

**APPROVED**

**CACHE COUNTY  
COUNCIL MINUTES  
9 OCTOBER 2001**

COUNTY COUNCIL MEETING  
MINUTES INDEX

9 October 2001

ADMINISTRATION BUILDING UPDATE .....	6
AG. PROTECTION AREA - PUBLIC HEARING SET: MARVIN & IRMA MOON .....	4
BOARD OF EQUALIZATION .....	4
BUDGET OPENING 2001 - PUBLIC HEARING .....	5
BUDGET SCHEDULE .....	2
DEVELOPMENT RIGHTS VS. PURCHASING DEVELOPMENT RIGHTS: BRENT PARKER .	2
DUNCOMBE, TERRI: EMPLOYEE SERVICE AWARD RECOGNITION .....	3
EMPLOYEE SERVICE AWARD RECOGNITION: TERRI DUNCOMBE .....	3
FOREST REVISION PLAN MEETING .....	2
HARDSHIP REQUESTS .....	6
MERIDIAN MEADOWS SUBDIVISION: FINAL PLAT AMENDMENT .....	5
NATIONAL GUARD ARMORY: DISCUSSION .....	6-9
NELSON, LEE - SUBDIVISION: FINAL PLAT APPROVAL .....	4
MOON, MARVIN & IRMA: PUBLIC HEARING SET - AG. PROTECTION AREA .....	4
ORDINANCE NO. 2001-03: CONSOLIDATION OF ELECTED OFFICES .....	9
ORDINANCE NO. 2001-04: CREATION OF DISTRICT ATTORNEY OFFICE .....	10
PARKER, BRENT: DEVELOPMENT RIGHTS VS. PURCHASING DEVELOPMENT RIGHTS .....	2
PLAT AMENDMENT: MERIDIAN MEADOWS SUBDIVISION .....	5
PLAT APPROVAL: LEE NELSON SUBDIVISION .....	4
PLAT APPROVAL: SHARON POPPLETON SUBDIVISION .....	5
POPPLETON, SHARON SUBDIVISION: FINAL PLAT APPROVAL .....	5
PUBLIC HEARING: OPEN 2001 BUDGET .....	5
PUBLIC HEARING SET: AG. PROTECTION AREA - MARVIN & IRMA MOON .....	4
RESOLUTION NO. 2001-33: 2001 BUDGET ADJUSTMENTS .....	5
RESOLUTION NO. 2001-34: CHANGE IN BUILDING PERMIT FEES .....	6
UTAH STATE UNIVERSITY HOMECOMING PARADE .....	11
WATER POLICY ADVISORY BOARD MEETING .....	2

**CACHE COUNTY COUNCIL MEETING**  
**October 9, 2001**

The Cache County Council met in a regular session on 9 October 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:** John Hansen, H. Craig Petersen, Kathy Robison, Cory Yeates.  
C. Larry Anhder (*arrived at 5:10 p.m.*)  
**County Executive:** M. Lynn Lemon  
**County Clerk:** Jill N. Zollinger

**The following individuals were also in attendance:** Richard Cahoon, Earl Duncombe, Teri Duncombe, Mike Gleed, Lynn Nelson, Evelyn Palmer, Brent Parker, Pat Parker, Jim Smith, Tim Watkins, Von Williamson, Scott Wyatt, Paul Allen (Herald Journal) and Jennie Christensen (KVNU).

**CALL TO ORDER:**

Chairman Gibbons called the meeting to order at 5:01 p.m.

**INVOCATION:**

The invocation was offered by Kathy Robison.

**REVIEW AND APPROVAL OF AGENDA:**

The agenda was approved as advertised.

**REVIEW AND APPROVAL OF MINUTES:**

The minutes of the regular Council meeting held on September 25, 2001, were discussed, corrected and approved.

**REPORT OF COUNTY EXECUTIVE:**

County Executive Lemon reported on the following items:

**Appointments:** Diane Kanamu - Deputy Sheriff

**Council member Yeates moved approval of the appointment. Robison seconded the motion. The vote was unanimous all members voting in favor. (Anhder absent)**

**Warrants:** Warrants for the periods of 15<sup>th</sup> September to 21<sup>st</sup> September and 21<sup>st</sup> September to 27<sup>th</sup> September of 2001 were presented to the County Clerk for filing.

**Other Items:**

1. Forest Revision Plan Meeting: As a reminder there is a meeting for public comments at Logan High School on Thursday, October 11, from 5:00 p.m. to 8:00 p.m.
2. Water Policy Advisory Board: Their regular meeting will be Tuesday, October 16, at the Bridgerland Applied Technology Center (BATC) at 7:00 p.m. in Room 301. They have asked Warren Petersen who is a member of the Utah Board of Water Resources and also a member of the Utah Legislative Task Force. They are going to be talking about transferring water rights from agricultural use to municipal or industrial use.
3. Budget schedule: This schedule calls for the Executive to submit a tentative budget to the Council by the next Council meeting. Hopefully a balanced budget will be ready for the first meeting in November.

**TRANSFER OF DEVELOPMENT RIGHTS VS. PURCHASING OF DEVELOPMENT RIGHTS - REPRESENTATIVE BRENT PARKER:**

Handouts entitled "TDRs in Small & Rural Areas" were given to each member of the Council.

**(See Attachment #1)**

Representative Parker introduced Tim Watkins to the Council. Mr. Watkins is working in the government Planning and Budget Office. He has done a lot of research for Parker in preparing legislation for the Legislature and was present to answer any technical questions.

The main purpose for Representative Parker coming before the Council was to ask the Council's consideration in not lowering the "density" of County Zoning. The Zoning Office has done a lot of work in regards to this in changing the density plan throughout the County. It was suggested by Representative Parker that it is not the role of the Government and that the marketplace should be allowed to handle this because there are sufficient safeguards in place to control the growth and to protect the quality growth that there is here in the County.

There have been groups that have approached the Council on preserving open space and agricultural ground, for which Representative Parker was supportive; however, he did not support the means in suggesting raising property taxes or sales taxes in order to purchase development rights. He does not feel that the public would sustain nor support these actions.

Under the 1970 Zoning Ordinance as a deciding factor of minor subdivisions, every "Tax ID No." is allowed five Units to be developed. If the "Density" is changed, that could strip 3, 4 or 5 of those away from that property. Representative Parker's suggests that there is a tool that will be presented to the Legislatures called Transfer of Development Rights (TDR).

TDR is an enabling legislation to enable Counties and Cities to work together. The concept is that development rights are taken from "Area A" and transferred over to "Area B." Area B pays for the development rights that were pulled out of Area A. That takes it out of the tax base and pulls it away from government. The government facilitates that and the developer then lets the marketplace handle that cost. It is so successful in some parts of the Country that County Governments are building up enough revenue from this that they will actually install sewer and water lines for the developer in order to help encourage a higher density in certain areas. Certain parts of the Valley could be considered as receiving areas for those development rights. It's a new concept and it works.

**Council member Anhder arrived.**

Representative Parker urged the Council to be cautious about adopting the lower density for the County. It would be very difficult to control or govern.

Time was given to Tim Watkins over the economics of TDR at Representative Parker's request. Mr. Watkins pointed out the strong benefits of using TDR. He portrayed two 10 acre Lots with a road network, servicing and accessing each lot. There would be a total of 16 units each. Strong benefits would develop

1. The process of using less land to accommodate the same number of development rights occurs at a larger and larger scale and relinquishes significant savings in infrastructure costs not just for the development industry, which has to bear the brunt of putting in roads and other infrastructure, power and telephone lines but especially in long-term maintenance of these services. As the infrastructure is reduced, in essence the cost to our citizens for growth is reduced, which is in essence a tax decrease for them.
2. By incorporating TDR into ordinances and transferring development rights to specific growth areas, more efficient growth is promoted and tax dollars are saved. A farmer for example who may be ready to retire could sell development rights to a developer and then sell the preserved agriculture land to a younger financially fit farmer that wishes to continue farming. He would receive the same financial return for his property; It would just sever development of agriculture land letting the two worthy land uses continue on in the future.
3. Inter-local agreements could be enacted between a City and County and development rights could be transferred more efficiently into a community growth zone where water and sewer might already be in place. TDR honors property rights and local governments can exercise creativity and offer bonus development rights as an incentive to encourage development transfers.

What TDR offers, is the opportunity for three property owners or one owner owning three separate parcels to take all of the development rights and create them on one parcel and that is where the infrastructure savings come in.

Representative Parker confirmed that the State and the Counties could work together to maintain corridors where everybody wins. He felt very strongly that this legislation will pass.

Council member Anhder felt that both the TDR and Sales Tax could both be used as a tool to generate revenue for preserving agriculture. One-eighth of 1% on sales tax would create one million dollars just in Cache County. The dynamics of a sales tax option were much the same as TDR. It allows the Market to work; it does not inhibit owners' use of private property. It does not arbitrarily take something away from them as in Zoning. More than one tool is needed to accomplish agricultural preservation.

Representative Parker agreed; however, he noted that development rights are expensive and he felt that one-million dollars would not save the County's open space.

**EMPLOYEE SERVICE AWARD RECOGNITION: TERRI DUNCOMBE**

Terrl Duncombe was introduced to the Council by Jim Smith, as the "Employee of the Month" for the month of October.

**BACKGROUND:** Terri began her career with Cache County Corporation as a part-time Dispatcher back in November of 1986 and became a full-time employee in July of 1987. Terri worked in the County Jail. In October of 1988 she left her duties at Dispatch and began her Public Safety Service as a "Corrections Deputy" at the jail and functioned there in that position for approximately 10 years. She was responsible for safe care and keeping of the inmates. She made certain: 1) inmates were fed, 2) their medications were administered as prescribed; and 3) the Jail complied with all policies, procedures and laws.

In May of 1996, Terri was recognized for her skills and efforts as a Correction Deputy when she was promoted to the position of Sargent of the Jail. In addition to interfacing with inmates, she is now responsible for planning, organizing, coordinating, and supervising the activities of a varied number of Deputies and of general jail operations. Her peers commented that she has great people skills and has great knowledge of her job.

