

CACHE COUNTY COUNCIL MEETING
May 14, 2002

The Cache County Council convened in a regular session on May 14, 2002 in the Cache County Council Chamber at 120 North 100 West, Logan, Utah.

ATTENDANCE:

Chairman: C. Larry Anhder
Vice Chairman: Layne M. Beck
Council Members: Darrel L. Gibbons, John Hansen, H. Craig Petersen, Kathy Robison, and Cory Yeates.
County Executive: M. Lynn Lemon
County Clerk: Jill N. Zollinger

The following individuals were also in attendance: Charles Batten, Brian Chambers, Tamara Chambers, Linda Evans, Brent Ferrin, Kim Gardner, Lorene Greenhalgh, Assessor Kathleen Howell, Tom Jensen, Sherry Lowery, Nancy Lucas, Ms. Matsumori, Trudy Murphy, Dave Nielsen, Evelyn Palmer, Pat Parker, Marge Seeholzer, Ted Seeholzer, Jim Smith, Kathy Sparks, Sharell Summers, Mark Teuscher, Jonnalyne Walker, Attorney Scott Wyatt, Gordon Zilles, Jennie Christensen (KVNU), Leon D'Souza (Herald Journal), Matt Flinton (Standard Examiner)

(See attachment #1)

CALL TO ORDER:

Chairman Anhder called the meeting to order at 5:02 p.m.

INVOCATION:

The invocation was given by Reverend Ruth Eller.

REVIEW AND APPROVAL OF AGENDA:

The agenda was amended to include under item #5 Report of County Executive - Appointment of Mosquito Abatement representatives the Mosquito Abatement District No. 1 as Resolution No. 2002-18.

REVIEW AND APPROVAL OF MINUTES:

The minutes of the regular Cache County Council meeting held on April 23, 2002, were discussed, corrected and approved.

Vice Chairman Beck moved to approve the minutes of April 23, 2002 as amended. Council member Yeates seconded the motion. The vote was unanimous, 7-0.

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REPORT OF COUNTY EXECUTIVE:

County Executive Lemon reported on the following items:

RESOLUTION NO. 2002-18: A RESOLUTION APPROVING THE APPOINTMENT OF REPRESENTATIVES TO THE MOSQUITO ABATEMENT DISTRICT NO. 1

(See attachment #2)

Executive Lemon explained that the State Legislature has changed the procedure for appointing representatives to special districts. These appointments must now be done by resolution.

Appointments: Donna Olsen - Mosquito Abatement District No. 1
Lance Olsen - Mosquito Abatement District No. 1
Jerry Skidmore - Mosquito Abatement District No. 1

Council member Yeates moved to waive the rules and approve Resolution 2002-18. Beck seconded the motion. The vote was unanimous, 7-0.

Appointment: Ryan Theron Leishman - Deputy County Sheriff

Council member Gibbons moved to approve the appointment. Petersen seconded the motion. The vote was unanimous, 7-0.

Warrants: The warrants for the periods of 04-19-02 to 04-25-02 and 04-26-02 to 05-02-02 were given to the Clerk for filing.

EMPLOYEE OF THE MONTH: LINDA EVANS

JIM SMITH: "Prior to joining the County in June of 1999, Linda was employed with Thiokol Corporation and Sky View High School. Currently Linda is the Office Manager of our legal secretary team in the County Attorney's Office and the legal assistant to our County Attorney.

Linda's co-worker wrote: "Linda has done more to improve and elevate our office over the last two-and-a-half years than anyone else in our office. Linda works harder than anyone and has helped train and supervise a whole new support team. She has been invaluable in setting a new standard for the rest of our office to follow. Our legal assistants are second to none and this has been accomplished by Linda's dedication and hard work. She has literally rebuilt our support staff and has improved every aspect of our office. Not only did the public benefit from the improved service, but the attorneys are more equipped to do their job."

Mr. Smith, Executive Lemon and County Attorney Wyatt congratulated Linda and presented her with the "Employee-of-the-Month" award and gift certificate.

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Linda Evans: "It has been a pleasure working with the County Attorney's Office with Scott and all of the Attorneys there. You never make an office run by yourself. The Legal Assistants that work with me and the Attorneys are terrific; it has been a very challenging and a very interesting job; and very fun."

PROCLAMATION: RECOGNIZING SEPTEMBER 11, 2002 AS PATRIOT DAY

Vice Chairman Beck read the proclamation, which stated that appropriate programs were to be held for the observance of this day, that the flag was to be displayed at half-staff in honor of the individuals who had lost their lives as a result of the terrorist attacks against the United States that occurred on September 11, 2001. A moment of silence would also be observed on that day for those individuals.

(See attachment #3)

Vice Chairman Beck moved to adopt this proclamation to make it an official action of the Council to proclaim September 11, 2002 as "Patriot Day" in Cache County. Yeates seconded the motion. The vote was unanimous, 7-0.

CONGRESSIONAL REPRESENTATIVE OPEN SEAT IN THE FIRST DISTRICT:

Chairman Anhder complimented Attorney Scott Wyatt on a well run race for the open seat in the First Congressional District. Mr. Wyatt was only defeated by a small margin and would have made a fine representative.

BUDGETARY MATTERS

INTER-DEPARTMENTAL BUDGET TRANSFER:

A request was made to transfer \$25,000.00 to pay for Geo-tech studies on the Historic Courthouse.

A request was made to transfer \$20,000.00 to pay for Architect services on the Public Safety Building and Jail Complex.

Council member Gibbons moved to approve both budget transfers. Robison seconded the motion. The vote was unanimous, 7-0.

