

CACHE COUNTY COUNCIL MEETING
September 10, 2002

The Cache County Council convened in a regular session on 10 September 2002 in the Cache County Council Chamber at 120 North 100 West, Logan, Utah.

ATTENDANCE:

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

The following individuals were also in attendance:

(See Attachment No. 1 - Attendance Roster)

CALL TO ORDER:

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

INVOCATION:

The invocation was given by Council member Kathy Robison.

REVIEW AND APPROVAL OF AGENDA:

Executive Lemon requested an addition to the agenda under 8-c: Set a Budget Opening for September 24, 2002.

Hearing no objections, Chairman Anhder approved the addition to the agenda.

REVIEW AND APPROVAL OF MINUTES:

Minutes of County Council meeting of August 27, 2002, were discussed, corrected and approved.

Council member Robison moved to accept the minutes as corrected. Hansen seconded the motion. The vote was unanimous, 5-0. (Beck and Yeates absent.)

REPORT OF COUNTY EXECUTIVE: County Executive Lemon reported on the following items:

Appointment: There were no appointments.

Warrants: The Warrants for the periods of 08-16-2002 to 08-22-2002 and 08-23-2002 to 08-29-2002 were given to the Clerk for filing.

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Other Items:

1. Budget Schedule. Executive Lemon provided the Council members with a budget schedule. All Departments had been asked to have their estimated expenditures and estimated revenues back to the Administration by September 30th. Auditor Stones and Executive Lemon would work up a tentative budget to present to the Council by October 22nd and they would hopefully bring a balanced budget to the Council by November 12th.
2. Shoshone Trail Ride: Another ride was being set up by the Forest Service for Saturday, October 26, 2002. This time participants were invited to furnish their own ATV and lunch. The group will meet at the Temple Fork road at 9:00 a.m. and will be back at 4:00 p.m.

Chairman Anhder recognized that tomorrow, September 11, 2002, is the anniversary of a rather traumatic and national-defining moment. Sympathy was given out to the families of those who lost their loved ones. Admiration and appreciation were given to public safety employees for all the work that they had done and for what they stand for. The Cache County Council supports all that is being done in order to recognize the anniversary of September 11th.

EMPLOYEE OF THE MONTH: RON PAYNE

Jim Smith presented Mr. Ron Payne as the "Employee of the Month" for September.

Jim Smith: "Ron is associated with our County Senior Citizen Center. He began working for the County on July 26, 1999. Ron coordinates our Senior Citizen Center transportation program, drives busses, oversees the vehicle maintenance and provides building maintenance. Those are his official responsibilities. Unofficially, he also provides building security which entails checking on the building after hours on weekends and on holidays. Ron is always joking with the seniors both at the Center and while on the road. He prides himself on not driving the same route twice. Ron is also concerned with all of our seniors and tries to accommodate all of their special needs."

"Recently, the Center received a call from a senior, whose husband needed to be transported to Logan Regional Hospital for an MRI, he had been experiencing some very serious health problems and couldn't get out of bed let alone get into a car. Ron loaded up a wheelchair into the bus, drove to their home and helped get this gentleman out of bed; dressed; into the chair; into the bus and then to the hospital. He truly went beyond the call of duty to get this gentleman into his doctor's appointment and test. This is the type of guy Ron is. His stature is such that it can support his oversized heart for the seniors he genuinely cares for."

"When asked what he enjoys doing when he has a free moment, Ron stated that he enjoys being with his family and fishing.... One of Ron's peers said of him: "Ron keeps Seniors happy

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and safe." All in all, he exemplifies the qualities of what we want Cache County employees to be. Congratulation Ron...."

County Executive, Lynn Lemon, and the Department Head of the Senior Citizen Center, Tom Hogan, came forward and presented Ron with his award and certificate.

Appreciation for the work done for the County was rendered by Executive Lemon. On behalf of the Council, Chairman Anhder congratulated Mr. Payne and expressed their appreciation for a fine job.