The County Executive Lynn Lemon, Sheriff Nelson and Lt. Williamson presented a certificate and gift card and thanked Terri for her service with their appreciation.

**PUBLIC HEARING SET:** The Council set a Public Hearing for October 23, 2001 at 6:00 p.m. for the Agricultural Protection Area of Marvin M. Moon and Irma H. Moon.

#### **THE COUNCIL MOVED INTO BOARD OF EQUALIZATION.**

#### **BOARD OF EQUALIZATION:**

**Comment by Executive Lemon:** So the records reflect, Parcel number 04-116-0099. Assessor correction ordered by the Board of Equalization. Increase value on common area's of Aspen Meadows P.U.D. due to this parcel is not in control of the homeowners association and negatively affects values of P.U.D. lots. Recommended total value of \$366,908.00.

This parcel was involved in a bankruptcy action. The lots were purchased by the lending institution; however, when the bankruptcy Judge turned all of the lots over, the party that was in bankruptcy held on to the common area which included streets; so, because of that the lending institution can sell the lots but they can't get a loan on them. It was decided that the County would not get involved in a Civil dispute; therefore, it was recommended that some of the value go to that common area and based on the County Attorney's recommendation, that notice was ordered.

**Council member Anhder moved to approve the Board of Equalization actions. Council member Yeates seconded the motion. The vote was unanimous all members voting in favor.**

(See Attachment #2)

#### **THE COUNCIL ADJOURNED FROM BOARD OF EQUALIZATION.**

#### **FINAL PLAT APPROVAL: Lee Nelson Minor Subdivision:**

Lee Nelson, agent for himself and Ryan Lee Nelson, are requesting approval of a two lot clustered subdivision in the Agricultural Zone called the Lee Nelson Minor Subdivision with two existing single family dwellings. The request has been reviewed by the Planning Commission and has been recommended for approval by the County Council since it meets the requirements of the Subdivision Ordinance.

**Council member Peterson moved to approve the minor subdivision. Council member Hansen seconded the motion. The vote was unanimous all members voting in favor.**

**(See Attachment #3)**

**FINAL PLAT AMENDMENT:** Meridian Meadows Subdivision:

Ralph Darley, agent for Berenece B. Darley TR, is requesting an amendment to a 3-lot minor subdivision called the Meridian Meadows Subdivision in the Agricultural Zone with three existing single family dwellings located at 5730 South, 5760 South, and 5790 South 2400 West, to include two additional lots for the construction of a single family dwelling on each lot to be located at 2287 West and 2297 West 5800 South, west of Hyrum. The request has been reviewed by the Planning Commission and has been recommended for approval by the County Council since it meets the requirements of the Subdivision Ordinance.

**(See Attachment #4)**

**Council member Beck moved to approve the amendment. Council member Robison seconded the motion. The vote was 6 Yes and 1 Abstention, (Council member Anhder abstained)**

**FINAL PLAT APPROVAL:** Sharon Poppleton Minor Subdivision:

Daniel Poppleton, agent for Dale & Robyn Nelson, Randy J. & Wendy K. Poppleton, and Sharon Poppleton, is requesting approval of a 5-lot clustered minor sub-division to be called the Sharon Poppleton Minor Sub-division with two existing family dwellings. The Planning Commission recommended approval of this 5-lot minor clustered subdivision after their September 10, 2001 meeting with the Board of Adjustment approval of two lots with no frontage on a public road.

**(See Attachment #5)**

**Council-member Beck motioned to approve the minor sub-division. Council member Petersen seconded the motion. Vote was unanimous, (7-0).**

**PUBLIC HEARING - OPEN 2001 BUDGET**

Chairman Gibbons opened the public hearing to discuss the Budget Opening. Executive Lemon reviewed the budget appropriations.

**PUBLIC COMMENT:**

Hearing no public comment, Chairman Gibbons called for a motion to close.

**Council member Yeates moved to close the public hearing. Hansen seconded the motion. The vote was unanimous all members voting in favor.**

**RESOLUTION NO. 2001-33: 2001 BUDGET ADJUSTMENTS**

**Council member Anhder moved to waive the rules and adopt Resolution No. 2001-33 regarding the 2001 Budget. Council-member Robison seconded the motion. The vote was**

○ unanimous all members voting in favor.

(See Attachment #6)

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

Council member Petersen told the Council that when the Administration Building Committee met this morning, the architects brought proposed elevations and floor plans for the new Building, which are at this point the recommendation of the Committee. Wendle Morris was going to meet with most of the Department Heads today and get their feelings in terms of where the different departments are going to be placed in the plan.

Council member Yeates questioned if there was any way that the plans could go to four levels for additional room that might be needed for future expansion? Council member Petersen responded that there was room for expansion in this building and possibly in the Court house renovation. Executive Lemon commented that the approval process had already been completed with Logan City; and part of their concern is the way this building is going to look compared to all of the other buildings in the block. This building actually ties in quit well.

The following were submitted to the Council: 1) "Preliminary Project Schedule and 2) "Cache County Government Buildings Project Budget"

(See Attachment # 7)

○ Chairman Gibbons asked if a funding proposal had been considered? Council member Petersen replied that they have talked about prevailing interest rates and some different options; however, there was no formal proposal for funding.

**RESOLUTION NO. 2001-34: CHANGE IN BUILDING PERMIT FEES**

A Resolution approving the Base Building Permit fees.

(See Attachment #8)

**Council member Yeates moved to waive the rules and approve Resolution No. 2001-34. Council member Robison seconded the motion. The vote was unanimous all members voting in favor.**

**HARDSHIP REQUEST: DISCUSSION**

It was Chairman Gibbons suggestion for the Council to review the information and if there were questions before final action is taken to contact the Auditor for verification. This will be placed on the next agenda for final action.

○ **NATIONAL GUARD ARMORY: DISCUSSION**

Chairman Gibbons explained to the Council that he placed this item on the agenda because of discussion on this item in a prior Council meeting. The Council was given a presentation and held a



Chairman Gibbons explained to the Council that he placed this item on the agenda because of discussion on this item in a prior Council meeting. The Council was given a presentation and held a workshop with Officers of the National Guard Armory regarding this matter. Also, Information regarding the revenues that could be raised from the Zap Tax has not been received from Logan City.

### Discussion:

**Craig Petersen:** Could I just have some of the basic facts on this? Now, the Guard has 5-acres of land total, is that right down there now?

**Layne Beck:** It was sold to them in the 1960's by Logan City.

**Petersen:** Okay and the building stands on about an acre; is that right?

**Lynn Lemon:** It may be a little more than that.

**Darrel Gibbons:** That includes the current parking lot.

**Petersen:** Here is my question: "As it now stands, how much of the 5-acres is either building and parking?" "Is it about 3-acres then?"

**Lemon:** No. I think it is about 2-acres. Jim do you know?

**Jim Smith:** It's about 2 ½ acres.

**Petersen:** So it's 2 ½ acres; that's what we are really talking about is 2 ½ acres of green space. That is really the issue in this case at \$800,000.00 an acre. That is the point I want to make.

**Gibbons:** I'll sell the County 10 ½-acres at that rate.

**Larry Anhder:** It is rather naive to assume the building has no cost.

**Petersen:** This issue is to preserve that land as green space will cost the City and the County \$2,000,000.00; so, basically we are spending \$800,000.00 an acre to preserve the green space.

**Anhder:** We also purchase a very usable building.

**John Hansen:** What would you do with the building? Does anyone have pressing needs?

**Anhder:** We could use it for recreational needs; it has a great basketball floor in it. The Willow Park Advisory Board has presented many times the idea of building another type of indoor meeting area down there in addition to the Cache arena. The Cache arena is basically for animal use. That would fill that need more than adequately.

**Beck:** A Zoo education building.

**Petersen:** Of course the County would assume one-half of the operation and maintenance costs on the building.

**Anhder:** There is no doubt that it would be used and there is no doubt that it is expensive.

**Hansen:** No question.

**Anhder:** It goes back partly to the three rules of real estate: Location, location, and location. This is smack dab in the middle of the premiere park for all of Northern Utah.

**Petersen:** I drove down there on Sunday just to drive around and there are some large beautiful Trees. To the North is kind of an ugly parking-lot road and some stalls, and so forth. Immediately to the East there is a shed. The spot is actually a little bit isolated. I had remembered it as being part of a large open green space but actually it is a somewhat enclosed green space with this kind of unattractive area just to the North of it. Really as I looked at it, I was less impressed by the potential of the area.

**Gibbons:** I think with the development of the Zoo there has been a conscious effort to create a natural barrier between the Armory and Willow Park and the Zoo space on the South particularly. We have had an agreement to utilize that green space for Fair purposes. Jim was that used this year or last year?

**Smith:** It was used last year.

**Gibbons:** In years past it has been used from time to time.

**Petersen:** Do we know how old the building is?

**Cory Yeates:** Thirty-five years old.

**Hansen:** The County School District used that space for a number of years for their alternative High-school site.

**Anhder:** Before the Logan Rec. Center was built it was used for basketball and volleyball. Am I the only Council member that thinks that piece of property is more valuable than the new administration building is to us? That the \$1,000,000.00 spent down there is more valuable for us right now.?

**Hansen:** Is there any possibility that we could trade properties, some North Logan property for that property?

**Anhder:** There is.

**Hansen:** That to me makes a lot more sense.

**Lemon:** The problem is we could trade properties but they want a building; they want to trade like for like.

**Beck:** We would have to build them a building and trade the building and the land.

**Gibbons:** Since our last meeting, I have thought a lot about the argument "You can buy a lot of green space for \$2,000,000.00. I think you can but I think the question is not "Can you." but "Will you?" I have some concern at this point that we could forgo purchasing this property because we could buy property much more than we can acquire there.

**Beck:** Of course we could always develop a park property out in maybe North Logan on our property up there.

**Gibbons:** You can but the \$64,000 question is just because we can "Will we?"

**Petersen:** No. The other question is that we could also not spend the money at all and save citizens those taxes, which is an equally desirable result.