(See attachment #4)

PUBLIC HEARING SET: OPEN 2002 BUDGET

Council member Gibbons moved to set the public hearing for May 28, 2002 at 6:00 p.m. Yeates seconded the motion. The vote was unanimous, 7-0.

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PUBLIC HEARING SET: PROPOSED SECTION 900 - BUILD ABLE AGRICULTURAL LOTS - TO THE SUBDIVISION ORDINANCE

Council member Gibbons moved to set the public hearing for June 11, 2002 at 6:00 p.m. Yeates seconded the motion. The vote was unanimous, 7-0.

PUBLIC HEARING SET: REVIEW OF EXISTENCE OF COLLEGE-YOUNG AND BENSON PLANNING COMMISSIONS

Council member Hansen moved to set the public hearing for June 11, 2002 at 6:30 p.m. Yeates seconded the motion. The vote was unanimous, 7-0.

THE COUNCIL MOVED INTO BOARD OF EQUALIZATION

CITIZEN REQUEST FOR EXTENSION OF TIME TO PAY PROPERTY TAXES:

There was no action taken by the Council.

TAX EXEMPT REQUESTS:

The Cache County Children's Justice Centers application has been reviewed. This organization serves charitable purposes. All real and personal property is used for the operation of the Center.

(See attachment #5)

Council member Gibbons moved to approve the tax exemption request. Yeates seconded the motion. The vote was unanimous, 7-0.

FINDINGS AND DETERMINATION FOR IHC TAX YEAR 2002:

Council member Gibbons explained that there was a meeting held with IHC Health Services and their request was reviewed with both the Auditor and the Assessor present. They indicated the properties being considered for exemption were in order. It appeared to Gibbons that they were in compliance with the State Tax Commission rules.

(See attachment #6)

Council member Gibbons moved to approve Findings and Determination for tax year 2002 for IHC Health Services. Robison seconded the motion. The vote was unanimous, 7-0.

THE COUNCIL ADJOURNED FROM THE BOARD OF EQUALIZATION

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FINAL PLAT APPROVAL: MAPLE HILLS SUBDIVISION

Chairman Anhder explained that the questions raised in the previous Council meeting were concerning 1) Is this intended to get around the major subdivision ordinance if it does, what should/can we do. 2) What is the County's liability to provide emergency services such as fire, ambulance and accessibility. Letters had been received from Deputy County Attorney Don Linton and Robert Funk from Olsen & Hoggan and a copy had been given to Council members. In Linton's letter he wrote: It raises some legitimate concerns but it is in compliance with the ordinance. It may be something in the future that we may want to address in the ordinance. There is nothing illegal about the request. He also thought the liability will lie with the property owners as far as those services are concerned.

It was suggested by Council member Gibbons that Ms. Greenhalgh meet with Attorney Linton and draft some language that would address the concerns of the ordinance. Then to present it to the Planning Commission and submit it to the Council.

Council member Gibbons moved to approve the Maple Hills Subdivision plat. Petersen seconded the motion. The vote was 5 yes and 2 abstentions. (Yeates and Anhder abstained)

ORDINANCE NO. 2002-03: AMENDING CACHE COUNTY LAND USE ORDINANCE. TO-WIT: CHAPTERS 5, 6, 7, AND 8

Chairman Anhder proposed that in the May 28th Council meeting there be a discussion in detail concerning amending the Land Use ordinance.

CACHE COUNTY ADMINISTRATION BUILDING UPDATE:

In a Building committee meeting earlier, the topic of conversation was the Historic Courthouse with the main issue being the exterior of the Courthouse. One option was to leave it with the white paint. The other option was to remove the paint. There were three different types of brick with three different colors that were used on the historic Courthouse. The first evidence of it being painted was in the 1950's. The new Administration building will be of red brick; and the attempt is to tie the two buildings together, both with red brick. There may be a possibility of staining the yellow brick. The cost estimate to remove the paint would be known by the next Council meeting. The Council was encouraged to take a look at the bricks that had been exposed on the Courthouse for further input on this item.

CACHE COUNTY JAIL UPDATE:

The Jail is progressing. During the Executive Session, land acquisition for the Jail was to be discussed. Proposals on a construction manager had been received. The Jail committee would determine which of those would be interviewed. Tentatively, interviews of those firms were to be conducted next Monday, May 20, 2002 from 8:00 a.m. to 12 noon. Bonding and land acquisition

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are the major issues being considered by the Jail committee at this time.

MAY TAX SALE REPORT:

Tax Sale Report: The 22 parcels listed as carrying tax delinquencies from 1997 through 2001 are scheduled to be sold for taxes, penalties, interest and administrative costs at the tax sale to be held June 12, 2002, 10:00 a.m. at the Cache County Council Chambers. The process allows redemption of delinquent properties up until the moment of the sale; any parcel not redeemed will be sold to the highest bidder. The apparent successful bidders will (be) brought before the Council for final approval before the tax deeds are issued. Fees added for cost of tax sale amount to \$97.00 in addition to the taxes, penalties and interest listed for each parcel.

(See attachment #7)

Executive Lemon explained that it is the continued effort of the County to try and work with people and set up pay-schedules for the delinquent taxes.

ORDINANCE NO. 2002-04: TEMPORARY REGULATIONS FOR LAND USE APPROVALS WITHIN THE PROPOSED COLLEGE-YOUNG INCORPORATION AREA AND PROVIDING AN EFFECTIVE DATE THEREOF.

This Ordinance had been set aside prior to the College-Young election. In the absence of a motion of approval the Chair considered this as a dead issue.

RICHMOND BLACK AND WHITE DAYS PARADE:

Richmond Black and White Days Parade will be held Saturday, May 18, 2002 at 5:00 P.M. Commitments to ride in the Richmond Black and White Days Parade were made by Council members.