INTER-DEPARTMENT TRANSFER:

This request was for the County Fair and Rodeo to cover expenditures. The amount to be transferred was \$16,349.00. Basically the transfer reduced the line items of Rodeo-Contract, Rodeo-miscellaneous services and Fair-entertainment. That amount was divided and transferred to Rodeo-overtime pay, Rodeo-temporary employees, Rodeo-benefits, Rodeo-prize money & trophies, Rodeo-equipment supplies & maintenance, Fair-Office Expense, Fair-Equipment supplies & maintenance, Fair-Telephone, and Fair-prize money & trophy.

(See Attachment No. 2.)

Council member Gibbons moved to approve the transfer for funds covering the rodeo and County Fair. Petersen seconded the motion. The vote was unanimous, 5-0. (Beck and Yeates absent.)

PUBLIC HEARING SET: RECOMMENDED CHANGES IN THE COMPREHENSIVE PLAN - RE: RR ZONE

The recommended date and time for the Public Hearing to discuss changes in the comprehensive plan in regards to the RR Zone was October 8, 2002, at 6:00 p.m.

Council member Hansen moved to set the Public Hearing regarding recommended changes to the comprehensive plan. Gibbons seconded the motion. The vote was unanimous, 5-0. (Beck and Yeates absent.)

PUBLIC HEARING SET: BUDGET OPENING 2002

A Public Hearing was scheduled on September 24, 2002 at 6:15 p.m. for the Budget 2002 Opening.

Council member Gibbons moved to set the Public Hearing for the 2002 Budget Opening. Petersen seconded the motion. The vote was unanimous, 5-0. (Beck and Yeates absent.)

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CACHE COUNTY ADMINISTRATION BUILDING UPDATE: M. LYNN LEMON

In their meeting earlier this morning, the Committee talked about the furnishings of the Administration Building. Information on the furnishings had been taken to the Department Heads and there were a number of concerns expressed. All of the Department Heads that are going to be part of that building were invited to attend a meeting September 12, 2002, at 3:00 p.m. At that meeting the Interior Decorators would be providing several different options for the furnishings.

Progress on the Historic Courthouse is almost to the point of finalization. Finalizing the floor plan is close and then an estimate can be gained as to what the cost will be. The process of trying to raise the money could then be started. As soon as the employees are moved out of the Courthouse, around June of next year, the process of refurbishing the old building would then be started. A push now is needed on fund raising.

CACHE COUNTY JAIL UPDATE: M. LYNN LEMON

The Environment Assessment received a FONSI (findings of no significant impact) and it was published in the Herald Journal. There will be a ground breaking ceremony either the 11th or the 14th of October 2002. It was agreed that no action would be taken until October 11th as part of the environmental process.

There had been a meeting recently with the Judges. Several years ago, it was agreed with the Judges that the County would pay for housing prisons outside of the county because they were concerned about the fact that people were being released that they wanted to have in jail. When the jail is built, the problems will be dealt with; however, the challenge now is dealing with housing prisoners on a short-term basis. The County is fairly close to running out of money that was designated for that housing. There had been an increase of prisoners and there were still four months left in the year. The Judges would work with the County but feel it is a County problem. The budget had been raised from \$360,000.00 to \$440,000.00 and that amount has been spent.

Executive Lemon would talk to the Sheriff to come up with some options. Further discussion will be forthcoming.

LETTERS OF SUPPORT FOR JON WHITE AND OLSEN FAMILY DAIRY APPLICATION FOR THE LERAY MCALLISTER FUND:

John Hansen stated that this application had been talked about for some time with the Ag. Advisory Board. The concern brought up in the last meeting was the new system to be put into

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place called LISA. This program evaluates the land, the soil, the location and whether or not it is going to be encroached upon with homes, etc.

The main concern of Council was that the land for which funds was being requested had never been really compared with other properties. It had come to the attention of John Hansen that if the Council were not careful, there might be some funds lost for these two properties because there were some deadlines. They had met all the criteria set for by the government and by the McAllister foundation people.

