Carter to continue to work with the cities.

Mayor Dain asked if the Commission should take it to their cities, go through it, and recommend changes and send the changes to the Technical Committee for action. Commissioner Ellertson said there is opportunity for each individual community to make individual adaptations of the ordinance after the Commission adopts it. Mr. Price said the process communicated to the Technical Committee and land-use personnel Committee was not expecting the document to be taken directly to a city council work session, but starting at staff level, then looking at the ordinance, adapting it, and then taking it to their city councils. When the ordinance is approved by the Governing Board, then beginning at a staff level, see how it applies to the shorelines communities' land-use philosophies and move it up the chain, but not immediately at a work session.

Mrs. Carol Walter, citizen, asked for a copy of the documents for her and her group to review. Commissioner Ellertson agreed she should receive a copy.

Mr. Carter stated the basis for the ordinance was taken from the Master Plan goals and objectives. These included:

Land Use Goal 4: "Shoreline, open space, critical lands, and wetland areas are acquired, expanded, and/or protected for public use, preservation of natural resources, and potential mitigation purposes."

Objective L-1.2 under "Land Use Goal 4 is the development of a model shoreline protection ordinance to achieve the purposes of acquiring and protecting the shoreline of Utah Lake and its natural resources." The framework and ordinance implementation is from the policies and objectives. He cited the purposes and intent of the ordinance were to protect the shoreline of Utah Lake; protect natural and cultural resources and features adjacent to the lake; provide for and protect public ownership of and access to the lake; and provide a corridor for a non-motorized trail around Utah Lake.

The ordinance recommends having an overlay zone within 1/4 mile of the lake shore. The ordinance would supplement existing regulations, as well as identify lake-related features. It would help development design to protect the lake-related features with a buffer of 50-feet above the settlement boundaries. The overlay zone applies stringent regulations. The beginning buffer would be 50 feet, which would be a setback from the settlement boundaries. This would coincide with the lakeshore and the idea to create a buffer for development with 50 feet for recreational access, trail line corridor, and noxious weed treatment. A public shoreline of the lake is desired and private development with some setback from the lake.

The ordinance does not change the zoning but allows for focused regulations on the overlay. The cities would require mapping the features of the lake and developers to build around the features. With the 50-foot buffer, it will create a trail line corridor, which follows the Utah Lake Master Plan goal to have a public shoreline in the lake areas with setbacks as outlined.

The buffer is an open area near the lake shore with recreational features of trailheads and safety-related features. Ownership and property rights of the shoreline would be determined on a case-by-case basis. The real purposes of what the ordinance is to accomplish are: to protect cultural and natural resources and features

adjacent to the lake, provide for and protect public ownership of and access to the lake, and provide a corridor for a non-motorized trail around the lake.

The Model Ordinance planning team had several goals. The first was each community that abuts the lake creates an overlay zone dependent on the lake features identifying the suggested area of a quarter mile. This was a starting point for each community to look at its own geography, topography, and lakeshore. The communities are to identify the area containing lake-related features, areas that have wave action, flood hazards, wetlands, habitat, lakeshore and cultural resources, etc.

The overlay approach supplements existing regulations. It does not rezone and does not change existing entitlements. For example, if it is zoned for 40 units per acre, and the zoning is commercial use, it does not change the entitlement. It does add additional regulations designed to protect lake-related features.

In establishing the buffer zone, the group's sense by default when the ordinance was drafted was there would be a buffer area and recommended starting it at 50 feet. This would essentially be a setback from the settlement boundary, which in most cases coincides with the lakeshore itself. Creating a buffer was to have a development set back at least 50 feet from the edge of the lake to provide access to the shore of the lake for recreational access, to provide a shoreline trail corridor, to deal with invasive species, and other reasons. After identifying and mapping the features, most developments would design around the features considering them, rather than eliminating them. The overlay zone also provides more stringent regulations if there is a conflict between underlying zoning regulations and conditions of the overlay zone.

With the trail guidelines, if it is an improved trail and part of a city's trail system, the city needs to have public ownership of the buffer. The land would be dedicated to the city/county. If the land-owner does not want to dedicate the land, there would need to be negotiation for the land purchase. With any public access or public ownership there also needs to be provisions for long-term management. Long-term management would include signage, law enforcement, physical management, taking care of the area, and with the buffer, the general default is to have public access within the buffer next to the lake with some possible exceptions.

The shoreline trail is another main component of the draft ordinance, asking each community to identify the trail corridor through their community. Preferences of the trail corridor would be in the buffer zone or near the lake but would depend on each community's trail zone. The plan is to have a complete, non-motorized trail all the way around Utah Lake so in the future someone could circumnavigate the lake on a bicycle.

Basic trail construction components are listed, such as width, travel surface, and other guidelines. MAG provided a good manual for standards of fence design, trail design, and other ideas. Each community could customize the trail with signage, recreational facilities, etc.

Mr. Carter said he had never seen a model ordinance adopted verbatim. This ordinance is lake-related with resources, design, development near the lake, and a key piece to preserve a public beach. What developers want and what they are willing to negotiate for may require a lot of customization of the ordinance. In customizing the ordinance, it is requested the cities keep in mind the big picture of the objectives with the Utah Lake Master Plan policies, goals, and objectives.

