

**APPROVED**

**CACHE COUNTY  
COUNCIL MINUTES  
10 JULY 2001**

**COUNTY COUNCIL MEETING  
MINUTES INDEX**

10 July 2001

ADMINISTRATION BUILDING: CRAIG PETERSEN .....	9
AGRICULTURAL PRESERVATION REQUEST: CINDY HALL .....	3
APPOINTMENT: CORY YEATES - WILLOW PARK ADVISORY BOARD .....	2
ATTORNEYS OFFICE RECOMMENDATION: JOE CHAMBERS .....	12
AUDIT COMMITTEE ANNUAL REPORT: MIKE KIDMAN .....	8
BOEHME, CAMI: BRIDGERLAND TOURIST PRESENTATION .....	8
BRIDGERLAND TOURIST PRESENTATION: MARIDENE HANCOCK .....	7
BUDGET TRANSFER: EXTENSION .....	9
CACHE COUNTY COMMUNITY FOUNDATION/HISTORICAL COURTHOUSE PROJECT .....	11
CHAMBERS, JOE: ATTORNEYS OFFICE RECOMMENDATION .....	12
DEGASSER, ROBERT: EMPLOYEE OF THE MONTH .....	2
EMPLOYEE OF THE MONTH: ROBERT DEGASSER .....	2
EXTENSION PERSONNEL .....	3
FORRESTRY DIVISON POSTION STATEMENT: LYNN LEMON .....	12
GREENHALGH, LORENE: FINAL PLAT APPROVAL .....	10
HALL, CINDY: AGRICULTURAL PRESERVATION REQUEST .....	3
HANCOCK, MARIDENE: BRIDGERLAND TOURIST PRESENTATION .....	7
HANSEN, GLEN & DIXE: AG. PROTECTION AREA .....	9
KIDMAN, MIKE: AUDIT COMMITTEE ANNUAL REPORT .....	8
LEMON, LYNN: FORESTRY DIVISON POSTION STATEMENT .....	12
MEIKLE, JON: AGRICULTURAL PRESERVATION REQUEST .....	3
NELSON, WESLEY: RESOLUTION NO. 2001-26: AG. PROTECTION AREA .....	11
ORDINANCE NO. 2001-02: CLOSURE OF CLASS B ROAD-7400 N 8200 W .....	10
PETERSEN, CRAIG: ADMINISTRATION BUILDING .....	9
PLAT APPROVAL: PHESANT RIDGE SUBDIVISION-LORENE GREENHALGH .....	10
PLAT APPROVAL: PHESANT RIDGE ESTATES SUBDIVISION-LORENE GREENHALGH .....	10
PLATERO, LORALEE: NEW EXTENSION PERSONNEL .....	3
PUBLIC HEARING SET: DECLARE ROAD SURPLUS, PARADISE AREA .....	9
PUBLIC HEARING SET: PRESENTATION OF WILLOW PARK MASTER PLAN .....	9
RESOLUTION NO. 2001-25: AG. PROTECTION AREA - GLEN & DIXIE HANSEN .....	9
RESOLUTION NO. 2001-26: AG. PROTECTION AREA-WESLEY NELSON FARMS .....	11
RESOLUTION NO. 2001-27: PARTICIPATION IN FUNDING HISTORICAL COURTHOUSE .....	11
RESOLUTION NO. 2001-28: AUTHORIZING EXECUTIVE TO EXECUTE GRANT APPLICATION FOR CV AG HERITAGE INITIATIVE & ACCESS MANAGEMENT POLICY .....	11
RESOLUTION NO. 2001-29: CREATING THE CACHE COUNTY AG PROTECTION FACILITATION COMMITTEE .....	12
ROAD CLOSURE 7400 N 8200 W: ORDINANCE NO. 2001-02 .....	10
ROAD SURPLUS, PARADISE AREA: PUBLIC HEARING SET .....	9
ROBERTS, ADRIE: NEW EXTENSION PERSONNEL .....	3
WILLIAMS, SCOTT: NEW EXTENSION PERSONNEL .....	3
WILLOW PARK MASTER PLAN: PUBLIC HEARING SET .....	9
YEATES, CORY: APPOINTMENT - WILLOW PARK ADVISORY BOARD .....	2

**CACHE COUNTY COUNCIL MEETING**  
**July 10, 2001**

The Cache County Council met in a regular session on 10 July 2001 in the Cache County Council Chamber at 120 North 100 West, Logan, Utah.

**ATTENDANCE:**

**Chairman:** Darrel L. Gibbons

**Vice Chairman:** Layne M. Beck

**Council Members:** Cory B. Yeates, H. Craig Petersen, Kathy Robison

**Council members:** C. Larry Anhder arrived at 5:25 p.m., John Hansen - Excused.

**County Executive:** M. Lynn Lemon

**County Clerk:** Jill N. Zollinger

**The following individuals were also in attendance:** Jay Aguilar, Sandy Akhavan, Russ Akina, Charles Batten, Cami Boehme, Joe Chambers, Bobbie Coray, Bob DeGasser, Jeff Gilbert, Lorene Greenhalgh, Cindy Hall, Maridene Hancock, Dixie Hansen, Glen Hansen, Jennifer Hines, Clark Israelsen, Paul Leishman, Jon Meikle, Ed Nelson, Sheriff Lynn Nelson, Jeff Norda, Sue Olsen, Evelyn Palmer, Kip Panter, Pat Parker, Bob Parson, Bryce Petersen, Lorelee Platero, Adrie Roberts, Tamra Stones, Mark Teuscher, Malinda Tolson, Scott Williams, Scott Wyatt, Lynn Zollinger, and Paul Allen (Herald Journal) and Jennie Christensen (KVNU)

**CALL TO ORDER:**

Chairman Gibbons called the meeting to order at 5:00 p.m.

**INVOCATION:**

The invocation was given by Lynn Lemon

**REVIEW AND APPROVAL OF AGENDA:**

Item 10-g, a resolution authorizing the County Executive to execute a grant application for the Cache Valley Agricultural Heritage Initiative be extended to add a grant application for Access Management Policy.

Chairman Gibbons also added Item 10-j, a resolution creating a Cache County Agricultural Protection Area Facilitation Committee.

**REVIEW AND APPROVAL OF MINUTES:**

Vice Chairman Beck noticed when votes were taken 5-0 votes should be changed to 6-0 because there where 6 members of the Council present. The minutes were approved as corrected.

Council Meeting  
10 July 2001

**REPORT OF THE COUNTY EXECUTIVE: LYNN LEMON**

County Executive Lemon reported on the following items:

**Appointments:** Cory Yeates - Willow Park Advisory Board

**Council member Beck moved to approve the appointment. Council member Yeates seconded the motion. All members voting in favor. (Anhder & Hansen absent)**

**Warrants:** Warrants for the periods of June 22<sup>nd</sup> to July 3<sup>rd</sup> were presented to the County Clerk for filing.

**Other Items:**

1. Executive Lemon reminded the Council of the upcoming meeting with the Mayors to be held at the American West Heritage Center. The Governor will meet with the Mayors and City Council members on Saturday the 28<sup>th</sup> at 5:00 p.m.
2. The Extension Office will be moving to the USU Research Park pending approval which is forthcoming. The move will take place next Monday and tentatively they will stay there until the new Administration Building is built. The Motor Vehicle Department will then acquire the Extension's vacated space.

**ITEMS OF SPECIAL INTERESTS**

**EMPLOYEE OF THE MONTH RECOGNITION : MARK TEUSCHER**

Mark Teuscher introduced the first Employee of the Month, Robert DeGasser.

**Robert "Bob" DeGasser**, a veteran Cache County employee and member of the Sheriff's Department, began his employment with the county on September 1, 1974. Due in part to almost 27 years-of-service, Bob has been selected by his peers for his customer-friendly and outgoing personality and his outstanding effort in managing the County's Emergency Management Program. Five years to the day from when he was hired on with the County, Bob was promoted to the position of Sargent.

County Executive Lynn Lemon and Sheriff Lynn Nelson presented Captain DeGasser, with a plaque and certificate award and expressed appreciation for his many years of service.

Council Meeting  
10 July 2001

**INTRODUCTION OF NEW EXTENSION PERSONNEL: CLARK ISRAELSEN**

**ADRIE ROBERTS** was recently transferred here to replace retiring Jean Alder as the Family Consumer Science Educator for the USU Extension. Ms. Roberts is delighted to be in Cache County. She received both her Bachelors and Masters Degrees from Utah State University.

Ms. Roberts presented an overview of the Family Consumer Science Educator's responsibilities which consisted of the following:

1. Operating finance programs.
2. Forming an Advisory Council to determine the needs of Cache County as far as family consumer science.
3. Offering food safety manager certification.
4. Improving the quality of life of families and youth - spending about one-third of the time in the 4-H and team leadership development.

**SCOTT WILLIAMS**, a native of Grace, Idaho, has worked in Extension for seven-and-a-half years. His Extension career began in Millard County and then to Rich County. His primary assignment is the 4-H program.

**LORALEE PLATERO** started as the Horticulturist in Cache County on June 1<sup>st</sup>. This is a new position and was started because of support from the Cache County Council. She had been an intern here in the county for the past year and is excited to be here permanently.

**AGRICULTURAL PRESERVATION REQUEST: CINDY HALL**

CINDY HALL serves as the Chair of the Cache Committee for Agricultural Protection. On April 3<sup>rd</sup> the "Protecting Our Agricultural Heritage Conference" was held to increase the awareness of Elected Officials, Citizens, and Planners about the value of agriculture to our local economy and to our environment and to our quality of life and also to increase the awareness of the tools that could be implemented locally to protect the open spaces and reduce the cost of Urban sprawl. At that conference action groups were formed and since then representatives have been meeting on a regular basis to determine the best way to launch a local purchase-of-develop-rights (PDR) program.

PDR Program: Purchase of development rights which are conservation easements that are recorded. This program makes it possible for reimbursement to the landowner for the development value of his property and allows him to continue farming that property. The farmer can sell his development value of the property without actually having the farm converted to other uses. He has the opportunity to sell off those rights. The money from selling those rights could be use to invest back into the farm or to set up a retirement program.

