



Memo

To: Public
From: Gordon M. Haight II, PE, PTOE Assistant City Manager
Date: October 23, 2015
Re: Army Compatible Use Buffer (ACUB) Funds

The following is a brief description of the City's efforts to obtain Army Compatible Use Buffer (ACUB) funds.

There have been questions and concerns regarding the City's efforts with Army Compatible Use Buffer (ACUB) funds and discussions with the property owners on the Herriman Hills. Since the City's incorporation various property owners on the Herriman Hills have been in discussion with the City about development of their property. Several years ago, the City, in conjunction with a number of other stake holders, collaborated with Camp Williams on developing a Joint Land Use Study (JLUS). The link to this plan may be found at <http://www.campwilliamsjlus.com/>. As part of this plan the City and the Camp considered the type of developments that would be compatible with Camp Williams.

In the process of developing the JLUS the City met with the large property owners (30 acres or more) and discussed the JLUS. The study had the potential to be a significant impact to the property owners. It should be noted that the property owners have been very patient and engaged with the City through this entire process. The City committed to the property owners to explore opportunities to mitigate the impact to each property owner affected by the JLUS. One of the benefits of completing a JLUS is that Camp Williams was then eligible to apply for ACUB funding.

Camp Williams dedicated a significant amount of time and resources to complete the ACUB application process, and was approved for the ACUB program. The ACUB program includes a number of federal requirements. Some of the requirements are that the private property owners or the camp cannot receive or administer the funds. The only entities that can receive or administer ACUB funds are organizations such as land conservation organizations or local governments such as cities or counties. Once the land is purchased with ACUB funds, the properties can only be used in ways that are compatible with the Camp. The JLUS found that recreational uses are compatible with the Camp on these lands.

Under the direction of the Mayor and City Council, the City explored a number of opportunities to optimize these funds. During discussions with several national and regional conservation organizations the City found interest to participate in the program. However, the City would still be required to provide the matching funds and in addition pay the organizations administration costs. The land trust would retain ownership of the property and the City would need to get permission for any of the recreation improvements that have been planned on the purchased property. It is not feasible for the property owners to create a conservation organization and apply for ACUB funds for a number of reasons. Some of these reasons are they would still need to come up with the matching funds to buy their own property, pay for administration fees, and then, manage the purchased property.

The City elected to apply for the funds directly and explore available sources of matching funds. Last month, with significant help from Camp William's staff and Washington National Guard Bureau, the City was awarded \$2,700,000 of ACUB funding. This is significant. If the City obtains the matching funds to use this money to purchase Herriman Hills property, the City is eligible to receive funds every year to complete the project. All the property purchased with ACUB funds will be owned by the City, subject to the restriction of only compatible uses.

Since the funds have been awarded, under the direction of the Mayor and City Council, City staff has met with a number of the largest property owners on the Herriman Hills to discuss the progress the City has made in securing funds to purchase property. The property owner's in discussions with the City for potential property purchase represents over 1,500 acres. This 1,500 acres represents the first phase property purchases, with the balance of the Herriman Hills property purchases happening once the first phase is complete. Each of these property owners are working closely with the City and have provided helpful ideas in how the City can make the property purchases. While the property owners have the potential to make more money going through the development process they have agreed to delay their development plans to give the City time to find additional funding sources.

The City has received requests to disclose details of the purchase negotiations with the Herriman Hills property owners. Until final sales have been approved by the Mayor and City Council the City cannot discuss the details. However, it should be known that these funds can only be used to purchase property from willing sellers. The City cannot use eminent domain with these funds. The City has begun the purchase process and has contracted with an appraisal firm to get appraisals required for the purchases. The appraiser is required to contact these property owners as part of their report.

While the City has no opinion on the initiative currently being considered by the residents of Herriman, if it is passed the funds would be used as a match to the ACUB funds. At this time the City is still exploring ways to match the awarded ACUB funds. The City is applying for National Resource Conservation Service (NRCS) funds as well as working with our state elected officials to explore if there are opportunities for state funds. We are also discussing options with Salt Lake County. We have talked to several private interest groups as well as other conservation groups on the availability of funds. If the public is aware of other funding possibilities the City is very interested in pursuing all available options. Two things should be noted. First, receipt of these additional matching funds is not guaranteed. Second, funding the required ACUB match to purchase these properties from the City's general fund is not a sustainable option.

This is a very brief description of the ACUB process and where we are in the process. If there are specific questions please contact Gordon Haight, Assistant City Manager, by E-mail at gaight@herriman.org or by phone 801-446-5323 and I address your questions.