Mr. Buehler asked if the Committee was aware of the efforts of the county to establish a corridor between Jordan River and Provo River and included a study for a trail. Being over the sovereign lands, Mr. Buehler said FFSL would be happy to work with mitigating the sovereign lands. When sovereign lands are involved, FFSL would work with the local communities as they have in the past. He said the buffer separates the uplands where things can occur to the lower lands and FFSL is trying to protect the amenities of the lake's wetlands, waterfowl, and other things. The buffer zone would define what can and cannot be done.

Mr. Carter said during the discussion, members of the committee asked if there was room between the water and the development of the trail, and if it were not on private property but on sovereign lands, how it would be resolved. The answer from FFSL was they were comfortable with working with the Commission, and achieving the objective of public access with the trail development. From community to community, each stretch of the lake shore is going to be a little bit different.

Mayor Hadfield said every municipality would be different. Saratoga Springs has a bench around their lake boundaries, whereas in American Fork if the lake rises one foot, several hundred acres of ground are covered with water, and a distance cannot be applied to it. Mr. Carter said the question of whether a buffer could be provided for a trail corridor would be difficult. Commissioner Ellertson said a plan being worked on in the county is differentiating developable and non-developable area. He asked if these principles were in place outside of Utah. Mr. Carter said some communities have sensitive land ordinances already in place. His firm had created sensitive land regulations for various situations, including visual resources, ski slopes, habitat areas, water bodies, and other areas. Commissioner Ellertson asked if those areas had the 1/4 mile buffer or variations. Mr. Carter said some areas did. The better and ideal approach was to identify and map the functional area, and go down 1/4 mile. He cited using the 1/4 mile in Saratoga Springs even though their shoreline is not very big and the lake's influence is much narrower there because of the nature of the shoreline.

Mr. Buehler added there are places such as American Fork, where placing a trail next to the lake does not make sense and should be removed. Mr. Carter replied this was part of the difficulty in getting a model ordinance established, especially for a natural system as diverse as Utah Lake. He stated the amount of work completed by the group provided a template to work from and to customize it for different situations.

Commissioner Ellertson said the outcome of the discussion was to take more time to make sure each city representative became familiar with the ordinance. Then when the ordinance is presented to the city councils, it would not be brand new to them. The intent is for the ordinance to be reflective of everything from each community. When evaluating the ordinance, if the context may not cover some things that could be included and should be something the Commission could look at. Mayor Dain said the cities would review the ordinance with the underlying message the cities should not get bogged down in specifics that relate to their individual city, as it is a broad ordinance.

Commissioner Ellertson agreed, stating Mr. Carter gave sound advice stating the ordinance provides guidelines that addresses some areas where there are existing natural conditions and land marks that will actually determine how development will proceed. Mr. Price suggested contacting the city's representative on the Technical Committee or Land Use Subcommittee from the provided name to get more understanding.

Mayor Hadfield said he felt more comfortable discussing the ordinance in the Governing Board's January meeting because he needed additional time with his city council meetings to be prepared. Commissioner Ellertson said the city should look at the entire ordinance and not hang onto the specifics. The December meeting will be cancelled and the ordinance would be discussed in the January meeting. Mr. Price will send out reminders to all members of the Governing Board. The city's representative needs to come back prepared to discuss the Model Ordinance. Mr. Price said in conveying expectations to the Committee, his follow-up communications would be with members of the Technical Committee, land-use subcommittee, and the Governing Board representative. He will change the approach and say an internal look is needed at that time. He will approach the members with an expectation they follow up with their representative who attends the Governing Board meetings. Commissioner Ellertson said it would be placed on the agenda in January to consider the resolution and assume a vote will be made in January. Mr. Beckstrom suggested when the feedback is solicited from the city staff, council members, etc.; they communicate it to Mr. Price to prevent the prolonged processing of the information. Technical Committee could process the information to be ready for the meeting.

Mr. Price said he would send an out an email stating any recommended changes be emailed before the Technical Committee meeting on January 24 to prepare for the Governing Board meeting on January 27.

8. Other Business.

No other business was presented.

9. Public Comment.

Commissioner Ellertson asked for public comments. He noted Mr. Jim O’Neal wanted to make a comment. Mr. O’Neal said in deference to the Commissioner’s schedule and the Governing Board, he decided to comment at another time and he would return in January to make his comments.

10. Propose canceling the next Governing Board meeting currently scheduled for Thursday, December 16, 2010 at 7:30 AM.

Mayor Hadfield proposed cancelling the Governing Board’s December meeting and holding the next meeting on January 27 at 7:30 a.m. in the ballroom; seconded by Mayor Curtis, and unanimously approved.

a. The January Governing Board meeting is scheduled (if approved in this meeting) for Thursday, January 27, 2011 at 7:30 AM in the ballroom of the Historic Utah County Courthouse Ballroom.

Commissioner Ellertson reminded everyone of the January meeting and said Mr. Price would send out an email to remind the Board to review the ordinance before attending the January meeting.

11. Adjourn.

Mayor Curtis motioned to adjourn the meeting, seconded by Mr. Tuley, and motion was unanimous. Commissioner Ellertson adjourned the meeting at 9:04 a.m.