Financing looked at to purchase the development rights and record them for land conservation:

Council Meeting  
10 July 2001

1. A local land trust.
2. Cache County's 501 c-3 foundation - A generated charity donation that could be used.
3. A County-wide funded PDR program funded with property taxes.

A report was given to the Council with all the alternatives for funding and the method that looked to be most appropriate would be to fund a County-wide program with property taxes. An increase of 0.00050 per household will generate annual revenue of 1.4 Million dollars at a cost of \$37.13 for an average home value of \$135,00.00

There is tremendous momentum throughout the Country to preserve open space through locally supported programs that are funded by property taxes. What is needed is a substantial sustainable source of funding to establish a County program that can leverage other funds such as the LeRay McCallister Fund, Utah Open Land, State Department of Agriculture, USDA, Farm Land Protection Programs, and others.

Jon Meikle has established the first conservation easement on 15 acres of property in the area between Hyde Park and Smithfield and was present to tell how a local program is needed to continue the land conservation efforts in that area. It was proposed that the Purchasing-Development-Rights Initiative be placed on the November ballot this year.

Representatives of the PDR Program and representatives from the Cache Committee for Agriculture came before the Council to request that the Council support a question on the November ballot asking voters if they would be willing to support a purchasing-of-development rights program through an increase of property taxes. They also asked for the appointment of an advisory board or of an expansion to a board that already existed that could be accountable to the Council and have credibility with the Council in making recommendations on the development of a County-wide purchase of Development Rights Program. Trusts for Public Lands have committed their willingness to work with the Cache County Committee for Agriculture Protection in getting this set up for the County.

**JON MEIKLE** told the Council that he had been involved in this issue for many years. There have been millions of dollars through NRCS that has been appropriated for farmland protection. This year the funding received on the 15 acres was the first project funded in the State of Utah. Utahn's in the past have not had matching grants to apply for this Federal money. One of the pre-requisites to apply for the funding is that you have a matching grant. The PDR program would give us here in Cache an opportunity to apply in the future for RCS funding to protect our farmland. This issue will define us as "Cache-Valleyites" as to whether we want full-scale Wasatch front here in the Valley or whether we are desirous to cast off to future generations the green-belt and protect our farm heritage.

**Discussion:**

**Council member Petersen:** Does the Federal program provide a 50:50 match ?

**Jon Meikle:** Yes. It has to be a 50:50 match.

**Petersen:** Is that an on-going Federal program?

Council Meeting  
10 July 2001

**Meikle:** We hope so. This was funded in the 1996 Farm Bill. There is tremendous pressure to have this on-going. Just to give you an idea of the demand for this funding, there were \$11,000,000 funded in this year's program and there were \$116,000,000 requests. A lot of them were not even 50:50 match. They were asking for more money than that. That's how much demand and interest there is across the Nation for this program.

**Petersen:** What that suggests to me is that if we would pass the tax, the likely-hood of getting Federal matching funds with the results of the low marked 50% is something just gave. Is that right?

**Meikle:** That's difficult to say in the light of that we only have a hundred thousand in the State of Utah right now basically that is dedicated that we know of; plus the McCallister Funds maybe has a couple Million in that. Really, Utah has not applied for it before; so, we could not only apply for the State funds, the McCallister funds, State Department of Ag., the NRCS funds hopefully would continue in the future. Picture-wise in your mind, had we done this six years ago when we started big blocks of Cache Valley would already be protected and put away for the future.

**Petersen:** The dedicated tax that was suggested in the brochure. Let's assume that you got some kind of matching funds - say \$3,000,000 per year. What could you accomplish in terms of acreage realistically?

**Meikle:** In terms of acreage, I would say the corridor between Hyde Park and Smithfield would have been moved on to many other areas throughout the Valley. Keep in mind that these funds in the project they we are doing in the 15 acres are an opportunity for us to protect an area of 15 acres that would have otherwise moved out of agriculture into other uses. So with a million dollars in Cache County, you would start protecting and working in areas that have viability to remain in agriculture. It doesn't have to happen all in one or two years; we have the future to work on this.

**Petersen:** With the type of land that you would be interested in protection in Cache Valley, what are you going to have to pay per acre for those development lands? Just give me a ballpark figure.

**Meikle:** Anywhere from \$2,000 or \$3,000 maybe up to \$10,000.

**Chairman Gibbons:** To put that in perspective, Jon, what would that land sell for as far as just plain agricultural purchase is concerned.

**Meikle:** Maybe \$18,000.

**Gibbons:** If I were buying the ground for agriculture, per acre what would I have to pay?

**Meikle:** Normally as a rule-of-thumb, the relevant value is considered 80% of the appraised value.

**Cindy Hall:** If it was just for agriculture you didn't have to pay the development price.

**Gibbons:** I would be paying somewhere between \$1,500 and \$2,500 per acre.

**Meikle:** Yes. Twenty percent of the appraised value that's normal. In some situations it may be less. There are some situations where the landowners are committed to receive that and they are willing to take a tax incentive by donating a large portion of the development value and take a lesser amount.

**Council Member Anhder:** Is there a significant tax savings by doing that?

**Meikle:** Yes. This is another opportunity if the program is up and running in Cache Valley. There are those who are in areas of influence where they would like to see programs such as this go forward and then they can donate to it, which many of the land trusts in the State and in other States use as a source of their funding to purchase development rights; and they received a tax credit as a result of that.

**Anhder:** What's \$3,000,000 divided by \$10,000? Is it that \$200 or \$300?

**Petersen:** At \$10,000 per acre you could set aside about 300 acres, at \$2,000 per acre, it would be about 1,500. So somewhere between 300 and 1,500 acres a year.

**Anhder:** Well you know this is a hot and favorable item and we're getting there. I think Jon's high is \$10,000 and we are getting there. Even at 100 acres a year, one-third of that amount would be fantastic. In 10 years there's 1,000 acres. In 10 years we have reserved corridors. You know, the development pressure is not all over the Valley. There is not development pressure in Cornish, and probably Lewiston and Trenton and places like that; so, it is not like you have to buy up the whole Valley. There is development pressure in the Logan corridors of Smithfield. There is development pressure in the Logan to Nibley corridor and in the Nibley to Hyrum and in the Hwy 89-91 corridor. Once these corridors are saved, we create a whole new feeling and atmosphere for our Valley. It puts the pressure, and in my mind where the pressure should be, in incorporated Cities that have the utilities and that have the infrastructure to service whatever kind of development. We are not going to hinder development. We are just going to channel it. I don't think anybody is against development. Development for jobs just mean that my kids stay here to work rather than going to Salt Lake or Los Angeles or someplace else, but we can channel it. The last thing I would say is \$3,000,000 a year is not all going to become available all at once. My only question is: Does this mean you are giving up trying to work on sales tax instead of the property tax? I think the sales tax is more equitable than property tax.

**Meikle:** My only answer to that is Cache County doesn't have a right to impose a sales tax.

Council Meeting  
10 July 2001

**Vice-Chair Beck:** Actually we do have a right to impose a sales tax. It is 1/4 of 1 percent, but it is funding general Government and not for purchases.

**Hall:** Right, the amount of sales tax that the County can assess is currently being assessed. The only way that Cache County could assess a percent of the sales tax would be if the State enabling legislation changed. Since that wasn't change over the 4 years that Evan (Olsen) presented that bill, it was suggested to us that we are better off to set up a local program. Property taxes are a lot more difficult for the voters to approve than a sales tax, but it looks like that's really our only means; so, we're hoping that we can come up with an educational campaign that the voters will recognize the value of the agriculture and that \$37.00 a year will help preserve a very reasonable idea; I think. I just want to point out that *1.4 Million dollars* that we were talking about will leverage other funds. We shouldn't limit our view to what can *1.4 Million dollars* buy; it's what can that leverage and then what can we buy with that.

**Petersen:** Let me ask you about how this works administratively? Larry was suggesting that pieces of property come for sale. Are you reactive on this? There is a group presumed to manage these things. Do you react to parcel that are for sale or do you go out and make the offer? Do you go out and actually people to enter the program?

**Hall:** It's a voluntary program. It's the landowners that would have to make the application.

**Petersen:** Would you be proactive in finding pieces of land that you would like to have set aside?

**Hall:** To an extent, but once the program was in place then we can educate the landowners as to how the program works so that they know that it is a tool. Right now the farmers have been hearing about this tool for years and they are just saying show us a program that's available in our County. They know how the program is supposed to work and they would like to take advantage of it. We need to let them know that it is available; but yes, I think that in reviewing the applications and in looking at the prime farmland that is at most risk in these corridor areas that we have been talking about. Right now we have the farmland between River Heights and Providence. Those people are interested and they would apply for conservation increments if they were available.

**Anhder:** Why not just ask the County Council to invoke the tax? It is completely within our power to do it.

**Hall:** It is and if you would be willing to do that, that would be great. It has been suggested that the County Council would probably not raise the tax without finding out from the majority of the voters if they are willing to support it. It is within the legal authority the County Council to impose that tax without getting voter approval because it is not a Bond.

**Beck:** Truth to taxation would apply.

**Hall:** Right. We'd have to follow the Truth and Taxation Laws. That could be done without having to put the question on the ballot and it would probably be a lot easier.

**Beck:** Just for perspective here. Understand for the press and those in the audience, the current general revenue generated per Cache County's general operations in property taxes is *3.5 Million* and then the rest of our operations is generated from sales tax and other sources. What it would represent is not quite a 50 Percent increase in the property tax that Cache County accesses.

**Hall:** That .0005 represents 50 Percent?

**Beck:** Of what Cache County's general revenues are from property tax.

**Petersen:** When we say Cache County we are talking about just the form of government. It doesn't include all the property tax.

**Beck:** It does not include the school, or the cities, or special districts. It only includes Cache County.

**Petersen:** We're what 16 Percent of the total property collections?

**Lemon:** It varies; I was thinking around 16-18 Percent.

**Beck:** I think 16 Percent is close.

**Hall:** I thought it was interesting in that report that it indicated that Cache County's property tax levy is the lowest in Northern Utah; so, it looks like there is room to expand.

**Gibbons:** you suggested, Cindy, that some form of committee would have to be created. I visited briefly with Clark Israelsen before the meeting and he indicated that may be some Ag. protection between the advisory board and some other board, but apparently some organization would need to be created to consider the requests and make recommendation to whom?