Council member Petersen moved to go into an Executive Session. Yeates seconded the motion. All members agreed, 7-0.

EXECUTIVE SESSION: DISCUSSION OF LAND ACQUISITION

The Council, Executive, County Attorney, and the County Clerk retired from the Chambers at 5:47 p.m. for an Executive Session to discuss acquisition of land for the new County Jail. The session ended at 6:00 p.m. and the members returned to the Council chambers.

PUBLIC HEARING: WITH RESPECT TO THE PROPOSED ISSUANCE BY UTAH COUNTY, UTAH (THE "ISSUER") OF ITS REVENUE BONDS (THE "BONDS") IN ONE OR MORE SERIES AND IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$175,000,000.00 FOR THE PURPOSE OF REFINANCING THE ACQUISITION, IMPROVEMENT AND EQUIPPING OF CERTAIN HEALTH CARE FACILITIES FOR IHC HEALTH SERVICES, INC., AND CONSIDERING FOR ADOPTION A RESOLUTION APPROVING THE ISSUANCE OF THE BONDS FOR PURPOSES OF SECTION 147(F)

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OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED.

Chairman Anhder opened the public hearing for the issuance of bonds for and in behalf of IHC Health Services. Anhder stated that this hearing is being called to allow all citizens to provide input on the matter. There were no comments.

Council member Hansen moved to close the public hearing. Yeates seconded the motion. All members in favor, 7-0.

RESOLUTION NO. 2002-16: AUTHORIZING THE EXECUTION AND DELIVERY BY CACHE COUNTY, UTAH (THE "COUNTY") OF AN INTER-LOCAL COOPERATION AGREEMENT, WHICH WILL AUTHORIZE THE ISSUER TO ISSUE A PORTION OF THE BONDS ON BEHALF OF THE COUNTY AND CERTAIN OTHER COUNTIES LOCATED IN THE STATE OF UTAH

(See attachment #8)

Council member Petersen moved to waive the rules and adopt the resolution. Gibbons seconded the motion. The vote was unanimous, 7-0.

Council member Gibbons made the motion to suspend the Agenda and to conduct the 6:15 hearing at this time. Council member Hansen seconded the motion. The vote was unanimous, 7-0.

(Chairman Anhder was prompted to address Resolution 2002-17 and item 10-b before going into the public hearing.)

RESOLUTION NO. 2002-17: AUTHORIZING EXECUTIVE TO EXECUTE THE INTER-LOCAL AGREEMENT DATED AS OF MAY 15, 2002 AMONG CACHE COUNTY, UTAH; IRON COUNTY COUNTY, UTAH; MILLARD COUNTY, UTAH; SALT LAKE CITY, UTAH; SALT LAKE COUNTY, UTAH; UTAH COUNTY, UTAH; WASHINGTON COUNTY, UTAH AND WEBER COUNTY, UTAH; AND RELATED MATTERS.

(See attachment #9)

Vice Chairman Beck moved to waive the rules and adopt the resolution. Robison seconded the motion. The vote was unanimous, 7-0.

Council member Petersen questioned whether the agenda should be suspended? Chairman Anhder agreed that he would proceed with the agenda as advertised.

RESOLUTION NO. 2002-13: USING 1/64 SALES TAX WHICH WAS USED FOR OLYMPIC VENUES TO RETIRE A PORTION OF THE BOND USED TO CONSTRUCT THE BRIDGERLAND COMMUNITY ICE ARENA.

Council member Yeates submitted this resolution.

(See attachment #10)

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Executive Lemon reviewed the previous discussion where the County would commit the 1/64 Sales Tax, the money received back from the State for repayment of the bond for the Ice Arena. Council member Yeates also wanted to encourage the other communities who also received their reimbursement to do the same. The amount the County received was \$36,800.00 and all of the municipalities in the County combined received roughly \$965,000.00 in taxes that were paid from 1989 to 1999.

As previous discussions on the ice arena progressed, one of the things that was brought was that if the Olympics were profitable and money did come back sooner, that money ought to be used to retire the bond.

Council member Petersen asked about the financial impact on the bond payment? The earliest possible payment without a penalty would be in 2005. Vice Chairman Beck noted that this reimbursement money could be put into a trust and held until that time. In the meantime the interest on that trust could be used to pay the monthly payments of the bond.

Chairman Anhder commented that 1) all of the Cities have already submitted their budgets for the next year. They haven't spent the money but they certainly have a plan for it. It would definitely change their plans. 2) He wondered of the efficacy of saving \$36,000.00 for three more years at an interest rate lower than what the bond required and for the minimal impact that it would have on the bond. 3) He questioned whether the County had already anticipated the expenditure of the \$36,000.00. Executive Lemon commented that the County was short in Sales-tax Revenue by \$35,000.00 this year and the money could certainly be used. The feeling of the Chair was that "while it was not a bad idea, it was not a really practical one."

Discussion:

Layne Beck: The County's impact with this is minimal with respect to the full issuance of the bond; our sales tax was only \$36,000.00; but when you combine North Logan and Logan, we are looking at almost \$700,000.00 between those two entities. Part of the intent, I think, of resolution is to encourage those two municipalities to look real hard at doing this.

Chairman Anhder: Have we even talked to them?

Beck: I have had discussions with one Council member in Logan and he was very supportive of this idea, using what came back from the Olympics to pay off the bond for the Ice Arena. Of course Logan City, it would benefit them the most in terms of what their annual contribution is with respect to the sales tax that they are obligated to for the next 10 years.

Executive Lemon: If they were in a position to do it. If Logan, North Logan, and Hyde Park, pledged to do this, it would reduce or eliminate their obligation for the next 10 years.

Craig Petersen: My guess is that Logan and North Logan probably won't be very much affected by what we do. Maybe we ought to make our decision on what is best for us.