Discussion:

Anhder: To the credit of both the Whites and the Olsens, they have gone after it while others haven't. I am sure that with the McAllister Fund's monies if they don't use them, somebody certainly will. It is not something that will carry over and just build up in a pot for ever. I can see some wisdom in going ahead on these now; although, I'm not sure that I have enjoyed the process. Never-the-less, they have taken the initiative to do it.

Hansen: My comment though was I'm not sure a lot of folks that own property are even aware there is such a thing.

Anhder: That's true.

Hansen: It could be there are some very, very legitimate, not that theirs aren't legitimate, but it could be that there are some maybe in the critical mode that would say: "Good night! Had I known!" We need to education our people a lot in this regard so folks know that it is out there and there is this possibility.

Gibbons: These won't be the last properties to make application to these funds. That is an on-going annual process. If we don't move ahead with these applications, there is a possibility that they will lose substantial dollars. It won't be just a small amount of money. Based on that, where they have completed the application and it has been approved, I think we ought to go ahead with approval.

Council member Gibbons moved to send the letter of support for both of these applications. Hansen seconded the motion.

Council member Hansen noted that the LISA system may not be in place for a year. When that system is in place, it will have some good points; and it would be wise to follow it. Council member Gibbons stated that there were already in place some fairly specific requirements that were to be met in order to qualify for the money. It is a selective process. Council member Hansen also said they may or may not need our support but they would like it and felt that it would be good to obtain.

Council member Gibbons added to his motion encouraging Mr. Hansen in his Ag. Preservation Committee to move forward with the LISA program. Hansen agreed. The vote was 5-0. (Beck and Yeates absent.)

CAPITAL ARTS ALLIANCE SEMI-ANNUAL REPORT: LISETTE MILES

Ms. Miles reported to the Council that financially, the Center did very, very well for this last fiscal year. They were projecting about \$89,000.00 deficit for their budget and they came out with a surplus of about \$7,000.00 That was a result of an increase in earned income and also donations; and they held their expenses firm. They have deferred quite a lot of maintenance

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and upkeep of the facility that they will be working on in a very systematic fashion.

The activity level of the Ellen Eccles Theater and in the Center in general is the highest usage we have ever seen since restoration. The Alliance for the Varied Arts last Summer moved into the Thatcher-Young Mansion and that is where their administrative offices are and their galleries. They continue to have pottery classes, dance classes, visual arts classes, and the Unicorn Theater.

The Alliance has a new renter, "Paint Utah," run by Michael Bingham. He is bringing in internationally famous artists to teach classes. People from all over the State will come for these classes.

This season's Campaign had just been launched. The second annual Cache Valley Arts Festival will be held September 28, 2002. That evening will be the first "Ellen Eccles Theater Presents" performance, Ed Sullivan's "A Really Big Show" This performance will be the official announcement of the name change of the Capitol Arts Alliance to the **Cache Valley Center for the Arts**.

Chairman Anhder commented that the Capitol Arts Alliance continued to be an asset to the community.

RESOLUTION NO. 2002-28: RAPZ (RECREATION, ARTS, PARKS, AND ZOO) SALES TAX REFERENDUM

This resolution was before the Council for initial consideration. The following language would be put on the ballot if approved: "Should the Cache County Council, Utah, impose 1/10% of 1% sales and use tax for the purpose of funding recreation, arts, parks and zoos in Cache County, Utah?"

Council member Petersen moved to suspend the rules and approve Resolution No. 2002-28. Robison seconded the motion. The vote was unanimous, 5-0. (Beck and Yeates absent.)

(See Attachment No. 3)

ORDINANCE NO. 2002-09: NATURAL BARRIER DETERMINATION DEFINITION

Lorene Greenhalgh stated that the natural barrier determination was written in such a way that required the natural barrier to be a State or Federally owned or managed body of water. The County-wide Planning Commission adopted it and recommended it to the Council just as it was written. However, the Benson Planning District asked for a change in that to allow publicly recognized irrigation companies of long standing with a minimum width of 20ft. including maintenance. So, a canal company that had a canal of 8ft. wide would thus qualify as a natural barrier because their maintenance portion would make it 20ft wide.