**Hall:** That board could make the final decision without it having to come to the Council.

**Anhder:** That would depend on how we structured our Board and our Ordinance, wouldn't it?

**Gibbons:** Whether we make it policy or advisory.

**Lemon:** We are talking about finding decisions on what?

**Gibbons:** What parcel are to be considered or to be purchased for developmental rights.

**Anhder:** The final decision probably still would rest here because we still have the budget authority.



Council Meeting  
10 July 2001

**Hall:** I do have here the Conservation of Easement Act and shows that Counties can hold Conservation Easements.

**Gibbons:** What you would really like us to do then in the next short period of time is to make a decision as to whether or not we would be willing to put this on the ballot for consideration of the voters.

**Hall:** Or to go ahead and increase the property tax.

**Anhder:** What if we just have a public hearing and see what kind of a reaction we get?

**Hall:** We recognize that this is just a City election, but we were hoping that we could make this be the main issue for the election. I have been working with Jill Zollinger and Carr Printing about what the cost would be to hold the election in the unincorporated areas and to team up with the Cities on this.

**Gibbons:** Besides that issue what else were you asking?

**Hall:** That was it. Support the property tax through Truth and Taxation Law or asking the voters and also be willing to establish a committee.

**Beck:** It is the intent at least if development rights are purchased at least apparently half of the money would be coming from property taxes...and half would come from Federal donations apparently.

**Hall:** Right, and other land trusts.

**Beck:** Who would then hold these rights? Would they ever be in a position to change and be sold to a developer if the committee or the County or someone made a decision that the best use of that land is then no longer in ag. but in some other use.

**Hall:** The Conservation Easement is recorded in perpetuity. If it a County-wide program, it would be the County Council that holds those Conservation Easements.

**Beck:** The development rights are then held by the public with the elected officials being the ones in the future to determine whether or if there would ever be development.

**Hall:** Right.

**Anhder:** Is that something that we would determine in our enabling legislation in our ordinance and the way that it is set up?

**Hall:** Yes. That would be part of the program so everybody knows ahead of time.

**Petersen:** Do it have any impact on the Cities' right of eminent domain?

**Meikle:** A City can not break a Conservation Easement.

**Hall:** For a City to negotiate a right-of-way for a Utility shouldn't render the whole property to be taken

**Petersen:** If the County held the rights

**Beck:** The County would hold all the rights of the land.

**Hall:** Only the development rights. So, the farmer still retains ownership of the land and makes decisions on how that land is operated and would be the one to work with the City.

**Lemon:** Mr. Chairman, this committee has also applied for one of those grants. That is one more thing that they are asking. The grant is for the purpose of an educational effort to try to educate the public for a voter approval.

**Hall:** Right or if it is not voter approval just to support the program if you decide to go the route of the public hearings.

Cindy presented a first draft of an education brochure that would be shared with the public. The funds requested would be \$3,000 in hand and \$3,000 in printing and mailing of the brochure that would be similar to the draft.

### **BRIDGERLAND TOURIST PRESENTATION : MARIDENE HANCOCK**

Maridene Hancock explained that about one year ago a grant was received from the Utah Travel Council for \$12,000 to go through the process of developing a new image for Cache Valley Tourism. A push toward Logan was used because Logan being sited on maps would pinpoint where Cache Valley really is.

#### **Phase I of New Image Process: Research**

A research study was completed through Harrison/Lund advertising of tourists that had come to our area. Also individuals were approached and asked why they visit Cache Valley. It became

Council Meeting  
10 July 2001

evident that those who came to Cache Valley became a better person. Not only do they feel relaxed and rejuvenated but they actually become a better person. It became a whole self-actualization process. This will be brought out in future advertising.

Phase II of New Image Process: Logo, Brochure, and Website

Another grant was requested from the Travel Council for another \$10,000 for the developing a new logo, processing a new brochure, and updating the Cache Valley Tourism web-site.

Phase III of New Image Process: Advertising

Cami Boehme, owner of Digital Land - an advertising agency, was introduced to the Council. Her goal was to come up with products to market Cache Valley. The two questions of focus were 1) "Where is Cache Valley?" and 2) "Why should I come here?"

Cache Valley has a diversity of interests to offer tourists. Ms. Boehme explained the new logo as being very simple, recognizable, readable, and to the point. She tied Cache Valley to Logan City on the logo because Logan City is found on maps; so, there would be no question as to the location. It was decided to use Logan, Utah as push for identifying Cache Valley's location point.

Tag lines or quick phrases to encompass Cache Valley for people who have never been here were adopted as follows: 1) "Relax in our Playground." 2) Cache Valley logo with - "Live More." 3) "Satisfy your life." and 4) on the website: "Free Soul Parking." Colors used on the Web front would reflect the variety of seasonal activities and the diversity of what the Valley has to offer.

**AUDIT COMMITTEE ANNUAL REPORT: MIKE KIDMAN**

Mike Kidman gave the audit report from Jones, Wright, Simkins & Associates LLP and went through the management draft letter with the Council. He thanked all those involved with the audit process for their support and cooperation.

The audit was performed to obtain reasonable, but not absolute assurance about whether the general proposed financial statements were free of material misstatement. A detailed examination of all transactions was not performed. The audit process went well and was finished on time in June. He presented to the Council an Audit Draft Management letter:

(See attachment #1)

In the draft the following items were set forth:

1. Communications Required Under Professional Standards
2. Significant Accounting Policies and Audit adjustments
3. Internal control
4. Council suggestions
5. County Executive suggestions

Council Meeting  
10 July 2001

6. New Property Tax System
7. State Compliance Issues

**BUDGETARY MATTERS:**

**Inter-Departmental Budget Transfers**

The Extension Department is requesting \$2,000 to purchase a new telephone system.

(See Attachment #2)

**Council member Yeates moved to approve the transfer. Council member Anhder seconded the motion. All members voting in favor. (Hansen absent)**

**PUBLIC HEARING SET** - DECLARE ROAD SURPLUS, PARADISE AREA - requested by Layne Jensen - August 14, 2001 - 6:30 p.m.

**PUBLIC HEARING SET** - PRESENTATION OF WILLOW PARK MASTER PLAN - July 31, 2001 - 6:00 p.m.

**Council member Yeates moved to set the two public hearings. Council member Anhder seconded the motion. All members voting in favor. (Hansen absent)**

**RESOLUTION NO. 2001-25: AGRICULTURAL PROTECTION AREA -GLEN & DIXIE HANSEN**

Chairman Gibbons reported that a committee of two Mayors, two Council members, and two members of the Ag. Protection Advisory Board met on July 5, 2001. The Committee had a statement drafted that basically set forth their recommendations.

(See Attachment #3 & 4)

**Council member Anhder moved to approve the Resolution. Robison seconded the motion. All members voting in favor. (Hansen absent)**

**UPDATE ON COUNTY ADMINISTRATION BUILDING: CRAIG PETERSEN**

Council member Petersen reported that approval from the Logan City Planning Commission should be received on Thursday and that it appeared the other property owners, who had expressed some concerns at their last planning meeting, were satisfied with the new plan. The progress of the new administration building is on track.

**FINAL PLAT APPROVAL: PHEASANT RIDGE SUBDIVISION - LORENE GREENHALGH**

Council Meeting  
10 July 2001

**FINAL PLAT APPROVAL - PHEASANT RIDGE ESTATES SUBDIVISION**

All of these lots on the first final plat approval have no frontage on a private road; so, it has gone to the planning commission and it has gone to the steps of our ordinance and met the requirements. They will have to construct and maintain a private road for all of these lots to front on. The lots on the second sub-division do have frontage on a public road, but they would also be able to use another access if they chose to; and if they do, it would have to be part of an maintenance agreement on that road.

Executive Lemon had to sign these Plat approval petitions because of Legislature action taken a couple months ago. Our Attorney said it would be appropriate then to go ahead and have the Council review this, and that if it is approved, have the Council Chairman sign above Executive Lemon's name.

Minutes of the Planning Commission and the Board of Adjustment included information on these two Plat proposals and were included a packet given to the Council.

**Vice-Chairman Beck moved to waive the rules and approve the sub-divisions. Council member Petersen seconded the motion. Vote was 3 "Yes" and 3 "Abstentions". The motion fails, Council members Robison, Yeates, and Anhder "Abstaining" (Hansen absent.)**

**Chairman Gibbons will put these items on the agenda for the August 14<sup>th</sup> Council meeting for action.**

**ORDINANCE NO. 2001-02 - CLOSURE OF CLASS B ROAD - 7400 NORTH 8200 WEST - NW OF NEWTON**

This request involving the vacating of a road was on for initial consideration. Executive Lemon said that there was a public hearing with no comments from the public. The recommendation for closing this road was given because of problems of a dump site being created at the end of the road. The property owners are willing to put a gate up to stop people from going in there and dumping. It is a fairly large dump site and the County supports this action.

(See Attachment #5)

**Council member Petersen moved to waive the rules and approve the ordinance. Council member Robison seconded the motion. All members voting in favor. (Hansen absent)**

**RESOLUTION NO. 2001-26 - AGRICULTURAL PROTECTION AREA - WESLEY NELSON FARMS, INC.**

Council Meeting  
10 July 2001

Executive Lemon commented that because of the timing of the next Council meeting if action is not taken, it will become a protective area. Chairman Gibbons affirmed this and reminded the Council that in the statement filed by the Committee this resolution was also one that the group made recommendation to be approved.

(See Attachment #6)

**Council member Anhder moved to waive the rules and approve the Resolution. Council member Yeates seconded the motion. All members voting in favor. (Hansen absent)**

**RESOLUTION NO. 2001-27 - PARTICIPATION IN FUNDING FOR HISTORICAL COURTHOUSE**

Chairman Gibbons explained that this resolution essentially asks for a commitment from the County for \$1,000,000.00.

(See Attachment #7)

Council member Petersen noted that there was a package of projects that were being looked at here: Demolition of the Council building, creation of the parking lot and the beatification in the block area, the construction of the new County administration building, and the renovation of the Court House. Total estimation being about \$6,000,000.00. On the Court House, the estimation was \$2,000,000.00 with half being private funds and half public funds.