Council member Yeates moved to waive the rules and approve Resolution 2002-13. Beck seconded the motion. The vote was held for further discussion.

Council member Yeates would be willing to reintroduce this resolution and withdraw it if the other two entities were not willing to go along with this action. He did, however, want to go on record as saying the Council was supportive of this resolution and would like the other communities to follow suit. It was suggested before taking formal action, it would be a good idea to submit a

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copy of the resolution to the other entities to find out what their commitments and intentions are. This would give them information and then allow them to give feedback.

According to Layne Beck, when Senator Hillyard suggested that the non-profit groups and the NPIC approach the municipalities in this County with the idea of continuing this 1/64 designated to build this ice arena, it was also in the same breath suggested to them that if SLOC was successful and they were able to pay this back, which no one ever believed they would be able to do; this money could be used to pay off this bond and this would just give the municipalities some encouragement that they may need and some political backing to go ahead with it. Mr. Beck felt that if no action was taken, then that political statement would not be there from the County.

Petersen mentioned the advantage of maintaining maximum flexibility in the County's budget this year because it might turn out to be a difficult budget year and the money might be needed. Executive Lemon was supportive of the resolution but he wanted it to be conditional that the other entities do the same.

Council member Yeates amended his motion to add that this item would be reconsidered in July if no other entities sign on. The vote on Resolution 2002-13 was taken. The result was 5-Yes and 2-No (Petersen and Robison voted "No")

PUBLIC HEARING: WITH RESPECT TO THE PROPOSED ISSUANCE BY CACHE COUNTY, UTAH OF ITS SALES TAX REVENUE BONDS

Chairman Anhder opened the public hearing for the proposed issuance by Cache County of its Sales Tax Revenue bonds. Executive Lemon stated that the issuance of the bonds would be used to finance the balance of the new Administration building, the related improvements and also financing the construction of the Public Safety Complex which includes the Jail. To raise the money for this, the following options had been discussed: 1) a lease-revenue bond 2) a sales-tax revenue bond or 3) a general obligation bond. Two-months-ago it was concluded to proceed with the sales-tax revenue bond. This public hearing is to allow all citizens to provide input concerning this.

Executive Lemon addressed the public question of how the sales-tax revenue bond would be repaid? He explained 1) that sales-tax revenue will be taken to pay for this bond and that the money currently being spent to house prisoners outside of the County, which this year was anticipated to be around \$440,000.00 would be used to replace the sales-tax revenue. 2) The other way to replace those proceeds used would be to proceed with a tax increase; a tax increase had been avoided since 1994 except for last year there was a small increase of about \$2.15 per year a 9.2 % increase on the County Assessing and Collecting rate.

It had been determined that the maximum amount issued would be 14.5 Million and hopefully less. Construction managers were to be interviewed in the following week after which a guaranteed price would possibly be known. The total project for the County Administration building including the Administration building itself, the historic Courthouse, removing of the

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Council building and making related improvements came to 7 Million dollars with 1 Million of it being raised privately. The County had already saved 2.5 Million dollars. So, 3.5 Million remained for that purpose. The County needs approximately 9 Million dollars for a public safety facility including the Jail. It had not been determined as yet whether an assured bond would be used or a debt-service reserve fund. There is also a grant of \$1,048,000.00 It was planned that the Highway Patrol and possibly UDOT would rent the third floor; however whether or not to finish the third floor at this time was questionable.

Chairman Anhder: "This is a public hearing. Persons wishing to contend for or protest against the issuance by the County of 14.5 Million dollars in sales-tax revenue bonds to 1) finance the acquisition and construction of the County Administrative building and related land facilities and improvements, 2) finance acquisition and construction of a law-enforcement and jail complex and related land facilities and improvements, 3) finance the re-modeling of and improvements to the Historic Courthouse, 4) finance the demolition of certain existing structures in connect with the foregoing and 5) fund a debt-service reserve fund and 6) to pay the cost incurred in connection with the issuance of the sale of the bonds. Persons who wish to comment for or against this may do so either orally now or in writing."

The Public Hearing was opened to Public Comment.

PUBLIC COMMENT:

Sherry Lowery from Avon: I have been told that the County had been saving for the Administration building for years; and it should be paid for. Why are we taking money for that if it is already paid for?

Lynn Lemon: The County Administration building we estimated was going to be about a 4-Million project. That included buying the land and the building that we had to demolish, the Wilkinson building and building the County Administration building. That was about a 4 million dollar project. We had saved 2.5-Million dollars. We didn't have all of the money saved but we had a large portion of it saved.

Lowery: I didn't know that. I just wanted to have that cleared up. Thank you.

Chairman Anhder asked for any other comments, questions and concerns from the audience. There were no more comments made.

Council member Petersen moved to close the public hearing. Yeates seconded the motion. The vote was unanimous, 7-0.

Action had been taken on a parameters resolution during the last Council Meeting. This resolution was a general resolution saying that the amount of 14.5 Million dollars would not be exceeded. Before the County purchases the bonds there will be another resolution brought before the Council which will have the exact cost and total dollar amount.

PROPOSED RESORT AND RECREATION ZONE AND FEASIBILITY STUDY DISCUSSION:

Chairman Anhder acknowledged appreciation for letters that had been received from the public on this matter; the Council was giving them proper attention. This discussion was not to be a public hearing; however, special quests had been invited to make comments.

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A feasibility report drafted by Jonnalynne Walker of the fiscal impact study was passed out to the Council and to members of the audience.