Council Meeting  
9 October 2001

**Gibbons:** I'm not, Larry, personally in favor of delaying the administration building to purchase that if those were the options.

**Hansen:** People hear use talking about new jails and new administration buildings and the possibility of buying property down there; they wonder if that is all we do is spend money in here. I said: "Well, there is a lot of things out there to take a look at." That is a concern.

**Anhder:** Just as the decision we made 40-years-ago to sell that 5-acres to the National Guard, it is a fairly predictable fact that in 10, 20, or 30 years from now if we chose to not purchase that, the same will be said of us that was said of them that they lacked for-sight, that they lacked a vision, -

**Robison:** (They lacked) money.

**Anhder:** We do not lack money. It's exactly what Craig said; it's a matter of our priorities.

**Robison:** How would you do it, Larry? What's your proposal?

**Anhder:** I'd spend \$1,000,000.00 of our reserve and buy that property down there and put off our building for a year or two.

**Petersen:** For a year or two?

**Anhder:** We historically put somewhere between \$300,000.00 and \$800,000.00 into our reserves every year.

**Petersen:** Another way that I think about this too: You want to preserve Willow Park as it is. One of my top priorities is rejuvenation of downtown Logan. I see the administration building not only serving that need but we are really performing a very important need in rejuvenating downtown Logan. That to me is more important.

**Anhder:** Can you make a cogent argument that doing it now versus two years will have any material affect on the rejuvenation.

**Petersen:** Will we do it two years from now? Will the circumstances allow us to do that?

**Anhder:** We've still got the building; we'd still have an excess of \$2,000,000.00 in the reserves to do it with.

**Petersen:** Two Million dollars is only a starter on that project. Totally there is \$7,000,000.00 involved on the administration project not all of which we have to come up with but \$6,000,000.00 we have to find.

**Anhder:** See that's a project that started with \$4,000,000.00 and now it is to \$6,000,000.00.

**Perersen:** It started with \$4,000,000.00 only because we originally were just talking about the Administration Building not the Historic Court House and the way they fit together. I see that as a critical feature in really making downtown Logan look good in the future and that is just so much more important to me.

**Anhder:** It's not an "either - or." It's having them both; it's just timing them.

**Petersen:** Actually there is another problem on the timing. We have married into an agreement for the purchase of the Wilkinson Building and demolition and demolition of this building and we have agreements with the merchants. If it all falls apart, I'm not sure we wouldn't have some legal liability if we delayed the project.

**Anhder:** Your right. I'm not sure we could do it.

**Yeates:** What about Logan City? In talking with one of the Council members this past week, he indicates that there just isn't the money for \$1,000,000.00.

**Beck:** I'm not convinced that it is going to take \$2,000,000 to build them a 21,000 sq ft. building. I talked with a contractor during the week and he told me that he could build a building similar to that 21,000 sq. ft. for significantly less per square foot than what they are proposing.

**Petersen:** Add on another significant amount for parking which they have to have.

**Beck:** That is going to have to come in my opinion from their expansion plans that they already have done there.

**Lemon:** They agree. They are basically saying: "We are not going to be getting any more money and we want our whole thing - our money plus whatever it takes (to build a new building).

**Beck:** They are claiming they want 10 acres too. If we did trade property with them either at the Airport or at the North Logan property or wherever, they would get an addition 5 acres from the County and the City. They need to take that into consideration when it comes to building a parking lot.

**Lemon:** I know we can say that but they are getting pretty definite about it. They basically have said: "We want to work with you and we're willing to move but you find another location and build us a building as we have it at no expense to us.

**Yeates:** Layne, can you get this contractor to give you a ballpark estimate of what it would cost to build 21,000 ft. building so we know what we are looking at. Maybe we aren't looking at 2.1 Million dollar project.

**Beck:** That figure was thrown out to us by the Guard. They said that would involve them building it and going through all of the State requirements through DFCM, etc. We could build the building and then trade it.

**Gibbons:** It would still have to be built according to their specifications.

**Beck:** Certainly we would have to work with the Guard and fulfill their needs.

**Yeates:** If we are looking at a project that is 1.3 Million versus 2.1 Million.

**Beck:** In talking with Wendle Morris, he has managed multiple projects for the state in working with DFCM. He told me that there has been numerous time when he has just been pulling his hair out working with these architects with the State and they have all of these requirements that make no logical sense at all, (They) just add cost like crazy to the projects. They have Federal Government requirements as well. If we, the County and the City, built the building and then made the trade with the Guard then D FCM wouldn't be involved in the construction process.

**Robison:** Would the Guard be able to occupy it if it didn't meet the standards that they needed?

**Anhder:** We'd have to have building specifications that would be acceptable to them.

**Beck:** We'd have to work with the Guard.

**Robison:** But don't they have specifications that they are going to have to met to occupy the building?

**Beck:** They have space requirements and security requirements and those kinds of things but they don't have specifications that DFCM sometimes places on facilities.

**Petersen:** We probably are locked into a timetable on the Administration Building. The whole system involves changing the access of merchants to a right-of-way and the amount of time that we can do that; and to get approval from the City, that was one of the things that we had to get the merchants to agree to.

**Beck:** It would also be assuming that we would close off that access over there. If we didn't close it off and delayed it for a year or two.

**Petersen:** You can't because the building itself sits on the right-of-way. You demolish the Wilkinson Building and then you build a new building on that right-of-way right between the County Courthouse and the Wilkinson building.

**Beck:** I understand but if we delayed the construction there is no reason that we couldn't leave the access like it is until we start construction. I'm not saying I'm in favor of moving towards that; however, it is an option.

**Petersen:** What you would do is you would probably increase the cost of building the Administration Building.

**Gibbons:** Where do you want to go with this?

**Anhder:** How are we going to finance it assuming we are going to use our building authority.

**Petersen:** Private fund raising and the reserve account.

**Anhder:** I would like to see us look at it some more. Could we look at some cost figures on building a new building. Could we talk to the Guard. That is an old brick building done there. Would they be happy with a nice metal building like our Ice arena is going to be? What would it really cost us? Is there any chance that Logan City will come with us?

**Gibbons:** At this point we have not had an official response back from Logan City. Maybe the appropriate thing to do would be to ask Lynn to make that contact with Logan City.

**Anhder:** By the same token if we let out that we approved it Logan City would kind of have a hard time turning them went ahead and approved

**This item will be on the agent next time for further discussion.**

**CHAMBER OF COMMERCE TAX EXEMPT STATUS REQUEST:**

Executive Lemon ask for a postponement on this until the next meeting. He wanted to have Auditor Stones present and also wanted to invite the Chamber to be here.

**This item will be on next Agenda for discussion.**

**ORDINANCE 2001-03: CONSOLIDATION OF ELECTED OFFICES**

This ordinance is on the agenda for initial consideration and the disposition of the Council was sought at this time in regard to the consolidation of elected offices. According to the minutes of the last meeting, the Council was comfortable with the recommendations with regard to the divisions of the administration and structure.

Chairman Gibbons called for a disposition of the Council as to whether or not to proceed with the consideration of the consolidating of elected offices:

**Council member Petersen moved to table the consolidation of elected County offices. Council-member Yeates seconded the motion. The motion carried.**

**TABLE CONSOLIDATION OF ELECTED OFFICES:**

	ANHDER	BECK	GIBBONS	HANSEN	PETERSEN	ROBISON	YEATES	VOTES CAST
AYE		X	X	X	X	X	X	6
NAY	X							1
ABSTAINED								0
ABSENT								0

**ORDINANCE NO. 2001-04: CREATION OF DISTRICT ATTORNEY OFFICE**

Scott Wyatt explained to the Council how he would implement the office if the Council were to approve a District Attorney. What it would result in is to be effective after the next election. It would be approved now; there would be an election next year. Wyatt would most likely run as a candidate for the District Attorney of the prosecution district and a group of candidates would most likely run for County Attorney.

One of the concerns about the two offices is funding. Right now the County Attorney's Office has five attorneys in essence four in prosecution and one in civil. It doesn't really work exactly that way and the Attorneys are really feeling pinched. There is always a demand for more efficiency and to find ways of doing things better. In Mr. Wyatt's opinion creation of the County Attorney/District Attorney split is one method to do things more efficiently.

If there really is not a significant amount of money to make this thing work, Mr. Wyatt proposed that the Council designate the division of the County Attorney's Office by four positions for the District Attorney's Office and one position to work in the County Attorney's office. This division could be created without the addition of new people; however, it would probably cost a little bit to elevate a new elected attorney's salary.

Implementation of County Attorney/District Attorney split:

1. Currently there are five Legal Assistance. Four Legal Assistance could be assigned with the District Attorney's Office and one at the County Attorney's Office.
2. For office space until we have a new building, we all share the same space.
3. Office expenses and all those kinds of expenses will not change.

Originally it was anticipated to ask for funding for an additional person to create this split; however, it could be created without an additional person just as well. Basically the full expense would be the increase of salary from a Deputy to a County Attorney level. On the other side, it could be appropriating enough money for one additional person.

Advantages of creating this office:

1. The County Attorney would be placed with the Executive suite allowing everyone present there for an efficient Administration setup.
2. So far as Civil focus and priority, the new County Attorney would then end up being a person who ran for, campaigned for, and desired to be a Civil Attorney for the County. This council needs to be focused on having a Civil Advocate.
3. Keeping focus and not wasting time. The most successful attorney is one who becomes a specialist. By creating a County Attorney and a District Attorney those specializations are created which will result in more efficiency. It will take less time for research and training. As it is now the Elected Head must concentrate on both sides. Research has shown that Attorneys enjoy their job more when they are more focused and more specialized; they feel more confident about what they are doing and they can move through it quicker.
4. Legal conflicts can be avoided with separate offices. A lot of those conflicts could be resolved in separate offices from within.

Wyatt feels that there is not a single negative to this division. The only criticism of the proposal that has been raised is that it will cost more money. It can be done without any significant amount of cost.