**Council member Petersen moved to waive the rules and approve the resolution. Council member Yeates seconded the motion. All members voting in favor. (Hansen absent)**

**CACHE COUNTY COMMUNITY FOUNDATION/HISTORICAL COURTHOUSE PROJECT**

Executive Lemon explained that all that was needed was to designate this as a project under the Cache Community Foundation so that they can start receiving money.

**Council member Petersen moved to waive the rules and so designate this project. Council member Yeates seconded the motion. All members voting in favor. (Hansen absent)**

**RESOLUTION NO. 2001-28 - AUTHORIZING COUNTY EXECUTIVE TO EXECUTIVE GRANT APPLICATION FOR CACHE VALLEY AGRICULTURAL HERITAGE INITIATIVE & ACCESS MANAGEMENT POLICY**

(See Attachment #8)

There were two different grants that had already been signed and needed this approval. **Council member Anhder moved to approve the resolution. Council member Yeates seconded the motion.**

Council Meeting  
10 July 2001

**POSITION STATEMENT ON FORESTRY DIVISION PLAN: LYNN LEMON**

There were a large number of Citizens that attended the open house on June 25; and in response to the feedback given to Executive Lemon, he drafted a letter to the Council for their consideration and discussion.

(See Attachment # 9)

**Council member Yeates moved to approve the letter as drafted. Council member Petersen seconded the motion. All members voting in favor. (Hansen absent)**

**PROPOSED FIRE AGREEMENT: LYNN LEMON**

Executive Lemon stated that because this agreement was still not in its final form, this would be the first reading; and hopefully it would be ready for final approval at the next Council meeting.

**NO ACTION TAKEN**

**RESOLUTION NO. 2001-29: CREATING THE CACHE COUNTY AGRICULTURAL PROTECTION AREA FACILITATION COMMITTEE**

Council member Anhder suggested, that under Section 2: Committee membership specify that the membership of this Committee is composed of 2 members each of the Cache County Council, the Cache Mayors' Association, and the Cache County Agriculture

**NO ACTION TAKEN**

**Chairman Gibbons affirmed that with those changes the County Ag. Protection Area Facilitation Committee would be put on the next agenda for action.**

**OTHER BUSINESS**

**RECOMMENDATION ON DISTRICT/COUNTY ATTORNEY OFFICE: JOE CHAMBERS**

Joe Chambers told the Council that after studying the issue the Committee unanimously voted not to recommend the division of the County Attorneys office.

Background: The committee was composed of Joe Chambers, Sheriff Lynn Nelson, Herm Olsen, Chris Coray, Dave Perry, Jim Jenkins, Mary Palley, and Dave Sorensen. Each of the members were assigned to talk to various elected officials to get their input including the Planning Department and the Zoning Administrator. Salt Lake County officials who had at one-point-in-time experimented with this particular division were also contacted. Executive Lemon and

Council Meeting  
10 July 2001

Chairman Gibbons were also approached.

Other than Sheriff Nelson, who expressed a satisfaction with the way in which his office was receiving services from the County Attorney offices, each of the Civil offices felt that their needs were somewhat being neglected. The Committee also spoke with, Attorney Wyatt who acknowledged that the Civil needs of the County officials were not being met part in the fact that staffing in comparison to his office and other similar Counties was not being met.

Chambers explained that there was some built-in experience within the committee based on how the office has functioned shortly prior to 1972 to the present administration. There was a period of time when the office was consolidated over a financial or monetary concern. The observation was to a large extent, that the personality in the office largely drives the services the County gets. It was understood that personalities of the attorneys drive the functions in which they are interested.

The advantage of consolidating was the ability to focus on the personality that the attorneys have. It was noted that criminal matters have priority and are resolved quickly and that civil matters draw out on and on. Pointed out was a potential conflict in the argument that defense costs were excessive in regard to itemization of billing as opposed to the prosecution billing. This was an advantage because a part time attorney could be hired to go advocate outside the Attorney's office without having to divide the office completely so that information would not fall back and forth.

The disadvantage was based on a personality factor and there is that potential. One of the factors considered was that the budget would not be adversely impacted. Another factor was the cost of maintaining the two offices. In one office the needs of attorneys could be shifted as wanted.

The Council needs to take a look at giving sufficient resources to meet budgetary and Civil needs that are not being addressed by the County Attorney's office. Civil issues raise a real potential for liability to the County. Reference was made as to whether the County Council has micro-managed the County Attorney's Office. At present the Council has an ordinance which prohibits part-time deputies. It has been the experience of Mr. Chambers that two part-time attorneys can actually handle more work for a client than one full-time attorney. This is limiting the pool of potential people. A full-time attorney might consider helping the County Attorney's office for part-time and then you would end up with a different quality of attorney.

**Discussion:**

**Larry Anhder:** It probably wasn't in your scope of your study...is there a recommendation of staffing level of the County Attorney's office?

**Joe Chambers:** It was not part of it at all.

**Anhder:** Would you want to venture it?

**Chambers:** I wouldn't want to try and overstep that as a Chairman of a committee were there was not really a discussion of it. I think that would just be pretty bold of me. If you wanted to send that issue back to the committee to take a look at it. I know there are a few statistics that Chris Corey and Jim Jenkins were trying to tie down in terms of case involvement and budget. That is real hard to do because the law is a growing thing and as the United States Supreme Court or the Utah Supreme or any Impellent Court which this County Attorney's Office is subject to recognizes new rights..then that forces the County Attorney's office to meet those needs. There is no question that the law is still developing in some of these issues.

Council Meeting  
10 July 2001

Supreme Court or the Utah Supreme or any Impellent Court which this County Attorney's Office is subject to recognizes new rights..then that forces the County Attorney's office to meet those needs. There is no question that the law is still developing in some of these issues.

**Darrel Gibbons:** Did you review the ordinance that we passed with the committee of the attorney with respect to part-time? I can't remember what the discussion was or what the reasons were.

**Anhder:** Once we passed the ordinance was there any budget discussion?

**Chambers:** We had a substantial discussion with Chris Corey about it.... From his perspective je felt that if you had a private client and a County client and if you were pressed for time, you wouldn't give the time to the County client; they'd always get shorted. The fact-of-the-matter is that the ethics in the profession don't allow you to ignore any client. Both will get met....There is a lot of personal pride in this business....I think you ought to take a look at that ordinance and see if you have given to draw within certain functions.

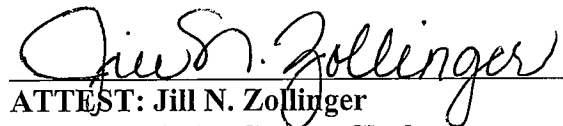
**Gibbons:** I think there was a driving feeling that we needed to create a full-time attorney's office.


**COUNCIL MEMBER REPORTS**

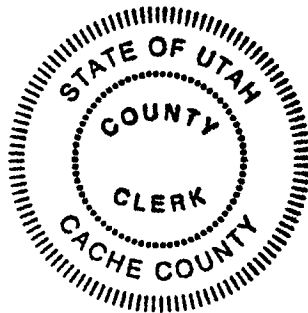
There were no Council member reports.

**ADJOURNMENT:**

Chairman Gibbons adjourned the meeting at 7:55 p.m.

  
ATTEST: Jill N. Zollinger  
Cache County Clerk

  
APPROVAL: Darrel L. Gibbons  
Council Chairman







**JONES  
WRIGHT  
SIMKINS &  
ASSOCIATES LLP**

**Certified Public Accountants**

95 West 100 South, Suite #200  
P.O. Box 747, Logan, Utah 84323-0747  
Phone (435) 752-1510 • (877) 752-1510  
Fax (435) 752-4878

**DRAFT**

**PARTNERS:**

*Paul D. Simkins, CPA  
Michael C. Kidman, CPA, MBA  
Brent S. Sandberg, CPA  
Brett C. Hugie, CPA  
Mark E. Low, CPA*

**PROFESSIONALS:**

*John T. Barker, CPA  
Susan J. Drown, CPA  
Deborah H. Eshelman, CPA  
Curtis J. Roberts, CPA  
H. Paul Gibbons, CPA  
Dawn M. Drost, CPA  
Robert D. Thomas, CPA, MBA  
John Z. Alger, CPA*

**Cache County Council  
Logan, UT 84321**

We have audited the financial statements of Cache County, Utah for the year ended December 31, 2000, and have issued our report thereon dated June 15, 2001.

**Communications Required Under Professional Standards**

Professional standards require that we provide you with the following information related to our audit.

**Our Responsibility under Generally Accepted Auditing Standards, Government Auditing Standards and OMB Circular A-133.**

As stated in our engagement letter dated December 7, 2000, our responsibility, as described by professional standards, is to plan and perform our audit to obtain reasonable, but not absolute, assurance about whether the general purpose financial statements are free of material misstatement. Because of the concept of reasonable assurance and because we did not perform a detailed examination of all transactions, there is a risk that material errors, irregularities, or illegal acts, including fraud and defalcations, may exist and not be detected by us.

As part of our audit, we considered the internal control of Cache County. Such considerations were solely for the purpose of determining our audit procedures and to report on the internal control in accordance with OMB Circular A-133 and not to provide any assurance concerning such internal control.

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we performed tests of Cache County's compliance with certain provisions of laws, regulations, contracts, and grants. However, the objective of our tests was not to provide an opinion on compliance with such provisions. Also, in accordance with OMB Circular A-133, we examined, on a test basis, evidence about Cache County's compliance with requirements applicable to major programs for the purposes of expressing an opinion on Cache County's compliance with those requirements.

Cache County Council  
June 15, 2001  
Page 2

## Significant Accounting Policies and Audit Adjustments

Management has the responsibility for selection and use of appropriate accounting policies. In accordance with the terms of our engagement letter, we will advise management about the appropriateness of accounting policies and their application. As of January 1, 2000, the County began reporting Class B Road activities in the Municipal Services Fund. In conjunction with this change, the related fund balance as of December 31, 1999 was transferred to from the General Fund to the Municipal Services Fund. The management of the County also determined that North Park Interlocal Cooperative was a component unit of the County and that the County would assume responsibility for reporting the activity of that component unit.

For the purposes of this letter, professional standards define a significant audit adjustment as a proposed correction of the general purpose financial statements that, in our judgment, may not have been detected except through our auditing procedures. We assisted management in properly recording the transfer of the Class B Road funds. We also assisted management in properly recording and reporting the North Park Interlocal Cooperative activity.