(See attachment #11)

JONNALYNE WALKER: We looked at three different possible zoning scenarios for the development of the Powder Mountain Ski Area:

1. Current FR40 Zone
2. Amended FR40 Zone, which takes into consideration some slightly different uses.
3. Resort and Recreation (RR) Zone, which takes into consideration the development and the costs and revenues being generated from a development constructed under the RR Zone.

Currently the County was operating under the FR-40 Zone that has restrictions within it. With the fiscal impact study, it takes a look at what would take place if a reasonable development occurred and what the associated costs, expenditures and revenues to the County would be. These scenarios are examples and projections.

Referring to the cash-flow entries toward the end of the feasibility study, Ms. Walker explained: "This encapsulates the flow for the business projections and it does it over time. The feedback she had received was that the County would prefer to receive this information on a cash-flow basis so that annual impact year-to-year and what kinds of revenues and expenditures could be envisioned at the startup of the project and as the project went along to build out."

This project appeared to be going out over 15 years. In the three cash flows at the end of the study, basically was brought down to the fact that the net fiscal impact to Cache County would be positive. In no case did expenditures exceed revenues.

Council member Petersen questioned the rate of building in the two counties as to if one would be faster than the other and he wondered if one part of this development was more attractive to the development area? Ms. Walker responded that because the Weber County side was primarily the golfing and recreation side and that the Cache County side was primarily a Ski recreation area and already has a built-in clientele by virtue of the fact that they have properties throughout the world, the Cache County side probably has a better chance of proceeding sooner and quicker.

The build-out possibilities of residential units in this projection according to Mr. Ferrin was approximately 60% in Weber County and 40% in Cache County. The access to Powder Mountain comes from Weber County. The projection of a road from the Cache County side was actually decided to be outside the scope of this project. Water impact was also not addressed in this study.

Vice Chairman Beck raised the question: "If a road were constructed, how would that affect the fiscal analysis of the project? Would it be negative or positive? Ms. Walker responded that judging on her conversations with Mr. Ferrin's people the road was not needed because they

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already had access on the Weber County side. Mr. Ferrin stated that their project time-line was only 12 years, the numbers would be different, and that the Cache County side would develop earlier because of the ski access in Cache County. If a road were to be constructed, it would accelerate the development in Cache County and the road didn't necessarily have to go through Avon and Paradise.

QUESTION/ANSWER:

Sherry Lowery: I am somewhat concerned about the economic rates and costs. I just wondered in the services that Cache County would provide, are there any number of services that we would have to pay Weber. Did she do a study on what we would have to pay in services specifically law enforcement and emergency and fire? Do we have to staff firemen?

Answer: Walker: I have not looked specifically at what it would cost in terms of staffing the fire fighter; however, under the expenditure ratios, those are the kinds of impacts and costs that the increases under your expenditures would be going to pay for.

The floor was given to Mark Teuscher. He began by giving a quick rundown for the expense of building a new road.

Mr. Teuscher gave the following examples of different types of roads and compared to their cost to develop:

<u>Wellsville Canyon Road</u>	<u>Bangerter</u>	<u>Cache Valley Corridor</u>
(Segment from Brigham City to Wellsville)		
4 lanes	6 lanes	4 lanes
Mostly existing right of way	Existing right of way	limited
Some acquisition of right of way	1959 planning began	\$165 Million
\$34-Million - Completed in 1996	\$\$\$ (Million/Billion) - New	

The cost of building transportation roads is extremely expensive and extremely long term. In this particular case the current alignments are probably inadequate. New alignments would have to be looked at from Hyrum to Powder Mountain. The cost for this road was thought to be closer to Bangerter road than to the Wellsville road. The funds for this project would have to be Federal dollars and would have to come through the State. The development process would be lengthy and long; therefore, expectations of cost, time and effort on building that road were extremely expensive. In Section 3401 the purpose and general requirements of the Ordinance are found.

(See attachment #12)

Questions/Answers:

Tom Jensen: I am trying to equate this. You have 4 lanes and 6 lanes. Can you put it on a per-mile-basis?

We are not even comparing it to a 6-lane Bangerter and I'm not even sure how many miles Bangerter or Wellsville is.

Teuscher: You are looking at a road that is probably 30 miles.

Jensen: What is the cost on a per mile basis?

Teuscher: I couldn't tell you but it is extremely expensive.

Layne Beck: It is probably 20 miles from Wellsville to Brigham.

Teuscher: Sixteen.

Beck: At 2-Million a mile for 16 miles, about \$34-Million.

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Richard Krannick: Mark, there is something wrong here. Could I make a very quick point because we are hearing different stories. A week ago at the Chamber of Commerce meeting that several of us including people on the Council attended, Mr. Ferrin made it very clear that he viewed Cache County as the preferred gateway to the Resort and that he did in fact hope that we would push for the road to be developed. So, I am hearing two different stories: 1) It is never going to happen; don't worry about it. 2) It is something that I want; and although I don't have to have it, we are going to push hard for it.

Mark Teuscher: I think the County's standpoint at least (from) my perspective is we are not encouraging any road. Is that right Lynn?

Lynn Lemon: We have said all along that we don't have the money to do it.; the County certainly doesn't. We don't have the funding for that. We get a-Million-dollars a year in our Class-B road money and we use that money to maintain our 445 miles (of) roads. We said early on when we first met clear back last year, we can't do the road; we don't have the ability to do the road. At this point-in-time, I don't think the State has the ability to do the road and they don't even have the road planned at this point-in-time. As Powder Mountain individuals noted on the day we (interested individuals of the County) went up and toured the facility. "We would like a road but we really don't need it."

Craig Petersen: Mark, could I shift you off the road topic? As we think about it, the issue here is whether or not we create the new zone. That's kind of the fundamental issue we are supposed to be talking about; although, while talking about Cache Valley, we talk about the other (uses). Under the FR-40 zone, just review with us what this development could be like. Let me ask one specific question. As I read your matrix that compares the permitted and conditional uses of the different zones, I don't see Golf or Skiing as either permitted or conditional in the FR-40.