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There is a plea from the citizens to do that sort of thing but in doing so they will be creating three parcels that they could have 5-lot subdivisions on if they are allowed to use that canal as their natural barrier along with the State maintained natural barriers that were already provided for. It was problematic but the concerns of the citizens were understood. The recommendation of the Planning Commission was to keep it as is.

Discussion:

Anhder: This says: "Irrigation, canals or ditches under the jurisdiction of the Canal Company or Private Ownership do not apply."

Loreen Greenhalgh: Yes. That is the way it is written.

Darrel Gibbons: What the Benson Planning District is proposing with this is that we go back to the interpretation that we had before. Some of these canal companies have been in existence for many years.

Greenhalgh: Right; that is what they are saying.

Lynn Lemon: So they would like you to take that sentence out of the ordinance. Is that what you are saying?

Greenhalgh: Yes; since they do not apply. The problem is, I think, it still should not apply.

Anhder: That is not the way it is written; that's why I am confused.

Greenhalgh: Right. The way you received it is that way but they didn't make that recommendation until you already had that information.

Darrel Gibbons: What definition do we have currently then in the existing Ordinance?

Greenhalgh: We don't have anything. We have been using it ever since I've work for Cache County for 19 years but we don't have anything in Ordinance to cover it. It used to be a responsibility of the County Commission. When it became a Council, that authority went to the Planning Commission by no specific written ordinance.

John Hansen: They are not going to plan or do something with the area; so, the canal can't be cleaned or anything. That would be a real problem, wouldn't it?

Greenhalgh: When they do sub-division plats, they have to include the Canal Co. named to the area. That wouldn't be a problem specifically but remember we have had subdivisions brought to you that were done by these natural barrier determinations. He (the landowner) was able to create 16 lots and didn't have to do a public fire protection system. He got 16 lots in a small area because he was allow to use (the natural barrier).

Anhder: I'm not sure that is a good thing.

Greenhalgh: I'm not sure either.

Hansen: These canals have got to be maintained and cleaned; so, you have to have that space.

Greenhalgh: You have to have 16ft.

Anhder: The question is if he has a piece of property and he has a canal running down through the middle of it, the legal description included the whole piece of property. Then by natural barrier, he had two pieces of property; so, he can treat each of them separately for development purpose rather than just one piece of property.

Gibbons: Guess what. If you have a piece of property that has a railroad right-of-way or a canal going through it, they both create natural barriers. They divide the properties.

Anhder: Some canals do and some canals don't.

Gibbons: In most cases if it is a major canal for a canal company, it divides the property and you farm it in two separate pieces. It becomes two separate pieces because the canal is in place.

Lynn Lemon: Probably especially if it is 20ft wide.

Anhder: There is no question about that but why if you have two pieces of property side-by-side, one with a canal going through the middle of it and one without a canal going through the middle of it, one can be developed as one piece and the other can be developed as two pieces. It does two things: 1) It allows for more development in our "agricultural zone" on the one with the canal running through the middle of it. 2) The two property owners are treated separately.

Gibbons: Logically there are two pieces.

Anhder: Why don't we just stick with the legal description of the one piece of property.

Gibbons: I don't know what is best. I am just saying that technically in-spite-of the legal description, there are two pieces of property created by that barrier. If you have ever had to farm or deal with one, you know that they are a separate piece of property.

Anhder: You are absolutely right but we are talking about it's use as in development purposes.

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Gibbons: I understand that. I would like to hear arguments on both sides.

Greenhalgh: There are some arguments on both sides and I agree with you. I just wonder if I am going to have to go out and determine if it truly is 20ft-wide or if am I going to take their word for it?

Gibbons: I think it is going to create some problems either way regardless of how we interpret it.

Lemon: Lorene, have we been using canals as a natural barrier?

Greenhalgh: We have.