## **Internal Control**

In planning and performing our audit of the financial statements of Cache County for the year ended December 31, 2000, we considered its internal control in order to determine our auditing procedures for the purpose of expressing our opinion on the financial statements and not to provide assurance on the internal control. Our consideration of the internal control would not necessarily disclose all matters in the internal control that might be material weaknesses under standards established by the American Institute of Certified Public Accountants. A material weakness is a reportable condition in which the design or operation of one or more of the specific internal control elements does not reduce to a relatively low level the risk that errors or irregularities, including fraud, in amounts that would be material in relation to the financial statements being audited may occur and not be detected within a timely period by employees in the normal course of performing their assigned functions.

We noted no conditions during our review of the internal controls that we believe to be material weakness. However, our audit did disclose other matters involving internal control and compliance that, although not considered by us to be material weaknesses, are weaknesses in internal accounting control for which corrective action might be taken or immaterial instances of non-compliance with laws and regulations.

Cache County Council  
June 15, 2001  
Page 3

## Council

We suggest the following:

1. A follow up on the recommendations in this letter should be made by the Council and reflected in the council minutes before the next year's budget is adopted. Some of the recommendations in this letter are repeated from prior year recommendations. Repeat items have been noted with an "\*" by the suggestion number.
2. With the anticipated construction of a new building, the County has a unique opportunity to consider possible changes in management oversight responsibilities while considering the space allocated to each department. We suggest that the County Council and County Management design the changes to improve customer satisfaction, inter-departmental communication, and internal control.

## Council Response:

1. The Council will follow up on the recommendations in this letter.
- 2.

## County Executive

We suggest the following:

- \* 1. The timetable developed for the completion of the master County policy and procedures manual should be continually monitored and updated as needed. We commend the County for their progress toward completion of the manual.
- \* 2. The County should improve its policies for monitoring federal and state grants by increasing the interaction between employees administering grants and the County Auditor's office. Because the County has a decentralized system for grant administration, we recommend that employees responsible for administering the grants meet with the County Auditor and discuss the following: a) the compliance and reporting requirements, b) the timing of submission of reimbursement requests, c) the applicability of federal cost principles and d) the accounting procedures that should be followed.
3. The County should develop procedures to ensure that all new interlocal agreements or joint projects are properly reported in the County's financial statements.

Management Response:

- 1.
- 2.
- 3.

New Property Tax System

We suggest the following:

- \* 1. Management should continue to evaluate the adequacy of the program documentation to ensure that all program and reporting modifications are included in the final document. In addition, the data processing department should report to the Council and County Executive the status of the program documentation until a final document is produced.

Management Response:

- 1.

State Compliance Issues

We noted the following:

- \* 1. The Drainage Districts and the Roads Special Service District, which are component units of the County, have fund balances in excess of the legal limits. We suggest that each of the boards of these districts ensure that they comply with state law.
- \* 2. Some public funds were not deposited within 3 business days as required by State law. We recommend that the County follow its policy of depositing funds within 3 business days.
- 3. The County Auditor had visited one cash collection point before the completion of our audit procedures. The County Auditor should continue to visit outlying cash collection points periodically and monitor the procedures for cash collection.
- 4. The following departments or fund exceeded their final adopted budget due to a miscalculation of budgeted salary and benefit expenditures: County Executive, Data Processing, Attorney, Building and Grounds, Sheriff, Emergency Management, Weed Eradication, and the Planning and Development Fund. The following departments and fund also exceeded their final budget: Public

**DRAFT**

Cache County Council  
June 15, 2001  
Page 5

Defender, Law Library, Elections and the Recreation Fund

Management Response:

- 1.
- 2.
- 3.
- 4.

We express our appreciation for the courtesy and assistance extended to us by County officials and their staffs during the course of our audit. A considerable amount of time was provided by department personnel to help prepare schedules, locate documents and meet with our audit staff during the audit. This cooperation was extremely helpful. We will be pleased to discuss any of these recommendations at your convenience.

This report is intended solely for the use of the County council, County officials and certain regulatory bodies and should not be used for any other purposes.

JONES, WRIGHT, SIMKINS & ASSOCIATES LLP  
June 15, 2001

**REQUEST FOR INTER-DEPARTMENTAL BUDGET TRANSFER**

DEPARTMENT: Extension  
 DATE: 03-Jul-01

Amount to be transferred -- (rounded to the nearest dollar) \$2,000.00

Transfer From ---  
 Line Item No. : 10-4610-290  
 Fund Designation: Rent

Original Budget:	<u>\$0.00</u>
Current Budget:	<u>\$21,000.00</u>
Expenditures to date:	<u>\$0.00</u>
Balance before transfer:	<u>\$21,000.00</u>
Balance after Transfer:	<u>\$19,000.00</u>

Transfer To ---  
 Line Item No. : 10-4610-740  
 Fund Designation: Equipment

Original Budget:	<u>\$1,050.00</u>
Current Budget:	<u>\$1,050.00</u>
Expenditures to date:	<u>\$0.00</u>
Balance before transfer:	<u>\$1,050.00</u>
Balance after Transfer:	<u>\$3,050.00</u>

Description of needs and purpose of transfer ---  
To transfer funds to purchase used telephone system for new extension service office space.

Carl E. Jensen  
 Department Head

Recommendation:  Approval [ ] Disapproval  
 Comments:

Date: 07/03/2001

Jamie Stones  
 Cache County Auditor

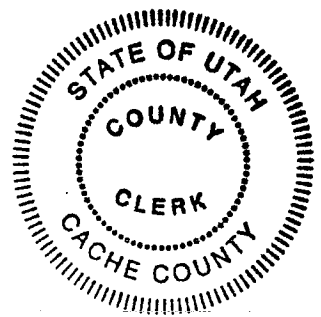
Recommendation:  Approval [ ] Disapproval  
 Comments:

Date: 7/25/2001

M. Lynn Lamm  
 Cache County Executive

Consented by the Cache County Council meeting in regular session on the 10th day of July, 2001.

David S. Zollinger  
 Cache County Clerk



July 9, 2001

On June 12, the Cache County Council appointed a committee to address the issue of Agriculture Protection Areas (APAs) and eminent domain proceedings. The committee was to be made up of members of the Cache County Council, the Cache Mayor's Association and the Cache County Agriculture Protection Area Advisory Board.

That committee met on July 5 to discuss the issues. Members included Gordon Zilles and Bruce Karren of the Cache County Agriculture Protection Area Advisory Board, Darrel Gibbons and John Hansen of the Cache County Council, Kip Panter of the Cache Mayor's Association and Jay Nelson, also of the Cache Mayor's Association and of Nibley City.

The committee makes the following recommendations:

- First, that the Cache County Council approve the requests for Agriculture Protection Area status by Wesley Nelson and Glen Lee and Dixie Hansen. The committee's recommendation to accept these landowners' requests does not supersede the Honorable Judge Ben H. Hadfield's ruling in the First Judicial District on April 30, 2001, in the cases of Nibley City vs. Nelson Farm, et al, case number 010100319 (see attached copy). The committee recognizes that the properties in question have both had an easement condemned by Nibley City and the condemnation upheld by the court. This, however, does not preclude the property owners from requesting and receiving approval for APA status.
- Second, that the county council draft a resolution to form a permanent committee to serve as a facilitator for negotiations in future eminent domain/APA conflicts should they arise. This committee should be made up of members of the Cache County Council, the Cache Mayor's Association and the Cache County Agriculture Protection Area Advisory Board. It should serve to negotiate in good faith a consensus position between a city and a landowner regarding potential condemnation of agricultural property already located in or to be located in an APA.

It is the committee members' belief that each of the three organizations they represent unanimously support and recognize the importance and value of agriculture in Cache County and are in favor of protecting the county's agriculture industry.

Committee members recognize the value of the Agriculture Protection Area law enacted by the Utah Legislature in 1994 and are committed to supporting and promoting agriculture in Cache County by approving APA requests filed by county farmers and ranchers.

Committee members also recognize the need to protect local cities' right to eminent domain to provide utilities to their citizens. It is the hope and belief of the committee that both the interests of agriculture and municipalities can be represented through a fair negotiation process aided by the proposed committee.

CACHE COUNTY

RESOLUTION NO. 2001- 25

**A RESOLUTION APPROVING THE CREATION OF AN AGRICULTURE PROTECTION AREA.**

The County Council of Cache County, Utah, in a regular meeting, lawful notice of which has been given, finds that the legal requirements for the creation of an agriculture protection area have been met; and, therefore, that the proposal filed by the Glen Lee and Dixie C. Hansen Trust should be approved.

THEREFORE, the Cache County Council hereby adopts the following resolution:

BE IT RESOLVED that:

The proposal filed with Cache County by the Glen Lee and Dixie C. Hansen Trust, dated March 15, 2001, to create an agriculture protection are on 54.98 acres of 5 parcels of real property located at:

SEE EXHIBIT 'A' ATTACHED

is hereby approved.

This resolution shall become effective immediately upon adoption.

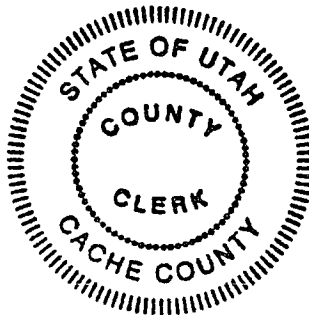
DATED this 10<sup>th</sup> day of ~~June~~<sup>July</sup>, 2001.