Teuscher: Under the definitions it talks about recreational facilities. They are conditional uses; Golf Course and Ski areas would fall under that use.

Petersen: Not under the matrix that you gave us.

Teuscher: Under the amended (FR-40); the one that is coming before you.

Petersen: Under the amended FR-40 but under the current FR-40, golf or skiing would not be allowed.

Teuscher: Yes, it would. They added that. That is their use. At the back of the matrix are uses they added for the RR Zone. You asked about the FR-40. The FR-40 has a definition on the second page at the bottom there on the matrix. On the recreation facility permitted use, that is were we would put it because we do have ski areas and we do have golf courses, the County has approved (this).

Petersen: Go back to the original question. Would you review for us what this development could be like.

Teuscher: Under the FR-40, they could do skiing; they could have golf courses, they could have ancillary commercial uses associated, much like at Beaver Mountain, a restaurant, a gift show, a rental place, really no independent commercial sites - no Olive Garden or outlet stores or things like that. We will propose to allow a resort under the new FR-40 as it is amended; they could 82 seasonal cabins.

Petersen: Would there be any limit on the portion of the land that could be taken over?

Teuscher: No, under the FR-40 basically, it is very limiting. As you look in the comparison that I sent you, basically the standards of definitions of set backs, lot area and height are the limiting factors.

Petersen: The Planning Commission wouldn't have any discretion on special requirements that fall under those kinds of limits?

Teuscher: They could ask but by ordinance they don't have any requirement to limit it.

Layne Beck: Is there any limit on our current FR-40 zone where they can put in roads and how they put in roads.

Teuscher: No, roads currently are approved as private and they are not maintained by the County; so, they can cut them wherever they want.

Larry Anhder: Under the RR Zone they would probably also be private roads but they would be part of the master plan process.

Teuscher: That's correct.

Anhder: Tell us again what would be included in the Master Plan process.

Teuscher: The master plan process is a two step process. First they would have to develop a master plan for the entire project. That would be the basis of all land-use decisions in the future. They also at that time would develop a "Development Agreement." That Development Agreement would define every standard that you (The County) would apply. In essence you (The County) would write a new zoning code for that project. So, if the County said: "All light shall be down directed," You (The County) could put that into the development agreement. You could set color, height, areas of disturbances, any road widths, etc. The ordinance does set limits on hard surfacing. It could be different for any other project. You will also initiate the environmental assessment at-that-time. You would initiate also the fiscal analysis that the ordinance requires you to do at that time. The Planning Commission would recommend to you (The Council) and you would make the final decision. The ordinance is sufficiently open enough for you to set those standards. In essence you will write the new zone code for that project and it could be different from any other project.

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So, you have 1) the overall plan of the entire project put on line. 2) You have the overall standards of the agreement.

Anhder: Is there any density maximum or minimum under the RR Zone?

Teuscher: There are no set standards under the RR Zone.

Anhder: Is there a reason there aren't?

Teuscher: Simply the nature of the development, you would want to look at what they would like to propose; and it becomes an issue. You could set them lower than they want.

Anhder: Is there any sort of rule of thumb that would be applied? What would prevent us from being very capricious either way?

Teuscher: It becomes a balancing act of balancing the interest of the County and balancing the interest of the developer.

Anhder: Do other RR Zones have density?

Teuscher: The use of density uses is becoming more and more common simply because it is a much better form of using instead of looking at minimum lot size. Most zoning is going to density-based zoning and using density as an issue. Lot size is really kind of an irrelevant discussion because you are just talking about cookie cutter subdivisions.

Anhder: My point is in your opinion, should we have some sort of minimal/maximum density in the organic ordinance or should we leave that to the development in the master plan.

Teuscher: In my opinion the ordinance should give you guidelines but you should set those densities as part of the development agreement. You have the ability to be more harsh as you look at the project. If you set a minimum standard, you can't go backwards; you have set this wall.; where density allows you flexibility to go either way.

John Hansen: Mark, as we toured Powder Mountain, I thought it was Mr. Ferrin's proposal that it would be developed on 5-acre parcels with 1-acre designated for a cabin or whatever and the other 4-acres would be left as is; and you are saying that the County may or may not accept that?

Teuscher: Well, you have the ability to accept that under this. You can say: "We don't want the area disturbance to be more than ½-acre." That is his proposal. If you chose to say: "We want that area as a disturbance to be ½-acre, that is your choice.

Petersen: Once the zone has been created and the land has been re-zoned, does the developer have any recourse to say that the County has acted capriciously in the terms of the standards requested?

Teuscher: Like anything, he can appeal it to the Board of Adjustments; the Board of Adjustments would hear his appeal; and they would make a recommendation. Then he could appeal that to District Court.....That is the administrative process and that would apply to any zone in Cache County.

Anhder: A recommendation of the Board of Adjustments will make a final determination?

Teuscher: Say for example the County Planning Commission sets a set of conditions on a project and the property owner says: "I just can't meet those conditions." He can appeal that to the Board of Adjustments. Normally the Board can uphold our decision; they can change it or they can remand it back. If they uphold it the next step is to appeal that decision to the District Court. That is the normal administrative process.

Petersen: With fewer definitive standards, the likeliness of that occurring may be greater.

Teuscher: No, I don't think so.

Anhder: On what basis would they have to appeal because what standards would they have to measure it against.

Teuscher: The basis of using "Development Agreements" is becoming more and more common.

Beck: Keep the attorneys out of it.

Teuscher: You would involve your attorneys a lot more because it is an agreement. It is contract-zoning is what it is. It is a written contract between The County and The Developer.