The Council questioned why the Committee that studied the issue did not think that the problem of conflict of interest happened frequently enough to be a problem and why an Attorney could not be hired to work solely on Civil issues? Wyatt felt that the County Attorney's time would still be taken up supervising, working with and answering questions, because he is still ultimately responsible for the office.

**Council member Anhder left at 7:18 p.m.**

This item will be placed on the next agenda for further discussion.

**UTAH STATE UNIVERSITY HOMECOMING PARADE:**

The homecoming parade will be on Saturday the 20<sup>th</sup> of October at 10:00 a.m.

**COUNCIL MEMBER REPORTS:**

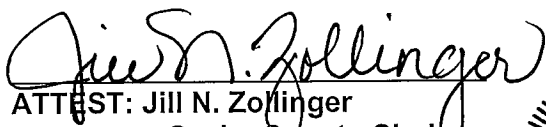
CHAIRMAN GIBBONS: Reported for Council member Anhder concerning the Water Development Commission meeting that Anhder attended today. They were discussing changing water-right laws. He is planning on representing the Council tomorrow in Provo at a Quality Growth Commission meeting. He is going to be asking for a \$12,000.00 grant to develop a strategy for farmland protection in Cache County.

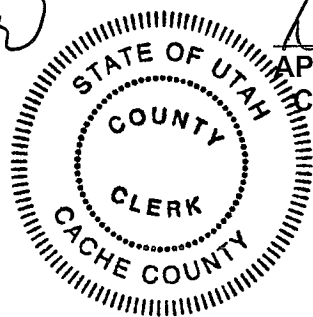
KATHY ROBISON: Kathy met with the BRAG Human Resources Committee on October 4, and there was a slight decrease in the budget of Federal entities and they are also requiring the Food Pantries to submit reports before more money will be forthcoming.


CRAIG PETERSEN: The Airport Authority Board met this morning and there were a couple of interesting things. One was the fallout from September 11, events that even small airports like ours will have to instigate greater security measures: Measures to keep people from the runway, sterile areas particularly for people who do charters, etc., areas which are completely off limits to other people as they enplane.

**ADJOURNMENT:**

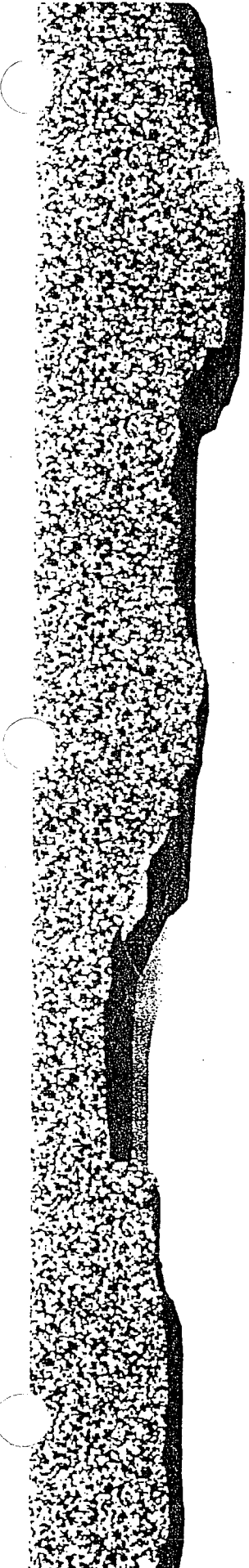
Chairman Gibbons adjourned the Council meeting at 7:22 p.m.

  
ATTEST: Jill N. Zollinger  
Cache County Clerk



  
APPROVAL: Darrel L. Gibbons  
Council Chairman

R. PARKER



# **Making TDRs Work for Small & Rural Communities**

**FOR  
APA National Conference  
New York**

**APRIL, 2000**

**Donald L. Elliott**

Clarion Associates



## TDRs in Small & Rural Areas

### *Examples*

- Blaine County, ID
- Deschutes County, OR
- Summit County, CO
- Mesa County, CO
- Routt County, CO
- Pitkin County, CO
- Boulder County/Boulder CO
- Many Pennsylvania Townships

### *New Enabling Legislation*

- Oregon
- Idaho

Clarion Associates



## TDRs in Small & Rural Areas

### *Typical Goals*

- Preservation of
  - Agricultural Lands
  - Open Space
  - Rural Character
- Reform of Antiquated Subdivisions

### *Typical Challenges*

- Very Large Sending Areas
- Small (Low Volume) Markets
- Overzoning of Rural Areas
- No Market Demand for Additional Density





## TDRs in Small & Rural Areas

### *Why Sell TDRs and Keep the Land?*

- To Keep Farming While Earning Extra Cash
- To Bring the Land Sales Price Down to a Point Where a Younger Farmer Can Afford to Buy it.
- To Keep the Farm/Land Intact for the Next Generation
- Because You Don't Intend to Develop it Anyway



## TDRs in Small & Rural Areas

### *More Informal Systems*

- Formal Systems
  - High Volume
  - Active Private Market
  - Approximate Prices Known
  
- Informal Systems
  - Few Transactions
  - Gaps Between Transactions
  - Brokered Transactions
  - More Need for Education
  - More Need for Support from Govt. or Land Trusts/Non-Profits

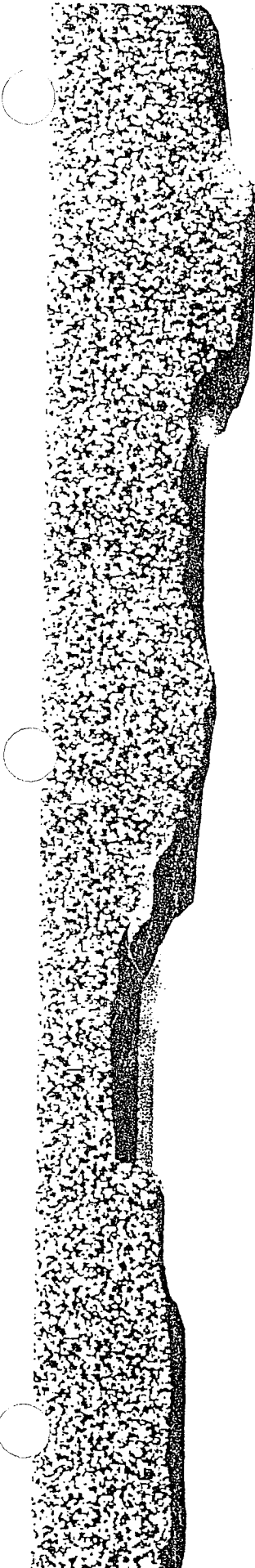


## TDRs in Small & Rural Areas

### *Conflicting Priorities*

Success Can be Undermined by:

- Incentives for
  - Clustering
  - Sensitive Land Use
  - Ridgeline/View Corridor Protection
  
- Exemptions for
  - Affordable Housing
  - Limited On-Site Development



## TDRs in Small & Rural Areas

### *Intergovernmental Systems*

- Active vs. Passive Support
- Active Support
  - City Pro-Actively Revises Zoning Text or Map to Permit More Density by Right When TDRs Are Used
- Passive Support
  - City Agrees Not to Upzone or Annex (or Subdivide) Land Unless Applicant Has Purchased Required TDRs
- The Trump Card
  - Counties Can Designate Land Just Outside the City As Receiving Areas



## TDRs in Small & Rural Areas

### *6 Ways to Screw Up*

- Ignore the Market
- Ignore Overzoning
- Ignore Real Property Values
- Don't Identify Enough Receiving Zones
- Don't Educate Realtors & Owners
- Make the System Complicated

# Current year list of parcels going thru BOE

10/6/01

Beginning Date : >= 09/28/2001 and Ending Date : <= 10/07/2001 and Freeze Year = 2001

<u>Parcel</u>	<u>Name</u>	<u>Pre board</u>	<u>Equalized</u>
03-0012	HALL, LLOYD DEAN & JUDITH ANN	111,850	103,075

Based on reappraisal recommend a total market value of \$103,075.

02-015-0002	CRANER, RANDALL A & MARYANN	343,410	315,000
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Based on fee appraisal use total market value of \$315,000.

03-137-0001	NIBLEY PARK INVESTMENTS LLC	16,500	5,000
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This parcel is a road for access to business park lots. Recommend using \$5000 total market.

03-137-0002	NIBLEY PARK INVESTMENTS LLC	24,750	5,000
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This parcel is a road for access to business park lots. Recommend using \$5000 total market.

03-137-0048	NIBLEY PARK INVESTMENTS LLC	56,232	5,000
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This parcel is common area. Use minimum value. Recommend total market value of \$5000.

03-137-0049	NIBLEY PARK INVESTMENTS LLC	43,560	5,000
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This parcel is common area. Use minimum value. Recommend total market value of \$5000.

03-158-0019	LANDMARK HOMES AND DEVELOP	26,900	26,900
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Recommend no change parcel is listed at 30% of market value.

04-116-0002	FIRST EQUITY FEDERAL INC; Coty E	18,832	18,832
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The PUD common areas are not deeded to the homeowners association. There are 3 homes on the PUD lot. The lending institution owns 87 of the 90 lots. There was a breach of contract to the homeowners association and the common areas were not deeded to the association. We need to get the county attorney over to help us with this.

04-116-0003	FIRST EQUITY FEDERAL INC	19,888	5,966
-------------	--------------------------	--------	-------

The PUD common areas are not deeded to the homeowners association. There are 3 homes on the PUD lot. The lending institution owns 87 of the 90 lots. There was a breach of contract to the homeowners association and the common areas were not deeded to the association. We need to get the county attorney over to help us with this.

04-116-0004	FIRST EQUITY FEDERAL INC	18,656	5,597
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Lots have restricted access and can't be sold with title insurance because common area's have not been deeded to home owner's association.

04-116-0005	FIRST EQUITY FEDERAL INC	18,304	5,491
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Lots have restricted access and can't be sold with title insurance because common area's have not been deeded to home owner's association.

04-116-0006	FIRST EQUITY FEDERAL INC	18,128	5,438
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Lots have restricted access and can't be sold with title insurance because common area's have not been deeded to home owner's association.