CACHE COUNTY COUNCIL:

By: *Darrel L. Gibbons*  
Darrel L. Gibbons, Chairman

ATTEST TO:

*Jill N. Zollinger*  
Jill N. Zollinger  
Cache County Clerk





\*\*\*\*\* LEGAL DESCRIPTION \*\*\*\*\*

Property Address: 03-015-0004

Current Year:

BEG AT NW COR OF SW/4 OF NW/4 SEC 20 T 11N R 1E E 20 CHS S 5.47 CHS W 20 CHS N  
5.47 CHS TO BEG 10.94 AC

\*\*\*\*\* LEGAL DESCRIPTION \*\*\*\*\*

Property Address: 03-015-0001

Current Year:

BEG AT NW COR OF SEC 20 T 11N R 1E S 14.53 CHS E 20 CHS N 14.53 CHS W 20 CHS TO  
BEG CONT  
A 1 RD WIDE R/W ON BOTH SIDES & RUNNING FULL LENGTH OF ALL 1/4 SEC LINES WITHIN  
ABOVE DESC LAND IS DEDICATED AS HIGHWAY

\*\*\*\*\* LEGAL DESCRIPTION \*\*\*\*\*

Property Address: 2610 SOUTH HWY 89-91 03-012-0006  
COUNTY

Current Year:

BEG AT NE COR OF NE/4 SEC 19 T 11N R 1E TH W 3.5 CHS S 37\*06' W 270.6 FT S 52\*54'  
E 174.24 FT E 280 FT N 320 FT TO BEG CONT  
A 1 RD WIDE R/W ON BOTH SIDES & RUNNING FULL LENGTH OF ALL 1/4 SEC LINES WITHIN  
ABOVE DESC LAND IS DEDICATED AS HIGHWAY

\*\*\*\*\* LEGAL DESCRIPTION \*\*\*\*\*

Property Address: 03-0009-0036

Current Year:

BEG AT SE COR OF SE/4 SEC 18 T 11N R 1E W 3.50 CH TO WELLSVILLE ST RD N 37\*06' E  
ALG SD RD TO PT ON E SD /4 SEC 4.90 CH N OF BEG S 4.90 CH TO BEG CONT  
A 1 RD WIDE R/W ON BOTH SIDES & RUNNING FULL LENGTH OF ALL 1/4 SEC LINES WITHIN  
ABOVE DESC LAND IS DEDICATED AS HIGHWAY

EMAIND 10/73 03-015-0003

BEG 20 CHS S OF NW/4 SEC 20 T 11N R 1E, N 5.47 CHS E 20.2 CHS S 5.47 CHW 20 CHS TO BEG CONT 10.94 AC  
G269A

CACHE COUNTY  
ORDINANCE NO. 2001- 02

AN ORDINANCE VACATING A PORTION OF A COUNTY ROAD (7400 NORTH, 7700 WEST TO 8000 WEST).

The County Council of Cache County, Utah, in a regular meeting, lawful notice of which has been given, finds that there is good cause for vacating that portion of 7400 North Street and approximately 7700 West to 8000 West, for approximately 2100 feet, which is a County road, and which is described on the attached diagram, Schedule "A"; and that the vacating of that portion of the County road will not be detrimental to the public interest. The portion of 7400 North Street and approximately 7700 West, eastward to Highway 142 is to be left open.

NOW THEREFORE, the Cache County Council ordains as follows:

1. Vacating County Road

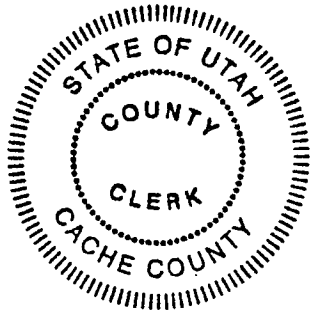
That portion of 7400 North Street and approximately 7700 West to 8000 West, for approximately 2100 feet, a County road, is hereby vacated, as shown on the attached diagram, Schedule "A". The portion of 7400 North Street and approximately 7700 West, eastward to Highway 142 is to be left open.

2. Effective Date

This Ordinance shall take effect as of 25th of July upon publication, in the manner provided by law.

This ordinance was adopted by the Cache County Council on the 10th day of July, 2001, upon the following vote:

	IN FAVOR	AGAINST	ABSTAINED	ABSENT
ANHDER	X			
BECK	X			
GIBBONS	X			
PETERSEN	X			
HANSEN				X
ROBISON	X			
YEATES	X			
TOTAL	6	0	0	1



CACHE COUNTY COUNCIL

By: *Darrel L. Gibbons*  
Darrel L. Gibbons  
Chairman

ATTESTED BY:

*Jill Zollinger*  
Jill Zollinger  
Cache County Clerk

Publication Date: July 25th, 2001

CACHE COUNTY

RESOLUTION NO. 2001- 26

A RESOLUTION APPROVING THE CREATION OF AN AGRICULTURE PROTECTION AREA.

The County Council of Cache County, Utah, in a regular meeting, lawful notice of which has been given, finds that the legal requirements for the creation of an agriculture protection area have been met; and, therefore, that the proposal filed by Wesley Nelson Farms, Inc. should be approved.

THEREFORE, the Cache County Council hereby adopts the following resolution:

BE IT RESOLVED that:

The proposal filed with Cache County by Wesley Nelson Farms, Inc., dated March 23, 2001, to create an agriculture protection are on 119.2 acres of 2 parcels of real property located at:

SEE EXHIBIT 'A' ATTACHED

hereto and made a part hereof is hereby approved.

This resolution shall become effective immediately upon adoption.

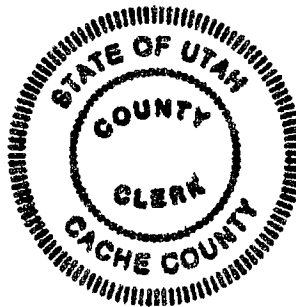
DATED this 10th day of July, 2001.

CACHE COUNTY COUNCIL:

By: Darrel L. Gibbons  
Darrel L. Gibbons, Chairman

ATTEST TO:

Jill N. Zollinger  
Jill N. Zollinger  
Cache County Clerk



ENT 765072 Bk 1023 Pg 117  
DATE 12-JUL-2001 1:15PM FEE 0.00  
MICHAEL L GLEED, RECORDER - FILED BY SA  
CACHE COUNTY, UTAH  
FOR CACHE COUNTY COUNCIL

LOGAN

BEG AT SE COR OF SW/4 OF SEC 17 T 11N R 1E, N 30 RDS W 54 RDS S 30 RDS E 54 RDS TO BEG CONT 10.12 AC==ALSO THAT PT OF SW/4 OF SW/4 SEC 17 LYING S & E OF STATE ROAD== ALSO BEG AT PT 30 RDS N OF S/4 COR SEC 17 N 10 RD W 80 RD S 40 RD E 26 RD N 30 RD E 54 RD TO BEG== ALSO AT SE COR OF NW/4 OF SW/4 SEC 17 N 13 RDS 10 FT W 21 RD 18 FT M/L TO CO RD SWLY ALG SD RD

03-013-0010

BEG AT CEN OF SW/4 SEC 19 T 11N R 1E S 20 CHS W 35.25 RDS NELY ALG CO RD TO PT 29 RDS N OF S LINE OF /4 SEC W 14.50 CHS N 51 RD E 17.50 CH TO BEG 26.80 AC LESS 1.7 AC TO ST HWY 25.10 AC G

03-013-0012

BEG AT A PT 20 CH E OF NW COR LOT 4 SEC 19 T 11N R 1E E 5.75 CH S 20 CHW 5.75 CH N 20 CH TO BEG 11.5 AC LESS 1.6 AC FOR HWY 9.9 AC G2

03-053-0004

THE N/2 OF NE/4 OF NE/4 SEC 30 T 11N R 1E 20 AC G293A

03-049-0001

BEG 28 RDS S FROM NW COR SEC 29 T 11N R 1E E 39 RDS S 38.33 RDS W 39 RDS N 38.33 RDS TO BEG 9.33 A G285

RESOLUTION NO. 2001-27

**A Resolution Committing Participation in the Funding of the Restoration of the Historical Courthouse located at 179 North Main, Logan, Utah.**

The County Council of Cache County, Utah, in regular session lawful notice of which has been given, finds that it is in the best interest of the citizens of Cache County to participate in the funding of the restoration of the Historical Courthouse located at 179 North Main, Logan, Utah by matching dollar-for-dollar the funds raised privately with a maximum commitment from Cache County of one million dollars (\$1,000,000.00).

THEREFORE, the Cache County Council hereby adopts the following resolution.

BE IT RESOLVED THAT:

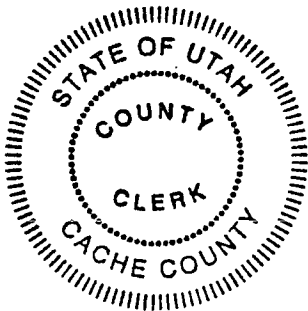
Section 1: Approval of Participation and Commitment in the fund raising for the Historical Courthouse located at 179 North Main, Logan, Utah.

Participation and commitment in the fund raising for the Historical Courthouse located at 179 North Main, Logan, Utah by matching dollar-for-dollar the funds raised privately with a maximum commitment from Cache County of one million dollars (\$1,000,000.00)

Section 2: Effective Date.

This resolution shall become effective immediately upon adoption.

This resolution was adopted by the Cache County Council of Cache County, Utah on the 10th Day of July, 2001.



Attest:

By: Jill N. Zollinger  
Jill N. Zollinger, County Clerk

Cache County Council

By: Darrel L. Gibbons  
Darrel L. Gibbons, Chairman

CACHE COUNTY  
RESOLUTION NO. 2001-28

A RESOLUTION APPROVING A GRANT APPLICATION TO THE UTAH QUALITY GROWTH COMMISSION BY THE BEAR RIVER ASSOCIATION OF GOVERNMENTS FOR A PROJECT ENTITLED "CACHE VALLEY AGRICULTURAL HERITAGE INITIATIVE"

The County Council of Cache County, Utah, in regular meeting, lawful notice of which has been given, finds that it is in the best interests of the citizens of Cache County that the Bear River Association of Governments make a grant application to the Utah Quality Growth Commission for a project entitled "Cache Valley Agricultural Heritage Initiative". Grant funds will be used to develop and disseminate educational materials to the citizens of Cache County to gain their support for a countywide purchase of development rights program.

NOW, THEREFORE BE IT RESOLVED that the Cache County Executive is hereby authorized to execute the grant application to the Utah Quality Growth Commission for a project entitled "Cache Valley Agricultural Heritage Initiative".

This Resolution shall take effect immediately upon adoption.

DATED this 10<sup>th</sup> day of July, 2001.