Anhder: We say roads are not natural barriers.

Greenhalgh: We do if they are County or State (roads). If they are private roads, we don't.

Gibbons: The reality is if the canal company has put the canal there, it is really outside the landowners ability to determine whether or not it stays or it doesn't stay just like a road would (be).

Greenhalgh: What about the one incident that we have. They have a State waterway. The owner put a dam up and created two ponds that he is using for commercial fishing right now. He wants to use both of those even though he created them himself. If he takes the dam out, the water goes back to State; if he leaves it in there, it is privately owned. He wants to use that because it is State water.

Petersen: He wants to use that as a natural barrier?

Greenhalgh: Yes.

Hansen: Mr. Chairman, maybe we ought to put it on hold and let Mr. Teuscher look into that and see if he can learn something that we don't know.

This item was on for first reading and will be put on the next Council agenda for further consideration.

CDBG APPLICATIONS REVIEW DISCUSSION:

Four entities came to the Public Hearing for CDBG applications: Sunshine Terrace, Habitat for Humanity, Child and Family Support Center, and Family Information and Resource Center.

Council member Gibbons moved to sponsor the Sunshine Terrace as first priority. Petersen seconded the motion. The vote was held for discussion.

Discussion:

Kathy Robison: I would like to see us do the Child and Family Support Center also as perhaps a second choice.

Larry Anhder: Over Habitat? Are there any that we don't want to support?

Lynn Lemon: I have a fairly good understanding of what the Child and Family Support Center does and what Habitat for Humanity does and what Sunshine Terrace does... As I looked at the letter from the Family Information and Resource Center, they have requested \$65,000.00; and it looks like they have been operating with grants of about \$47,000.00. So, I wasn't sure about what that additional amount was going to be used for or if they are going to keep some of these grants. I am just not that acquainted with the Family Information and Resource Center.

Darrel Gibbons: I thought when they made their presentation to us, Lynn, my impression was that most of those funds was going to be for personnel. There wasn't going to be any mechanical projects.

Lemon: From an investment strategy standpoint, that has been one of our concerns, funding on-going operation and maintenance, because if you fund it for one year, you are not really eligible for the next year. I would just like to find out more information about them. The other three are really for building upgrades or improvements. They are asking for the maximum amount of \$150,000.00 Their project is a total of \$275,875.00 or at least that is their estimate.

Council member Gibbons amended his motion to go ahead sponsor all of the applicants with Sunshine Terrace having first consideration. Petersen seconded the amended motion. Vote was not taken.

Further Discussion:

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Darrel Gibbons: You sit on that committee, Lynn.

Lynn Lemon: One of the things we try to do is to determine how mature the project is and how ready they are for funding. If any of you have dealt with CDBG funding, you know that it is not an easy process to go through. You do get funding but there is a lot of work that you need to go through to do that. You need to be prepared for that. The only question that I've had is whether (or not) the Family information and Resource is really ready, if their project is mature to the point of funding on that.

Gibbons: I'm concerned about funding with the salaries because it is a one-time thing.

Anhder: I'm concerned because we sit and consider these in a vacuum of all of the other applications that go in. Often times these applications go in and compete with cities who are trying to put in the basic necessary infra-structure. Often times because of the way the CDBG ranking is structured, these sorts of things score better points than infra-structure applications do. By the very fact that they are into BRAG, they knock off other projects. To me the basic infra-structure is the most important thing to be funded. We have seen instances of things being funded that we have all kind of raised our eyes at when we saw what wasn't funded.

Lemon: One of the things that we have done the last couple of years that I think has been very beneficial is that we have instituted an oral interview which has allowed the Investment Strategy Council and the BRAG Governing Board a lot more input to the these projects.

Gibbons: If we really want a project to be funded, we would be wise to sponsor one and maybe two but no more.

Anhder: Did Sunshine Terrace receive a grant last year.

Gibbons: No.

Lemon: They haven't received one for several years.

Anhder: They are not going to get the 2-year-in-a-row penalty.