04-116-0007	FIRST EQUITY FEDERAL INC	18,128	5,438
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Lots have restricted access and can't be sold with title insurance because common area's have not been deeded to home owner's association.

# Current year list of parcels going thru BOE

10/6/01

Beginning Date : >= 09/28/2001 and Ending Date : <= 10/07/2001 and Freeze Year = 2001

<u>Parcel</u>	<u>Name</u>	<u>Pre board</u>	<u>Equalized</u>
04-116-0008	FIRST EQUITY FEDERAL INC	19,360	5,808
Lots have restricted access and can't be sold with title insurance because common area's have not been deeded to home owner's association.			
04-116-0009	FIRST EQUITY FEDERAL INC	18,304	5,491
Lots have restricted access and can't be sold with title insurance because common area's have not been deeded to home owner's association.			
04-116-0010	FIRST EQUITY FEDERAL INC	17,776	5,333
Lots have restricted access and can't be sold with title insurance because common area's have not been deeded to home owner's association.			
04-116-0011	FIRST EQUITY FEDERAL INC	17,600	5,280
Lots have restricted access and can't be sold with title insurance because common area's have not been deeded to home owner's association.			
04-116-0012	FIRST EQUITY FEDERAL INC	17,600	5,280
Lots have restricted access and can't be sold with title insurance because common area's have not been deeded to home owner's association.			
04-116-0013	FIRST EQUITY FEDERAL INC	17,600	5,280
Lots have restricted access and can't be sold with title insurance because common area's have not been deeded to home owner's association.			
04-116-0014	NORTH LOGAN CITY MUNICIPAL C	17,600	5,280
Lots have restricted access and can't be sold with title insurance because common area's have not been deeded to home owner's association.			
04-116-0015	NORTH LOGAN CITY MUNICIPAL C	17,600	5,280
Lots have restricted access and can't be sold with title insurance because common area's have not been deeded to home owner's association.			
04-116-0016	Coty Evans	17,600	5,280
Lots have restricted access and can't be sold with title insurance because common area's have not been deeded to home owner's association.			
04-116-0017	FIRST EQUITY FEDERAL INC	6,996	6,996
Unimproved lot at acreage rates. No change.			
04-116-0018	FIRST EQUITY FEDERAL INC	7,590	7,590
Unimproved lot at acreage rates. No change.			
04-116-0019	FIRST EQUITY FEDERAL INC	7,062	7,062
Unimproved lot at acreage rates. No change.			
04-116-0020	FIRST EQUITY FEDERAL INC	6,930	6,930
Unimproved lot at acreage rates. No change.			

# Current year list of parcels going thru BOE

10/6/01

Beginning Date : >= 09/28/2001 and Ending Date : <= 10/07/2001 and Freeze Year = 2001

<u>Parcel</u>	<u>Name</u>	<u>Pre board</u>	<u>Equalized</u>
04-116-0021	FIRST EQUITY FEDERAL INC	7,128	7,128
Unimproved lot at acreage rates. No change.			
04-116-0022	FIRST EQUITY FEDERAL INC	6,930	6,930
Unimproved lot at acreage rates. No change.			
04-116-0023	FIRST EQUITY FEDERAL INC	6,930	6,930
Unimproved lot at acreage rates. No change.			
04-116-0024	FIRST EQUITY FEDERAL INC	6,600	6,600
Unimproved lot at acreage rates. No change.			
04-116-0025	FIRST EQUITY FEDERAL INC	6,600	6,600
Unimproved lot at acreage rates. No change.			
04-116-0026	FIRST EQUITY FEDERAL INC	6,666	6,666
Unimproved lot at acreage rates. No change.			
04-116-0027	FIRST EQUITY FEDERAL INC	7,722	7,722
Unimproved lot at acreage rates. No change.			
04-116-0028	FIRST EQUITY FEDERAL INC	6,798	6,798
Unimproved lot at acreage rates. No change.			
04-116-0029	FIRST EQUITY FEDERAL INC	6,534	6,534
Unimproved lot at acreage rates. No change.			
04-116-0030	FIRST EQUITY FEDERAL INC	6,600	6,600
Unimproved lot at acreage rates. No change.			
04-116-0031	FIRST EQUITY FEDERAL INC	6,600	6,600
Unimproved lot at acreage rates. No change.			
04-116-0032	FIRST EQUITY FEDERAL INC	7,326	7,326
Unimproved lot at acreage rates. No change.			
04-116-0033	FIRST EQUITY FEDERAL INC	7,326	7,326
Unimproved lot at acreage rates. No change.			



# Current year list of parcels going thru BOE

10/6/01

Beginning Date : >= 09/28/2001 and Ending Date : <= 10/07/2001 and Freeze Year = 2001

<u>Parcel</u>	<u>Name</u>	<u>Pre board</u>	<u>Equalized</u>
04-116-0034	FIRST EQUITY FEDERAL INC	7,524	7,524
Unimproved lot at acreage rates. No change.			
04-116-0035	FIRST EQUITY FEDERAL INC	7,458	7,458
Unimproved lot at acreage rates. No change.			
04-116-0036	FIRST EQUITY FEDERAL INC	7,326	7,326
Unimproved lot at acreage rates. No change.			
04-116-0037	FIRST EQUITY FEDERAL INC	6,600	6,600
Unimproved lot at acreage rates. No change.			
04-116-0038	FIRST EQUITY FEDERAL INC	6,666	6,666
Unimproved lot at acreage rates. No change.			
04-116-0039	FIRST EQUITY FEDERAL INC	6,798	6,798
Unimproved lot at acreage rates. No change.			
04-116-0040	FIRST EQUITY FEDERAL INC	6,534	6,534
Unimproved lot at acreage rates. No change.			
04-116-0041	FIRST EQUITY FEDERAL INC	7,722	7,722
Unimproved lot at acreage rates. No change.			
04-116-0042	FIRST EQUITY FEDERAL INC	7,590	7,590
Unimproved lot at acreage rates. No change.			
04-116-0043	FIRST EQUITY FEDERAL INC	6,930	6,930
Unimproved lot at acreage rates. No change.			
04-116-0044	FIRST EQUITY FEDERAL INC	6,864	6,864
Unimproved lot at acreage rates. No change.			
04-116-0045	FIRST EQUITY FEDERAL INC	7,062	7,062
Unimproved lot at acreage rates. No change.			
04-116-0046	FIRST EQUITY FEDERAL INC	6,600	6,600
Unimproved lot at acreage rates. No change.			

# Current year list of parcels going thru BOE

10/6/01

Beginning Date : >= 09/28/2001 and Ending Date : <= 10/07/2001 and Freeze Year = 2001

<u>Parcel</u>	<u>Name</u>	<u>Pre board</u>	<u>Equalized</u>
04-116-0047	FIRST EQUITY FEDERAL INC	6,600	6,600
Unimproved lot at acreage rates. No change.			
04-116-0048	FIRST EQUITY FEDERAL INC	7,128	7,128
Unimproved lot at acreage rates. No change.			
04-116-0049	FIRST EQUITY FEDERAL INC	6,798	6,798
Unimproved lot at acreage rates. No change.			
04-116-0050	FIRST EQUITY FEDERAL INC	6,534	6,534
Unimproved lot at acreage rates. No change.			
04-116-0051	FIRST EQUITY FEDERAL INC	6,666	6,666
Unimproved lot at acreage rates. No change.			
04-116-0052	FIRST EQUITY FEDERAL INC	6,600	6,600
Unimproved lot at acreage rates. No change.			
04-116-0053	FIRST EQUITY FEDERAL INC	6,666	6,666
Unimproved lot at acreage rates. No change.			
04-116-0054	FIRST EQUITY FEDERAL INC	6,600	6,600
Unimproved lot at acreage rates. No change.			
04-116-0055	FIRST EQUITY FEDERAL INC	6,666	6,666
Unimproved lot at acreage rates. No change.			
04-116-0056	FIRST EQUITY FEDERAL INC	6,666	6,666
Unimproved lot at acreage rates. No change.			
04-116-0057	FIRST EQUITY FEDERAL INC	6,600	6,600
Unimproved lot at acreage rates. No change.			
04-116-0058	FIRST EQUITY FEDERAL INC	6,666	6,666
Unimproved lot at acreage rates. No change.			
04-116-0059	FIRST EQUITY FEDERAL INC	6,600	6,600
Unimproved lot at acreage rates. No change.			

# Current year list of parcels going thru BOE

10/6/01

Beginning Date : >= 09/28/2001 and Ending Date : <= 10/07/2001 and Freeze Year = 2001

<u>Parcel</u>	<u>Name</u>	<u>Pre board</u>	<u>Equalized</u>
05-0060	FIRST EQUITY FEDERAL INC	6,996	6,996
Unimproved lot at acreage rates. No change.			
04-116-0061	Coty Evans	6,534	6,534
Unimproved lot at acreage rates. No change.			
04-116-0062	Coty Evans	6,600	6,600
Unimproved lot at acreage rates. No change.			
04-116-0063	Coty Evans	6,930	6,930
Unimproved lot at acreage rates. No change.			
04-116-0064	Coty Evans	6,996	6,996
Unimproved lot at acreage rates. No change.			
04-116-0065	Coty Evans	7,326	7,326
Unimproved lot at acreage rates. No change.			
04-116-0066	NORTH LOGAN CITY MUNICIPAL C	6,996	6,996
Unimproved lot at acreage rates. No change.			
04-116-0067	Coty Evans	19,184	5,755
Lots have restricted access and can't be sold with title insurance because common area's have not been deeded to home owner's association.			
04-116-0068	NORTH LOGAN CITY MUNICIPAL C	6,666	6,666
Unimproved lot at acreage rates. No change.			
04-116-0069	FIRST EQUITY FEDERAL INC	18,128	5,438
Lots have restricted access and can't be sold with title insurance because common area's have not been deeded to home owner's association.			
04-116-0070	PIERCE, BRADY	180,184	180,184
Lots have restricted access and can't be sold with title insurance because common area's have not been deeded to home owner's association. Issue cancellation for adjustment of lot value.			
04-116-0071	FIRST EQUITY FEDERAL INC	17,952	5,386
Lots have restricted access and can't be sold with title insurance because common area's have not been deeded to home owner's association.			
04-116-0072	FIRST EQUITY FEDERAL INC	17,600	5,280
Lots have restricted access and can't be sold with title insurance because common area's have not been deeded to home owner's association.			