CACHE COUNTY COUNCIL

By: \_\_\_\_\_  
Darrel L. Gibbons, Chairman

ATTEST:

\_\_\_\_\_  
By: Jill N. Zollinger  
Cache County Clerk

CACHE COUNTY  
CORPORATION

DRAFT

M. LYNN LEMON  
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July 31, 2001

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CLERK

Pam Gardiner, Acting Forest Supervisor  
Wasatch-Cache Planning Team  
8226 Federal Building  
125 South State Street  
Salt Lake City, UT 84138

Reference: Land and Resource Management Plan for the Wasatch-Cache National Forest

Dear Ms. Gardiner,

As elected representatives of Cache County and its citizens, we want to thank you and the Wasatch-Cache Planning Team for the Open House that were held in Cache County on June 25, 2001 at Mount Logan Middle School. A large number of our citizens were in attendance.

Concerning Road and Access Management, Cache County again re-asserts that Road Right-of-Ways that existed under R.S. 2477 are valid and that they be maintained. As stated before Cache County is not recommending new roads and shares the concern of the Forest Service about the damages caused by the formation of such. Cache County has a large number of citizens (i.e. including Senior Populations & Disabled) that enjoy the use of the National Forest and we want to make certain that they are not cut off from that enjoyment and use by the closure of historical roads.

The majority of citizens who have expressed an opinion to us as elected representatives support Alternative 5. This alternative supports multiple use and encourages active management of the forest. It appears to uphold traditional and historic uses with restrictions as necessary to enhance recreation opportunities while minimizing conflicts. It supports the current land in wilderness but does not recommend any additional land be designated as wilderness. We recommend the adoption of this alternative.

Sincerely,

M. Lynn Lemon  
County Executive



Darrel L. Gibbons  
Chairman, County Council



## SUMMARY

### The Proposed Action

The Forest Service proposes to revise the Land and Resource Management Plan (hereafter referred to as forest plan) for the Wasatch-Cache National Forest in order to meet legal and regulatory requirements, and to address changes, issues, and concerns that have arisen since the forest plan was originally released in 1985 (USDA Forest Service 1985).

### Purpose

The purpose of the proposed action is to provide a revised Wasatch-Cache Forest Plan that will: 1) guide all natural resource management activities on the forest, 2) address changed conditions and direction that have occurred since the original plan was released, and 3) meet the objectives of federal laws, regulations, and policies. Specifically the revised forest plan will provide management direction for identified revision topics and forest-wide management direction in a framework of ecosystem management and sustainability.

In 1992, the Forest Supervisor determined that revision was needed because significant changes had occurred in conditions and demands. The conclusion was based on results published in the forest-wide monitoring report (USDA Forest Service 1992). This report found "serious weaknesses" which when taken in aggregate, resulted in a conclusion that a forest plan revision should be initiated.

### Need For Change

In the *Preliminary Analysis of the Management Situation Summary* (USDA Forest Service 1999) each resource area was examined along with the 1992 monitoring results and specific needs were identified where management should be changed or is required to be changed during revision. Ten areas were identified and are referred to as revision topics. In addition there is a need to change the basic framework and organization of the plan to reflect the integrated nature of ecosystem management. An ecosystem framework broadens the perspective from that of sustaining commodity outputs to that of sustaining ecological processes and a wide variety of goods, services, conditions, and values.

**1. Watershed Health.** Management direction for watershed health and condition is needed to maintain or restore the integrity of watersheds and soil quality. Healthy watersheds meet the needs of sustainable terrestrial and aquatic ecosystems and supply values for people such as clean drinking water, recreation and commodity uses. The riparian and water quality guidance in the 1985 plan sets limits on management. A more proactive approach that describes the desired watershed conditions to be achieved will provide a basis for needed management protection. Direction that establishes priority watersheds for restoration is needed to better integrate local with broader scale needs and funding priorities.

**2. Biodiversity and Species Viability.** There is a need to update vegetation management direction to provide for short- and long-term sustainability, including direction for restoration, management and maintenance of plant communities, as knowledge and understanding of human impacts grows. People have substantially affected ecological processes and biodiversity and will continue to do so. As the human population continues to grow, there will be ever increasing pressures on the remaining open space and on the quality and diversity of terrestrial and aquatic habitat. There is a need to integrate management direction for all resources to maintain viable populations within the context of overall multiple use objectives. This means that for any given land area, the set of objectives must reflect a compatible blending of uses and values with the capability of the land.

**3. Road and Access Management.** Management direction for an integrated transportation system that serves multiple functions is needed as a primary component of the desired future for a management area. Guidance needs to be established to comply with the National Forest System Road Management Rule. The intent of the rule is to develop a science-based forest transportation system that meets the needs of the public, yet minimizes or reverses the environmental impacts often caused by roads. The 1985 plan direction needs to be updated with adaptive standards that allow the latest science and technology to be used. The revised forest plan needs to establish the framework that allows future site-specific travel management decisions to be made that meet the integrated transportation system goals.

**4. Recreation and Scenery Management.** Those areas where recreation will be emphasized need to be identified as the first step to provide guidance for managers dealing with increasing conflicts in uses as population and demands continue to grow. The population of the state of Utah is projected to grow by 65% by the year 2020 with most of the growth expected along the urban Wasatch Front. Because of this, settings of this forest will become even more valuable for the unique opportunities they provide. Current dispersed recreation use levels in some areas of the forest are so high that resource degradation is occurring. Direction is needed to provide for future desired recreation settings while sustaining ecosystem health. Updated mapping of recreation opportunity classes is needed to provide guidance on how to manage recreation across the forest. The outdated visual quality objectives contained in the current forest plan need to be replaced with guidance based on the more integrated Scenery Management System. The niche of the Wasatch-Cache National Forest in the overall scheme of outdoor recreation settings in northern Utah needs to be clarified considering other federal, state, county and private providers. Niches and unique characteristics of the Wasatch-Cache National Forest include the following:

- Proximity to a large and growing urban area (nearly 1.5 million people). People can drive 5 to 40 minutes and be at a trailhead, ski area, or other developed recreation facility in the forest.
- A broad array of recreation settings and opportunities at various locations across the forest from fully developed to pristine wilderness:
- Outstanding terrain and snow conditions that offer world class skiing opportunities.
- Wildland mountain settings that are rarely duplicated on nearby public and private lands.
- Wide diversity of users, often with conflicting desires and demands for what they feel the forest should provide.

**5. Special Designations.** This revision topic includes protection of eligible Wild and Scenic stream and river segments, designation of additional Research Natural Areas and the designation of Special Interest Areas. The eligibility inventory required by the Wild and Scenic Rivers Act was completed in August 1999. Thirty-four segments were found eligible. Until suitability determinations are made, there is a need to protect the resource values and free-flowing character identified for each eligible segment during both ongoing activities and new proposals.

In 1998 an analysis of Research Natural Area (RNA) needs was completed for the national forests in Utah. These needs were defined as vegetation types that occur on National Forest system lands that are currently lacking in existing RNAs in Utah. There is a need to identify areas of the Wasatch-Cache National Forest that have potential to contribute to the diversity within the RNA system on National Forest system lands in Utah.

Special Interest Areas can be designated to manage and protect an area's special characteristic or unique values. There is a need to identify areas on the Forest that because merit this special attention and management.

**6. Roadless Areas/Wilderness Management.** This is one of the required items included in the planning regulations. The roadless area inventory was updated in 1999. There is a need to determine whether any of these areas should be recommended to Congress for designation as Wilderness. If lands are recommended, the revised plan will provide that these lands be protected and managed accordingly. The forest plan revision provides an appropriate vehicle to examine opportunities to meet the intent of the Wilderness Act within specific areas of this national forest. For those roadless areas not recommended as Wilderness, there is a need to provide direction for desired conditions and the mix of uses and values to be emphasized. The purposeful recognition of roadless area values was identified as a 'need for change' in the evaluation of the 1985 forest plan. There is a need to determine the appropriate balance of lands that allow development and and those that do not.

**7. Suitable Timberlands.** This is one of the required items included in the planning regulations. It is also an important finding from the 1992 Monitoring Report. There is a need to identify those lands where the management direction will provide for timber production and where maintenance or restoration of properly functioning forest conditions may yield marketable timber products.

**8. Rangeland Capability, Suitability and Forage Production.** These are required items included in the planning regulations. There is a need to identify the acreage and estimated forage production outputs of areas suitable for grazing livestock as one of numerous uses that may be appropriate for a capable land area. There is also a need to modify current management direction for assigning value classes to riparian areas. Range management direction will be determined to ensure compatibility of this use with sustainable ecosystems and social values primarily incorporating direction from the 1996 Rangeland Health Environmental Impact Statement. Other factors to be considered include properly functioning condition and trend, currently vacant allotments, and the risk of livestock disease transmission.

**9. Oil and Gas Leasing.** The forest plan was approved prior to the passage of the Federal Onshore Oil and Gas Reform Act of 1987. This Act changed the role of the Forest Service in the leasing process and required additional analysis to determine which lands are available for oil and gas leasing and under what conditions. Because of this, leasing direction in the 1985 forest plan is no longer valid. The forest plan was amended in 1994 to allow leasing on a portion of the north slope of the Uinta Mountains. The portion of the Uinta Mountains specifically excluded from the 1994 decision through an appeal settlement decision (Levere and Heaton, 1994) was considered to be "roadless" at that time. When the roadless inventory was updated in 1999 it identified additional acres as roadless. However, because of specific language in the appeal settlement decision, these additional roadless acres are considered to be outside the scope of this leasing decision.

This area being addressed in the revision is the remaining portion of the forest identified as having a high potential for oil and gas reserves being present. There is a need to make the leasing decision in the forest plan revision since there are suspended leases in the area that need to be acted upon and oil and gas industry continues to express interest in exploring the area.

**10. Fire Management.** There is a need to update fire management direction to address new national fire policy. In the past 15 years, we've grown to understand fire's role in shaping our ecosystems and the problems inherent in excluding fires from the landscape. The Forest Plan needs to address fire as an integral part of healthy ecosystems and to emphasize treatment efforts in ecosystems that are outside of properly functioning condition. It also needs to address how to manage fuels to reduce the risk of uncharacteristic, high-intensity wildland fire, especially in the urban-wildland interface.

## Issues

### Issue 1 – Recreation Use Conflicts/Access Management

How should increasing conflicts between and among users of motorized/mechanized vehicles (ATV's, snowmobiles, helicopters for skiing, and mountain bikes) and non-motorized recreation be addressed? How much and where is access appropriate for each of these groups? What user densities should we manage for in the future and where?