Beck: It keeps litigating in terms.

Teuscher: Another thing, under the master plan as the projects proceed, in this case as Mr. Ferrin has indicated 12 years, there are allowances for minor adjustments within that; however, any major change to that will have to go back to the Master Planning process and be re-approved as in the beginning.

Craig Petersen: If this zone was created, would Powder Mountain developers have any opportunity to bypass our process by incorporating?

Teuscher: If they incorporated, then they are a municipality and they could do what they want. This zone becomes no longer valid.

Petersen: I guess what I am asking is what is the likelihood given the circumstances of corporations wanting to do that.

Teuscher: By State law you need 100 people to incorporate. You need to go through the same process that College-Young went through. So, if they chose to incorporate, the first petition has to be a percentage of the property owners who voted in the last election. Then they would have to pay for another feasibility study. When that is done, they could

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put it up for a vote as long as they have 1/3 of the voting residents..

Anhder: Incorporation is an option regardless whether it is FR-40 or (the other).

Petersen: Even though you don't require or allow for full-time residents in the FR-40?

Teuscher: Once they incorporate, they could include their Weber County side. State laws does allow Cities to cross boundaries. Draper currently crossed the Salt Lake and Utah Counties.

Kathy Robison: Mark, if this Zone applies to whole County and there is a possibility that somebody could want to do another resort in another area but the development agreement could be different than what is worked out with Powder Mountain; could we legally say that they could have less restrictions or more restrictions than what we do with Powder Mountain?

Teuscher: Under different circumstances it could be different because the reality of this property could be different. There are no equal issues associated with each parcel; they are different. One is in the mountains; one is maybe in the valley. One has good access, close to a highway and there might be different issues that you may want to look at in a development agreement.

Larry Anhder: The 2,000 acres, is there some reason 2,000 was used.

Teuscher: We started calculating what a golf course and what a ski area (would use). We got to about 1500 acres is what we got to; so, we threw on 500 acres.

Larry Anhder: We've received letters, Mark, from people concerned about water in that area. If the zone is approved, what recourse do down-stream water users have?

Teuscher: Water issues are all regulated by the State Engineer's Office. So, the Division of Water Rights would make that decision and the Division of Water Quality (DEQ) would regulate storm water runoffs; so, those things would have to come into play. On any basis of re-zoning any piece, look(ing) at the general requirements under 3402, Item 6 in re-zoning would have to have some kind of verbal, written commitment on how these services were going to be provided and in place with the assurance that Item-6 would be met. Item No. 6 is the culinary water, the sewer, the power, telecommunications and all the utility services that should be provided by a central service serving the entire Master Plan development area....

Anhder: So, if the re-zone is approved and somebody was coming after a master plan, it would be a reasonable requirement that they would have to have some sort of letter from the State Engineer saying that: "Yes they had filed on and had received rights for so much water either on flow or on a volume basis. They would also have to have something on water quality on treatment, storm water, etc.

Teuscher: If you look at page 5 Item. There is a whole list of them.

John Hansen: Mark, My quick question would be: "The Planning and Zoning folks looked at this and turned it down 5:1, is that correct?

Teuscher: You have three Planning Commissions: the Countywide Planning Commissions voted it that way. College-Young and Benson voted in favor of it.

Anhder: But the County Planning Commission did turn it down.

Public Responder (a lady): Mark, will you give us the population for those two?

Teuscher: The College-Young area is about 800 to 900 people. Benson is closer to 400 or 500.

Teuscher: That County Planning Commission district is 6,000. There is 93% of the population of the County that lives inside a municipality and about 6,000 is in the un-incorporated part the County.

Same Public Responder: The population of the County is 91,000?

Teuscher: It is about 96,000.

Hansen: Mark, just let me finish my question then. You were there as the Planning and Building folks debated this or talked about it. What was their major reason in your mind for turning it down.

Teuscher: There were a number of reasons but I think primarily they were concerned about the Impacts on the Valley. They were concerned about the potential impacts of FR-40 Zone. They would prefer to let the FR-40 (be) as it was. The road played a lot of discussion in it in terms of potential impacts.

Darrel Gibbons: This question is for Kathleen (Howell). As I had listened in the public hearing, there seemed to be a feeling that if a zoning change were to take place and development were allowed, it would affect the property values of the people living in Avon and Paradise.?

Kathleen Howell: Sure, it could have an impact. Let me explain what that would do. Just as development takes place, an area starts to develop inducing impacts. I could share with you Legacy ranch up Blacksmith Fork Canyon. If

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you are familiar with that recreational area of about 70+ lots, when those first began selling, they sold at about \$500 an acre; today they are selling them about \$3,000 an acre in just a few short years. How long will it take to impact the market value? Only time will tell and it is the price that people are willing to pay. As you see development go in and people paying higher and higher prices, that is what would affect it. It is certainly going to take awhile certainly before you saw that property increase.

Gibbons: Where that property currently is privately owned and I'm assuming that most of it is in agricultural use. And that it qualifies for greenbelt. As long as it is in greenbelt, even though the value of the property may increase, the taxes would not.

Howell: That is correct. You need to understand that zoning in effect does not affect greenbelt. The only way that greenbelt is affected is if the property owner changes it's use or intended use. Now when Legacy Land owners went up in the mountains, some of them intended to continue to farm but found it very difficult. As ownership of each of those parcels changed (and you have a 60-acre parcel, 40-acre parcel, 80-acre parcel), it became very difficult for them to fence that much land and graze it themselves. As cabins began to build up there, the people who purchased property bought it with the intent of it being a recreational property. Now they don't want the animals on their property; so, a battle ensued. Now currently in Legacy ranches, all but two properties are out of the greenbelt. They've all paid the roll-back tax; so, they are paying taxes now on the market-value of the property. Those two are under State appeals; legally they are not farmed. It is very difficult to farm.