# Current year list of parcels going thru BOE

10/6/01

Beginning Date : >= 09/28/2001 and Ending Date : <= 10/07/2001 and Freeze Year = 2001

<u>Parcel</u>	<u>Name</u>	<u>Pre board</u>	<u>Equalized</u>
04-116-0074	FIRST EQUITY FEDERAL INC	17,776	17,776
Lots have restricted access and can't be sold with title insurance because common area's have not been deeded to home owner's association.			
04-116-0075	NORTH LOGAN CITY MUNICIPAL C	17,600	5,280
Lots have restricted access and can't be sold with title insurance because common area's have not been deeded to home owner's association.			
04-116-0076	FIRST EQUITY FEDERAL INC	6,600	6,600
Unimproved lot at acreage rates. No change.			
04-116-0077	FIRST EQUITY FEDERAL INC	6,666	6,666
Unimproved lot at acreage rates. No change.			
04-116-0078	FIRST EQUITY FEDERAL INC	6,468	6,468
Unimproved lot at acreage rates. No change.			
04-116-0079	FIRST EQUITY FEDERAL INC	6,666	6,666
Unimproved lot at acreage rates. No change.			
04-116-0080	FIRST EQUITY FEDERAL INC	6,468	6,468
Unimproved lot at acreage rates. No change.			
04-116-0081	FIRST EQUITY FEDERAL INC	6,732	6,732
Unimproved lot at acreage rates. No change.			
04-116-0082	FIRST EQUITY FEDERAL INC	6,600	6,600
Unimproved lot at acreage rates. No change.			
04-116-0083	FIRST EQUITY FEDERAL INC	6,600	6,600
Unimproved lot at acreage rates. No change.			
04-116-0084	FIRST EQUITY FEDERAL INC	6,600	6,600
Unimproved lot at acreage rates. No change.			
04-116-0085	FIRST EQUITY FEDERAL INC	6,600	6,600
Unimproved lot at acreage rates. No change.			
04-116-0086	FIRST EQUITY FEDERAL INC	6,666	6,666
Unimproved lot at acreage rates. No change.			

# Current year list of parcels going thru BOE

10/6/01

Beginning Date : >= 09/28/2001 and Ending Date : <= 10/07/2001 and Freeze Year = 2001

<u>Parcel</u>	<u>Name</u>	<u>Pre board</u>	<u>Equalized</u>
04-116-0087	FIRST EQUITY FEDERAL INC	6,534	6,534

Unimproved lot at acreage rates. No change.

04-116-0088	FIRST EQUITY FEDERAL INC	6,666	6,666
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Unimproved lot at acreage rates. No change.

04-116-0089	FIRST EQUITY FEDERAL INC	6,534	6,534
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Unimproved lot at acreage rates. No change.

04-116-0090	FIRST EQUITY FEDERAL INC	6,666	6,666
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Unimproved lot at acreage rates. No change.

04-116-0099	PHILLIPS DEVELOPMENT L C	60,990	366,908
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Assessor correction ordered by the Board of Equalization. Increase value on common area's of Aspen Meadows P.U.D. due to this parcel not in control of homeowners association and negatively affects values of P.U.D. lots. Recommend total value of \$366,908.

04-140-0033	MALOUF, JAMES T	49,280	28,000
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The City of North Logan and the owner are trying to reach agreement on a water tank to service this subdivision. This property is on at full value. The lots have all the surface improvements but not water. Recommend putting 70% value until the water is in for the subdivision lots. There are also some subjective restrictions with non buildable area on the lots. This lot will sell for \$40,000. Recommend using a market value of \$28,000. which is 70% of market until the water is in.

04-140-0038	NIELSON, MATT R	55,798	39,059
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The City of North Logan and the owner are trying to reach agreement on a water tank to service this subdivision. This property is on at full value. The lots have all the surface improvements but not water. Recommend putting 70% value until the water is in for the subdivision lots. Present worth on the land is no value, no permits will be issued due to the lack of water. There are also some subjective restrictions on the lots.

04-140-0040	NIELSON, MATT R	57,200	40,040
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The City of North Logan and the owner are trying to reach agreement on a water tank to service this subdivision. This property is on at full value. The lots have all the surface improvements but not water. Recommend putting 70% value until the water is in for the subdivision lots. There are also some subjective restrictions with non buildable area on the lots. This lot will sell for \$57,200. Recommend using a market value of \$40,040. which is 70% of market until the water is in.

09-062-0002	Monte Frandsen	48,703	47,703
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The home is salvage and will be removed. Recommend reducing market value to \$47,703.

16-109-0052	BOURGEOUS, KEITH W & SUSAN L	45,100	45,100
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The property was removed from greenbelt for 2001. The appraiser has been to the property several times this summer. The parcel has been fenced July 18, 2001. Booth Pasture Rental has a lease and then there is a sub-lease to Mr. Adams. There were no animals at the 2nd visit in September. Ray Thorson went up last Monday, 9/24/01, and there were some horses. The purchase was in year 1997. The first year (1998) the property was heavily grazed, the 2nd year (1999) was used by someone else. Last year (2000) because of the drought there was no feed to graze the animals on. Chournas indicated that they had not grazed this area for 3 years. There is water on the land now. The appraiser doesn't think the 2 year history of use and the 50% expected gross product has been met. Recommend no change in the status. The county attorney's office has reviewed Stitching Mayflowers case is not applicable and the applicable law is found in U.C.A. 59-2-503 wherein a waiver can be granted upon the proper procedure and request to the State Tax Commission Utah Code Ann. 59-2-503 sub 5.

**Board of Equalization Value Changes**

Date range printed: September 1, 2000 to September 27, 2000

This listing was approved by the Cache County Council, acting as the Board of Equalization on the 26th day of September, 2000.

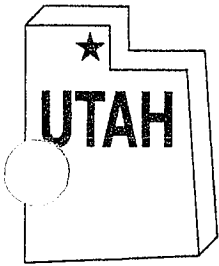
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Darrel L. Gibbons, Chairman

ATTEST:

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Tamra Stones, Clerk Board of Equalization  
Dated: 26 September 2000



# Cache County Corporation

LORENE GREENHALGH  
Zoning Administrator  
(435) 716-8350

179 North Main, Room 210  
Logan, Utah 84321

## MEMORANDUM

TO: Cache County Council

FROM: Lorene Greenhalgh, Zoning Administrator

DATE: September 18, 2001

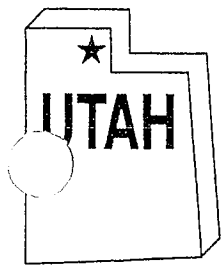
SUBJECT: Subdivision Approval Requests

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Lee Nelson, agent for himself and Ryan Lee Nelson, is requesting approval of a two-lot clustered minor subdivision in the Agricultural Zone called the Lee Nelson Minor Subdivision with two existing single family dwellings—one located on .5 acre at 10345 South and the other on 1.13 acre at 10375 South Highway 165—and with a remainder parcel of 22.244 acres to remain in agriculture and not eligible for a single family dwelling, south of Paradise.

Ralph Darley, agent for Berenece B. Darley TR, is requesting an amendment to a 3-lot minor subdivision called the Meridian Meadows Subdivision in the Agricultural Zone with three existing single family dwellings located at 5730 South, 5760 South, and 5790 South 2400 West, to include two additional lots for the construction of a single family dwelling on each lot to be located at 2287 West and 2297 West 5800 South, west of Hyrum.

The two requests have been reviewed by the Planning Commission and have been recommended for approval by the County Council since they meet the requirements of the Cache County Subdivision Ordinance.



# Cache County Corporation

LORENE GREENHALGH  
Zoning Administrator  
(435) 716-8350

179 North Main, Room 210  
Logan, Utah 84321

## MEMORANDUM

TO: Cache County Council

FROM: Lorene Greenhalgh, Zoning Administrator

DATE: September 18, 2001

SUBJECT: Subdivision Approval Requests

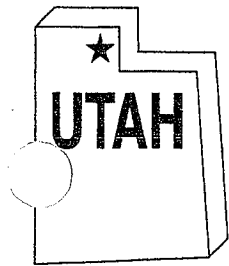
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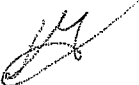
# Cache County Corporation

LORENE GREENHALGH  
Zoning Administrator  
(435) 716-8350

179 North Main, Room 210  
Logan, Utah 84321

## MEMORANDUM

TO: Cache County Council

FROM: Lorene Greenhalgh, Zoning Administrator 

DATE: September 28, 2001

SUBJECT: Sharon Poppleton Minor Subdivision Final Plat Approval  
Lee Nelson Minor Subdivision Final Plat Approval  
Meridian Meadows Subdivision Amendment

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Daniel Poppleton, agent for Dale & Robyn Nelson, Randy J. & Wendy K. Poppleton, and Sharon Poppleton, is requesting approval of a 5-lot clustered minor subdivision to be called the Sharon Poppleton Minor Subdivision with two existing single family dwellings located at 5890 South 3200 West and 3135 West 5880 South and for the construction of 3 additional single family dwellings to be located at 5870 South 3200 West and 3161 West and 3105 West 5880 South, and with a remainder parcel of 33.19 acres to be preserved for agricultural use and open space in perpetuity, Mt. Sterling.

The Planning Commission recommended approval of this 5-lot minor clustered subdivision after their 10 September 2001 meeting with Board of Adjustment approval of two lots with no frontage on a public road.

It is also requested that the Council act on the Final Plat Approval of the Lee Nelson Minor Subdivision and the Amendment to the Meridian Meadows Subdivision.