### Issue 2 – Roadless Areas Management

How much and where should additional acreage be recommended for wilderness designation? How much, where, and how should inventoried roadless areas be protected from development? How much and where should inventoried roadless areas be available for which types of development and uses?

### Issue 3 – Ensuring Biodiversity and Species Viability

What are the key factors to emphasize and what is the proper balance of management and land use activities that can maintain biodiversity on the forest? Which areas need what kind of management direction to ensure overall biodiversity as well as viability of species?

### **Issue 4 – Concerns About Continued Economic Contributions and Personal/Social Benefits of the Forest**

What will be the effects on traditional and current economic outputs and social benefits of the forest? These include forage for livestock, timber for harvest, production of oil and gas, recreation related services and all of the accompanying “quality of life/lifestyle” benefits obtained from the forest? Where and how much of these outputs and benefits can be expected in the future?

### **Issue 5 – Environmental, Social, and Economic Impacts of Uses**

How will we ensure that impacts of uses to watershed conditions, terrestrial, riparian and aquatic wildlife and fish habitats, recreation settings and scenery, and local quality of life are kept within acceptable limits? Uses include livestock grazing, timber harvest, recreation, oil & gas development, and road and trail management.

### **Issue 6 – Appropriate Types and Amounts of Facility Development for Wildland Settings in the Forest**

How much more recreation related facility development, where and of what types, should be allowed in the future?

## **Alternatives**

**Alternative 1** addresses concerns about a need for very strong emphasis on allowing nature to take its course, minimizing human interference with natural processes, maintenance of roadless landscapes, and restrictive approaches to sustainability forest-wide, given many unknowns. By “restrictive” we mean that human uses are only allowed when and where they are consistent with this emphasis. Current levels of development are maintained, but not increased. No timber harvest is allowed nor is any road construction or reconstruction in inventoried roadless areas. Expected commodity outputs compared with other alternatives are lower. Recreation opportunities are managed to allow a diversity of settings consistent with Forestwide Goals for watershed health, biodiversity and species viability, and ecological status, benchmarks, and reference areas. Winter motorized use is more restricted than currently. Snowmobiling is not allowed in inventoried roadless areas and where special habitat needs are present. Snowmobile routes on roads that have been cherry stemmed into roadless areas are open. User densities are managed (potential permit systems) in ROS classes primitive and semiprimitive. This alternative maintains all areas that currently meet criteria for semiprimitive and primitive recreation opportunities.

**Alternative 2** addresses concerns about a need for strong emphasis on biodiversity, mimicking or restoring natural processes with active human management, conservation of large roadless areas, and moderate approaches to sustainability given many unknowns. Uses are allowed when and where they are compatible with achieving restoration emphasis or maintaining properly functioning conditions. In inventoried roadless areas, no road construction or reconstruction is allowed and timber harvest is strictly limited consistent with the National Roadless Area Conservation Rule. Expected commodity outputs may be irregular in their timing with possible spikes of high and low outputs. Recreation opportunities are managed to improve critical habitat, recover rare species, and where possible, provide

for some increasing demands consistent with Forestwide Goals for watershed health, biodiversity and species viability, and ecological status, benchmarks, and reference areas. An overall diversity of recreation settings is maintained. Where inventoried roadless areas are recommended for wilderness or are next to existing wilderness, snowmobiling is not allowed. Snowmobile routes on roads that have been cherry stemmed into inventoried roadless areas are open. Within inventoried roadless areas, summer motorized recreation is allowed on routes designated as open in current Travel Maps except for those within areas recommended as wilderness. This alternative maintains most of the currently mapped primitive and semi-primitive recreation opportunities.

**Alternative 3** was originally developed as the "Proposed Action" for Forest Plan revision and was provided for public comment in September, 1999 and again as part of the five Preliminary Alternatives provided in September 2000. Public comment suggested that increased access for recreation did not necessarily belong only in Alternative 5 with increases in commodity uses even though those uses could inherently increase access through road building. In response we modified Alternative 3 from earlier versions to respond directly to providing increased recreation access in response to increasing demands, especially for winter motorized use. Alternative 3 provides a mix of uses and protection/restoration activities. It incorporates results of monitoring, project analyses and area assessments with some aspects of evolving policy such as the National Roadless Area Conservation Rule, although it does not apply this rule in its entirety. This alternative emphasizes adjusting management activities to ensure emphasis on ecosystem functioning and sustainability while providing some commodity outputs and a variety of recreation opportunities.

**Alternative 4** is formally the "No Action" alternative required by the National Environmental Policy Act. It can also be described as the "continuation of management under direction of the 1985 forest plan" alternative. It represents the 1985 plan as written and amended, however, to contrast the direction of the 1985 plan with needs for change identified since 1992, other sources of management direction that have been applied, but not incorporated into the 1985 forest plan, are *not* included. The 1992 5 Year Monitoring Report found "serious weaknesses" which when taken in aggregate, resulted in a conclusion that a forest plan revision should be initiated. Alternative 4 assumes management direction to include:

- a. All Forest Plan amendments (#1--34). Examples of amendments which affect large areas: Rangeland Health Amendment, High Uintas Wilderness Management Amendment, Oil & Gas Leasing Amendment, Goshawk Amendment
- b. Current Travel Management Plans
- c. Conservation strategies NOT requiring plan amendment applied project by project.
- d. Conclusions from 1992 5-Year Monitoring Report (Section V. pgs. 106-115) that have been incorporated into subsequent plan implementation: Resource Inventories, Recreation Program Management, Riparian Management, Timber Objectives, Water Quality Monitoring, Biodiversity, Budget/Target Issues, and Monitoring Requirements.
- e. 1985 Standards and Guidelines as amended.

Alternative 4 implements general direction from the 1985 plan emphasizing various outputs but with project-by-project application of ecosystem approach and findings from the 1992 5-Year Monitoring Report. Except where project analyses have resulted in other combinations of multiple use emphasis based on integration of resource management needs, forested vegetation is managed for growth and yield on suited timberlands and suited rangelands are managed primarily for livestock forage. Outputs

are dependent on investments (for example- Forest Plan pages IV – 355-373, Range Improvements-fences, water developments, noxious weed control, plowing, seeding, spraying, sagebrush burning, stock trail construction) and thus are contingent on actual budget allocations.

This alternative emphasizes improved facilities for recreation and accommodation of increased demands for recreation through additional facility construction, again contingent on budgets. Expansion of developed and dispersed summer and winter recreation is envisioned. Project decisions have addressed expansion of winter developed recreation for some ski-based resort areas. Other decisions about ski-based resort development are based on Master Development Plans completed or in progress.

**Alternative 5** addresses the concern that the Forest can and should be used to directly benefit economies, livelihoods, and traditions of families and local communities through predictable sustained outputs while allowing a variety of other non-exclusive uses and minimizing restrictions or requirements that drive up operating costs. While this alternative was developed to respond to concerns that often might be associated with rural communities, constituents who reviewed the Preliminary Alternatives package pointed out that many rural communities adjacent to the Wasatch-Cache National Forest have a wide diversity of views and values regarding appropriate forest management. This alternative does respond to the desires of people (rural, urban, or otherwise) who would like to see continuation of many historic and/or traditional uses of the forest, sometimes even for new purposes, but with restrictions only as necessary to meet legal requirements. This alternative strives to accommodate a variety of uses within the same areas to avoid need for separation or restriction. Alternative 5 assumes active management for sustained yields can be used to improve productivity and health of the forest. Access plays a major role in the ability to use the land. Timber management to prevent insect, disease, and wildfire outbreaks is envisioned in this alternative. Livestock grazing tied to year-round local ranching operations is supported on forest by vegetation management to increase forage production. Grazing is also viewed as a tool to reduce fine fuels and competition with regeneration of young trees. This Alternative takes a restrained approach to sustaining species and their habitat. By restrained we mean striving to prevent listing but minimizing rather than assuming as necessary, restrictions on resource uses given the many unknowns about rare species. Forage for livestock, timber for harvest, oil and gas leasing, and recreation related services and opportunities are emphasized while actively managing all of these uses together to reduce or avoid conflicts and achieve improved productivity of the land and resources. Recreation opportunities in this alternative are more numerous in the rural, roaded natural, and semiprimitive motorized classes as a result of development of inventoried roadless areas for timber harvest and oil and gas exploration and development. Recreation is expected to be coordinated with other uses in the same areas in such a way that conflicts are minimized or avoided. More total recreation capacity is available because of increased numbers of facilities, allowance for higher user densities, and increased access.

**Alternative 6** is identified as the Preferred Alternative. It addresses concerns about needs for emphasis on biodiversity, by mimicking natural processes in some areas with active human management while restoring natural processes to other areas with minimal human intrusion. Conservation of large roadless areas, highlighting of substantial areas for emphasis on sustaining important terrestrial and aquatic habitats, and concentrating activities in areas where they can be managed sustainably provides the basis for this alternative. Uses are allowed and mitigated to maintain ecosystem functions in some areas while

in other areas uses are restricted to achieve restoration or protection of properly functioning ecosystem conditions. In inventoried roadless areas, no road construction or reconstruction is allowed and timber harvest is strictly limited consistent with the National Roadless Rule. Expected commodity outputs are lower than recent years with some areas providing a limited but continual supply and others removed or reduced from commodity production to sustain other important wildland values (such as watershed functioning, ecological reserves and biodiversity corridors, opportunities for solitude, and special designation of reference benchmarks for learning- RNA/SIA). Recreation opportunities are managed intensively in some areas to meet increasing demands, especially in the wildland/urban interface. Areas further from major population bases are managed for a wider variety of recreation opportunities including substantial areas of primitive and semiprimitive classes. Winter recreation uses are separated in key areas to provide both motorized and non-motorized opportunities with access and parking. Total area available for snowmobiling is less than current but high and moderate use areas are maintained as open. Summer motorized recreation is allowed on routes designated as open in current Travel Maps.

## **Comparison of Alternatives**

This section is a summary of key differences between alternatives for management prescriptions, projected activities and outputs, suitable lands, summer and winter recreation opportunities, inventoried roadless area disposition, and Forest Service revenues and payments to States and Counties. Additional important details for each resource topic area are found in Chapter 3.