Gibbons: They were those individuals who purchased the property for recreational purposes.

Kathy: Absolutely. In fact, I think there are only a couple of owners even in our County; most of them are not even residence in the State of Utah.

Teuscher: Subdividing changes greenbelt and becomes a problem with the usual dedication of roads.

Kathy: It does, but not up in that area.

Teuscher: I know we were looking at the developments in the areas of the un-incorporated County particularly in the agricultural zone. Then again in Avon and Paradise, just the agricultural zone currently has caused lots that are averaging according to the Assessor somewhere between \$55 and 60,000 for a develop-able acre. So, the agricultural zone is creating increases in property value now.

Howell: Let me just clarify that. When a zoning is changed, that does not change the market value; please understand that

Teuscher: No. When the subdivision goes into place, it does.

Howell: Even one subdivision, it may only change the property that is currently around it. I'll give you a perfect example: Out on the highway by Wellsville where the Shell Station went in. Just because somebody was willing to pay that much for that one corner, does that mean that all of the corners around there are worth that same amount of money? No. Just because you do something doesn't necessarily mean the market value of everything around it goes that high. You have to understand that zoning does not change the value. It is what people are willing to pay; and as we start to see that happen, that is what changes the value.

Cory Yeates: Brent, the roads that will be servicing the individual cabins that will be surfaced, are you looking at gravel or are you looking at paving... the roads that lead to each individual cabin?

Brent Ferrin: The main roads will all be paved. The driveways to the houses would be the responsibility of the owners.

Yeates: One of the things that was proposed in the RR Zone was that 85% of the road be left open. Since there is 3500 acres, that is equates to about 54 city blocks that could be paved. If they get into a vagrant suite, how much property does that include?

Ferrin: Five hundred and forty acres.

Yeates: That includes the houses and the parking lots and everything. Even Mr. Ferrin said that he would be willing to reduce that number from 15%. Is that correct?

Ferrin: Yes.

Larry Anhder: That brings up another question. We were unsure how the 15% would be calculated. If there is a 1 acre building lot with a 2000 sq. ft. home on it, which is basically 1/2-acre, is that a 1/2-acre of develop-able land or is it 1-acre of developed land?

Teuscher: Pg 16 (of the RR Zone, Sec. 3407) defines open spaces. If you have a 5-acre parcel or you have a 1-Acre of disturbance of 1-acre, only the 1-acre would be counted toward the pavement; everything else would be open space.

PUBLIC COMMENT:

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Ted Seeholzer: It appears to me that density is an extremely important item to you. I understand that your general requirements of the Master plan should be submitted first prior to the RR Zoning; then that would answer your density question. If you go ahead and approve an RR Zone and then somebody develops a huge Master Plan that they have extreme type density that the Board may or may not like, it appears to me that it is just like turning down an FR-40 Zone to downgrade. If you take the master plan first, and you look at the density and you look at utilities and if you go ahead with the master plan, I think you have a long row to hoe in telling someone that they have got to take out "X" number of house or "X" number of hotels. It appears to me we have got the cart before the horse.

I have one other question on providing culinary water and those things that are on a long-range program. Are you going to require the developer to bond for that or are you just going to take the individual's word that he has the money in his bankbook? Someone could be left holding the bag. I could tell you a lot of things but doing it is something else. I suggest you tighten up a few of these items that you have here in your general requirements.

Anhder: Good point.

Seeholzer: Also one other thing. I would suggest very strongly that you reduce the 15% of useable area to 10%. Fifteen percent is a whole bunch of ground probably the size of Paradise if you take 3600 acres at 540 acres! I doubt Paradise has 540 acres. Thank you, Gentlemen.

Ray Bankhead: I still have one question on the water use of this place up there. I have never seen yet the amount of water that is anticipated for use up there and where is the water supposed to be coming from? As a downstream water man, I am very interested in this and everybody else in our area is. I think this should be laid out in the plan how much water is going to be used up there and where it is coming from.

Teuscher: All water would have to be approved by the State Water Engineer's Office under our current code. They (developers) are going to have to show that they have that water before we will approve the master plan.

Anhder: Groundwater is not filed on and there is groundwater all over the County still to be developed, unfortunately.

Ferrin: Let me state that In preparing for this development which is really not the discussion tonight, the discussion is the RR Zone, but I will tell you that we have a letter from Weber Basin to provide for all of the water needs that we need for this project to be taken out of Pineview Reservoir. We intend to take it over the County line into the County and then pump it back up for reclamation and treatment and take it down to our sewer ponds which are in Weber County. At this point we don't intend to impact Cache at all.

Bankhead: Where are you going to build a dam?

Ferrin: We have no intention of building a dam right now. We are considering a small pond on site to handle snow-making of 50-acres down at the bottom of our property on the Cache County side. In our process of looking for water, we have looked all over the place; and there are several reservoir sites that have been identified by the State in the Little Bear above Hyrum Dam between our property and Hyrum Dam. If anyone wanted to go and create reservoirs there, there is State money available to dam in that area; that is not our plan at this point.

Chairman Anhder thanked all who participated and felt that the discussion was informational. He noted that letters could continue to come in up until the next Council meeting and that Council member were always available to the public.

This item is to be included on the Council meeting agenda in two weeks. Intent at that time would be to vote on the issue unless other concerns arise.

ADJOURNMENT:

With no further business Chairman Anhder adjourned the Council meeting at 7:47 p.m.

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ATTEST: Jill N. Zollinger
County Clerk

APPROVAL: C. Larry Anhder
Council Chairman