RESOLUTION NO. 2001- 33

**A RESOLUTION INCREASING THE BUDGET APPROPRIATIONS FOR CERTAIN COUNTY DEPARTMENTS.**

The Cache County Council, in a duly convened meeting, pursuant to Sections 17-36-22 through 17-36-26, Utah Code Annotated, 1953 as amended, finds that certain adjustments to the Cache County budget for 2001 are reasonable and necessary; that the said budget has been reviewed by the County Auditor with all affected department heads; that a duly called hearing has been held and all interested parties have been given an opportunity to be heard; that all County Council has given due consideration to matters discussed at the public hearing and to any revised estimates of revenues; and that it is in the best interest of the County that these adjustments be made.

NOW THEREFORE, it is hereby resolved that:

Section 1.

The following adjustments are hereby made to the 2001 budget for Cache County:

**see attached**

Section 2.

Other than as specifically set forth above, all other matters set forth in the said budget shall remain in full force and effect.

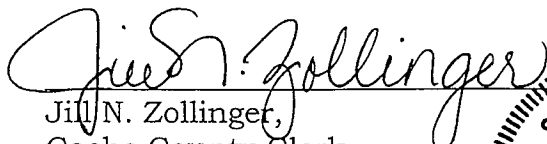
Section 3.

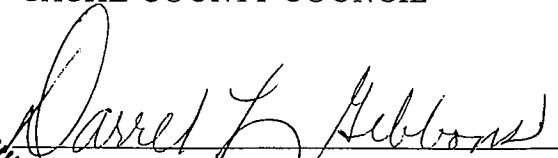
This resolution shall take effect immediately upon adoption and the County Auditor and other county officials are authorized and directed to act accordingly.

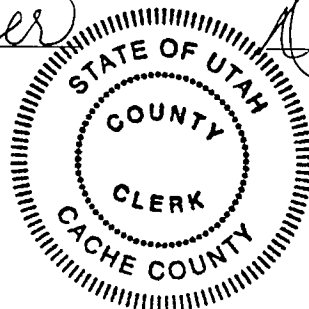
This resolution was duly adopted by the Cache County Council on the 9th day of October, 2001.

ATTESTED TO:

CACHE COUNTY COUNCIL

  
Jill N. Zollinger,  
Cache County Clerk

  
Darrel L. Gibbons, Chairman



FUND 10 GENERAL FUND REVENUES

ACCOUNT	DESCRIPTION	Current Budget	Recommended		Amended Budget	Reason for Change
			Increase DEBIT	Increase CREDIT		
10-33-10000	Fed Grants - Cops Fast	-	(135)	(135)		Final Cops-Fast payment
10-33-12100	FEMA -WMD Grant	-	(25,250)	(25,250)		Weapons of Mass Distraction Grant
10-33-12200	FEMA - Search & Rescue	-	(3,322)	(3,322)		Search & Rescue Grant State of Utah
10-33-71000	Logan City Schools - contract for 21st Centur	-	(11,128)	(11,128)		After School 4-H program coordinator
10-34-23000	Jail Fees	(11,450)	(3,000)	(14,450)		Adjust to actual receipts
10-34-36000	Haz/ Materials Cleanup/ 100% Reimb Fires	(1,000)	(23,000)	(24,000)		Adjust to actual costs
10-36-70000	County Fair Fees	(37,000)	(667)	(37,667)		Adjust to actual receipts
10-36-73000	Rodeo Ticket Sales	(32,000)	2,805	(29,195)		Adjust to actual receipts
10-36-90000	Sundry Revenue	(80,200)	(59,122)	(139,322)		Closed pot's previous year
	TOTAL REVENUES		2,805	(125,624)	(122,819)	

FUND 10 GENERAL FUND EXPENDITURES

ACCOUNT	DESCRIPTION	Current Budget	Recommended		Amended Budget	Reason for Change
			Increase DEBIT	Increase CREDIT		
10-4125-200	Sanity Exams	7,500	1,000		8,500	To meet expected costs
10-4126-310	Public Defender	190,000	36,197		226,197	To meet expected costs
10-4142-250	Clerk - equipment supp & maint	1,100	1,122		2,222	To meet expected costs
10-4144-311	Recorder - software & support	7,450	1,177		8,627	OTG imaging software upgrade & support & license
10-4144-740	Recorder - Equipment	6,000		(1,177)	4,823	
10-4170-200	Elections - equip, supp & services	7,200	11,800		19,000	ES&S maint & voter booths, transfer cases, votamatics, ballot boxes
10-4210-251	Sheriff - Equipment under \$1000	3,200	3,509		6,709	Transfer to buy equipment under capitalization amount
10-4210-740	Sheriff - Equipment	60,800		(3,509)	57,291	Transfer to buy equipment under capitalization amount
10-4220-631	Other Fire 100% reimbursable	1,000	23,000		24,000	
10-4255-615	Emergency Mgmt - Search & Rescue Operati	5,000	3,322		8,322	Reimbursement for Search & Rescue operations
10-4255-741	Equipment Grant -WMD	-	25,250		25,250	New grant program - due to 2002 Olympics
10-4610-120	Extension - temp employee	3,800	10,358		14,158	After School 4-H program coordinator
10-4610-130	Extension - benefits	8,119	770		8,889	After School 4-H program coordinator
10-4960-620	Sundry Insurance Claims	10,000	10,000		20,000	
	Totals		127,505	(4,686)	122,819	
	Net adjustment					

FUND 20 MUNICIPAL SERVICES FUND REVENUES

ACCOUNT	DESCRIPTION	Current Budget	Recommended decrease DEBIT	Recommended increase CREDIT	Amended Budget	Reason for Change
20-34-13000	Zoning Fees	(23,000)		(1,000)	(24,000)	Estimated revenues to year end
	Totals			(1,000)	(1,000)	

FUND 20 MUNICIPAL SERVICES FUND EXPENDITURES

ACCOUNT	DESCRIPTION	Current Budget	Recommended Increase DEBIT	Recommended Decrease CREDIT	Amended Budget	Reason for Change
20-4180-220	Zoning - public notices	3,500	1,000		4,500	estimated costs to year end
20-4210-251	MSF- Sheriff - Equip under \$1000	-	2,703		2,703	Transfer to buy equipment under capitalization amount
20-4210-510	MSF- Sheriff - Insurance	3,553	1,323		4,876	To cover budget overage
20-4210-740	MSF-Sheriff - Equipment	48,000		(4,026)	43,974	Transfer to buy equipment under capitalization amount
	Totals		5,026	(4,026)	1,000	
	Net adjustment					

FUND 23 TRAVEL COUNCIL FUND REVENUES

ACCOUNT	DESCRIPTION	Current Budget	Recommended Decrease DEBIT	Recommended Increase CREDIT	Amended Budget	Reason for Change
23-33-50000	State Matching Grant - Utah Travel Council	-		(6,000)	(6,000)	Olympics Grant
23-33-51000	State Matching Grant - Utah State Legislature	-		(3,272)	(3,272)	Olympics Grant - Banners
	Totals			(9,272)	(9,272)	
	Net adjustment					

FUND 23 TRAVEL COUNCIL FUND EXPENDITURES

ACCOUNT	DESCRIPTION	Current Budget	Recommended Increase DEBIT	Recommended Decrease CREDIT	Amended Budget	Reason for Change
23-4780-230	Travel/Mileage	3,600	1,000		4,600	Transfer to meet expected costs
23-4780-240	Office Expense & supplies	2,700	1,000		3,700	Transfer to meet expected costs
23-4780-250	Equipment supplies & maint	1,200	500		1,700	Transfer to meet expected costs
23-4780-280	Telephone	7,000		(2,000)	5,000	Transfer to meet expected costs
23-4780-290	Rent	9,450	2,550		12,000	Transfer to meet expected costs
23-4780-480	Brochures, maps & printing	25,000		(12,800)	12,200	Transfer to meet expected costs
23-4780-490	Advertising & Promotions	84,205	5,000		89,205	Transfer to meet expected costs
23-4780-620	Misc Contract Services	8,000		(2,550)	5,450	Transfer to meet expected costs
23-4780-670	Items for resale	5,000	2,500		7,500	Transfer to meet expected costs
23-4780-680	Olympics Grant	-	13,072		13,072	Olympic Banners grant- (community support)
23-4780-740	Equipment	3,900			3,900	Transfer to meet expected costs
23-4780-920	Contributions to other units	3,900	1,000		4,900	Transfer to meet expected costs
	Totals		26,622	(17,350)	9,272	
	Net adjustment					

FUND 26 RESTAURANT TAX FUND REVENUES

ACCOUNT	DESCRIPTION	Recommended			Reason for Change	
		Current Budget	Increase DEBIT	Decrease CREDIT		
26-31-31000	Restaurant Taxes	(539,000)		(27,000)	(566,000)	To meet expected revenues
26-38-90000	Appropriated Surplus	-		(20,000)	(20,000)	To meet expected expenditures
	Totals			(47,000)	(47,000)	
	Net adjustment					

FUND 26 RESTAURANT TAX FUND EXPENDITURES

ACCOUNT	DESCRIPTION	Recommended			Reason for Change	
		Current Budget	Increase DEBIT	Decrease CREDIT		
26-4780-620	Misc Services	539,000	47,000	-	586,000	to meet expected expenses & add C.V. Cruise-In project
	Totals		47,000		47,000	
	Net adjustment					

FUND 27 CACHE PLANNING & DEVELOPMENT FUND REVENUES

ACCOUNT	DESCRIPTION	Recommended			Reason for Change	
		Current Budget	Increase DEBIT	Decrease CREDIT		
27-36-90000	Sundry Revenue	(500)		(2,510)	(3,010)	APA Conference reimb & closed P.O. from 2000
	Totals			(2,510)	(2,510)	
	Net adjustment					

FUND 27 CACHE PLANNING & DEVELOPMENT FUND EXPENDITURES

ACCOUNT	DESCRIPTION	Recommended			Reason for Change	
		Current Budget	Increase DEBIT	Decrease CREDIT		
27-4181-290	Rent	1,100	1,300		2,400	To make rent account whole from transfer for APA conference
27-4181-620	Misc Services	1,800	1,210		3,010	To reappropriate funds from closed P.O.
	Totals		2,510		2,510	
	Net adjustment					

FUND 40 Capital Projects Fund Expenditures

ACCOUNT	DESCRIPTION	Recommended			Reason for Change	
		Current Budget	Increase DEBIT	Decrease CREDIT		
40-4982-724	Improvements 179 No Main	20,000		(4,000)	16,000	transfer to purchase water shares from Hyde Park Irrig Co.
40-4980-711	No Park property-18 1/3 shares water	-	4,000		4,000	Water shares purchased for North Logan Hyde Park property
	Totals		4,000	(4,000)	-	
	Net adjustment					

# Preliminary Project Schedule

30 September 2001

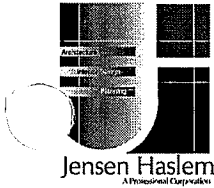
Task Description	Revised Date
Complete programming phase (in progress)	1-5 October 2001
Admin Building schematic design	14 September – 12 October 2001
Parking and landscape schematic design	14 September – 12 October 2001
Historic Courthouse schematic design	14 September – 12 October 2001
Post office anticipated move	12 October 2001
All Projects schematic design review and approval	12-18 October 2001
Admin Building design development	19 October-1 November 2001
Admin Building design development review and approval	2-8 November 2001
Admin Building construction documents	9 November 2001– 10 January 2002
Admin building 1 <sup>st</sup> intermediate construction document review	26-30 November 2001
Admin Building 2 <sup>nd</sup> intermediate construction document review	10-13 December 2001
Parking and landscape design development	17-30 December 2001
Parking and landscape design development review	3-15 Dec – 3 Jan 2002
Admin Building construction document review and approval	7-10 January 2002
Admin Building print bid documents/ready for distribution	11 January 2002
Admin Building bidding period – plans to bidders	15 January 2002
Admin Building bid opening (2 pm preferred)	5 February 2002
Historic Courthouse design development	6 February – 4 April 2002
Admin Building Contract review and approval	6-15 Feb 2002
Admin Building Award contract	19 Feb 2002
Admin Building contractor mobilization and construction start	1-7 Mar 2002
Historic Courthouse design development review	5-11 Mar 2002
Parking and landscape construction documents	15 Mar-12 Apr 2002
Historic Courthouse construction documents	12 Apr 2002-17 May 2003
District court complex anticipated move	1 Apr 2003
Admin Building substantial completion	2 Apr 2003
Admin Building furnishings installation	2-30 Apr 2003
Existing District Court demolition drawings	12-17 Apr 2002
Parking and landscape construction document review and approval	15-17 Apr 2002
Parking and landscape award/extend contract	18 Apr 2003
Existing District Court demolition drawing review, state permits	18 Apr 2003
Admin Building occupancy and closeout. Begin warranty period.	1 May 2003
Existing district court demolition	1-15 May 2003
Vacate Historic Courthouse	1-15 May 2003
Historic Courthouse demolition	16-30 May 2003
Parking and landscape construction	15 May – 15 Aug 2003
Historic Courthouse document review and approval, state permits	1 June 2003
Historic Courthouse award/extend contract	15 June 2003
Historic Courthouse demolition	1 July 2003
Parking and landscape partial substantial completion	16 Aug 2003
Historic Courthouse renovation	16 Aug 2003 – 16 Aug 2004
Historic Courthouse furnishings installation	17 Aug-1 Sept 2004
Historic Courthouse occupancy and closeout. Begin warranty period.	1 Sept 2004
Landscape at Historic Courthouse	16 Aug – 30 Sep 2004
All projects final substantial and closeout. Begin L/S warranty period.	1 October 2004

Thomas C Jensen, AIA  
 Bruce D Haslem, AIA  
 Donald T. Finlayson, AIA, ACHA  
 Brent Hardcastle, AIA  
 Jon A Erdman, AIA  
 Lanny B Herron, AIA  
 Kris Bown, AIA  
 David L. Cassil, AIA  
 Jack E. Madsen, AIA  
 Scott A. Larkin, AIA

Logan Office  
 Salt Lake Office

135 North Main  
 Logan, Utah 84321  
 Voice 435.753.2141  
 Fax 435.752.4160

E-mail:  
 lherron@jensenhaslem.com



Project Budget

**Cache County Government Buildings Project**

28 September 2001

Task/Phase	Bldg Budget	Contingency	Fees	Total
<b>1</b>				
<b>Wilkinson building</b>				
(asbestos survey and abatement not included)				
Demolition	\$40,000			
Dump fees	\$30,000			
Engineered fill	\$6,000			
Phase 1 totals	\$76,000		\$3,000	\$79,000
Purchase cost of Wilkinson Building				\$300,000
<b>2</b>				
<b>Cache County Government Building</b>				
Construction cost	\$3,200,000			
Construction consultant fees			232,000	
(fixed amount based on 7 1/4 %)				
Furnishings budget* <sup>2</sup> and consult fee	\$275,000		\$27,500	
(fixed fee amount based on 10%)				
Construction testing services	\$30,000			
Reimbursables - printing, etc.			25,000	
Construction contingency @ 5.2%		\$167,000		
(5.2% of building cost)				
Phase 2 totals	\$3,505,000	\$167,000	\$284,500	\$3,956,500
<b>3</b>				
<b>Demolition of district court/county office</b>				
Asbestos survey	\$4,500			
(asbestos abatement not included)**				
Consultant fees			\$3,500	
Demolition	\$40,000			
Dump fees	\$60,000			
Asbestos removal	\$50,000			
Phase 3 totals	\$154,500		\$3,500	\$158,000

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4

**Parking renovation and landscape**

Parking and landscaping (based on 228533 sf @ \$2.00/sf)	\$457,066			
Consultant fees			\$27,424	
Geo-tech investigation/topo survey	\$9,750			
Construction contingency @ 3.9%		\$17,853		
Phase 4 totals	\$466,816	\$17,853	\$27,424	\$512,093

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**Historic Court House**

Asbestos survey	\$4,500			
Asbestos removal	\$50,000			
Demolition	\$75,000			
Adaptive reuse/renovation	\$1,550,000			
Consultant fees (hrly not to exceed - based on 8 3/4%)			\$142,188	
Construction testing services	\$10,000			
Reimbursables - printing, etc.			\$10,000	
Construction contingency @ 10.2%		\$158,312		
Phase 5 total	\$1,689,500	\$158,312	\$152,188	\$2,000,000

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6

**Historic Court House furnishings**

Furnishings	\$200,000		\$20,000	
Phase 6 totals	\$200,000		\$20,000	\$220,000

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7

**Project Management**

Project Manager			\$60,000	\$60,000
Project totals	\$6,091,816	\$343,165	A/E PM \$490,612	\$6,985,593
Wilkinson Building Purchase			\$60,000	\$300,000
Total with Wilinon Purchase				\$7,285,593

\* Historic Court House budget may adjust based on donations received.

\* Furnishings assumes reuse of some furniture.

\* Does not include Owners property insurance, financing, or bond costs.



CACHE COUNTY

RESOLUTION NO. 2001-34

**A RESOLUTION APPROVING THE BASE BUILDING PERMIT FEES**

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 increase in base building permit fees have been met; and, therefore, that the proposal filed by the Cache County Building Inspection Department 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 Cache County Building Inspection Department for the increase of the base building permit fees:

SEE EXHIBIT TABLE "1A- Building Permit Fees" ATTACHED

is hereby approved.

This resolution shall become effective immediately upon adoption.

DATED this 9th day of October, 2001

CACHE COUNTY COUNCIL:

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

ATTEST TO:

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

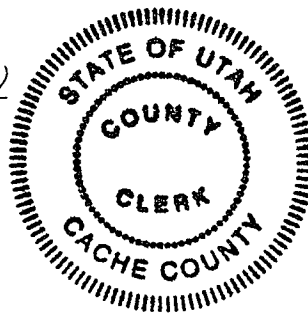


TABLE 1-A—BUILDING PERMIT FEES

TOTAL VALUATION	FEE
\$1,000 to \$500,000	\$23.50
\$501.00 to \$2,000.00	\$23.50 for the first \$500.00 plus \$3.05 for each additional \$100.00, or fraction thereof, to and including \$2,000.00
\$2,001.00 to \$25,000.00	\$69.25 for the first \$2,000.00 plus \$14.00 for each additional \$1,000.00, or fraction thereof, to and including \$25,000.00
\$25,001.00 to \$50,000.00	\$391.75 for the first \$25,000.00 plus \$10.10 for each additional \$1,000.00, or fraction thereof, to and including \$50,000.00
\$50,001.00 to \$100,000.00	\$643.75 for the first \$50,000.00 plus \$7.00 for each additional \$1,000.00, or fraction thereof, to and including \$100,000.00
\$100,001.00 to \$500,000.00	\$993.75 for the first \$100,000.00 plus \$5.60 for each additional \$1,000.00, or fraction thereof, to and including \$500,000.00
\$500,001.00 to \$1,000,000.00	\$3,233.75 for the first \$500,000.00 plus \$4.75 for each additional \$1,000.00, or fraction thereof, to and including \$1,000,000.00
\$1,000,001.00 and up	\$5,608.75 for the first \$1,000,000.00 plus \$3.65 for each additional \$1,000.00, or fraction thereof
<b>Other Inspections and Fees:</b>	
1. Inspections outside of normal business hours (minimum charge—two hours)	\$47.00 per hour <sup>1</sup>
2. Reinspection fees assessed under provisions of Section 305.8	\$47.00 per hour <sup>1</sup>
3. Inspections for which no fee is specifically indicated (minimum charge—one-half hour)	\$47.00 per hour <sup>1</sup>
4. Additional plan review required by changes, additions or revisions to plans (minimum charge—one-half hour)	\$47.00 per hour <sup>1</sup>
5. For use of outside consultants for plan checking and inspections, or both	Actual costs <sup>2</sup>

<sup>1</sup>Or the total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.

<sup>2</sup>Actual costs include administrative and overhead costs.