Lemon: All of these would be eligible without any penalty.

Council member Gibbons rendered a question on the amended motion: The vote was unanimous, 5-0. (Beck and Yeates absent.)

COUNCIL MEMBER REPORTS:

Council member Hansen: I could report that we did have an Ag. Advisory Board Meeting at 1:30 p.m. until 4:00 p.m. We talked about the LISA System that will be good in terms of trying to measure the value of property. It was a good meeting with a lot of input.

The next scheduled Board of Equalization meeting is on September 20, 2002. The following Council members were assigned. Darrel Gibbons and John Hansen were scheduled for the morning. Larry Anhder and Kathy Robison were scheduled for the afternoon.

Chairman Anhder noted that he had heard of at least three examples of persons coming in to Board of Equalization meetings to protest their taxes, which is their right and ability to do, who had made really nasty, uncalled-for personal attacks on staff people in the meetings. He recommended that when that sort of thing happens, the Hearing Officer would immediately make the determination right then and close the hearing. He felt there was no place for unfounded, nasty comments. If the person was unhappy with it, let him appeal to the State Tax Commission. Personal attacks on the staff gets out of the realm of a differences of opinion and they don't have to put up with that.

PUBLIC HEARING: BRENT A. FERRIN, AGENT FOR POWDER MOUNTAIN RESERVE HOLDINGS, LLC., AND MULTIPLE PROPERTY OWNERS, IS REQUESTING 3,580 ACRES OF PROPERTY IN THE

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FOREST RECREATION (FR-40) ZONE ADJACENT TO THE WEBER COUNTY LINE AT POWDER MOUNTAIN TO BE RE-ZONED TO THE NEWLY CREATED RESORT-RECREATION (RR) ZONE

Lorene Greenhalgh stated for the Council that the Planning Commission had voted for approval. Council member Petersen stated the vote was 4-1 in favor.

Chairman Anhder clarified that the question for this Public Hearing was whether or not to re-zone the property and that development of the property should be commented upon in the next Public Hearing because that is when the developers would present the master plan and details such as: roads, densities, placement on the property, water and so forth. Answers would be given to those questions in the next phase.

THE MEETING WAS OPENED TO PUBLIC COMMENT. Approximately 2 minutes per comment was allowed.

Sheri Lowery: I'm feeling a little frustrated and concerned and you guys are probably too. One of the things that I would like to first-of-all talk about was that there was a survey in the Herald Journal Aug 2nd, 2002. They surveyed 150 people. There was a good cross-section of what the people in Cache County want. There were questions answered. There were people that were answered all the way from bird watchers to 4-wheel drivers and 4X4 drivers... The second question asked in the survey was "Would you like to see private development such as restaurants and condominiums, etc? It was "Yes" - 4%, "No" - 95% and No Opinion - 1%. I would like you to maybe think about that because that's how many people in the Valley who really don't want development. That is only 150 people and they weren't from Avon is what they told me. I want you to really think about who you are representing here, the people or the developer. I really don't feel like this development is going to be the best for Cache County.

I went through the big master plan that has been in the office. That is another thing that I'm really bothered about this zone and the way it is set up because we have a Public Hearing to argue with the zone but nothing is really settled because we can't even discuss the master plan. That seems to me to be to be kind of backwards. We know that Mr. Draxler went to Telluride last month and they told us that we were doing it backwards. We are looking for the worst because we don't want it; Mr. Ferrin is looking for the best because he wants it and is trying to put forth the best thing for it. You guys have to kind of find the in between and what is really going to be best for the County.

I found problems with it: **1)** The Wildlife Division isn't ready to make a report on it. **2)** There are historical sites on there. **3)** There are some big problems with water shed and storm water. That is probably going to be the biggest problem. **4)** We really feel like it is going to be a way that will affect our rural life. **5)** Because there are so many problems on the other side, we really feel like the road is going to be pushed and pushed in Cache County. We need to look at that. That just can't be pushed out of the way and not be considered in this decision... It might not be a logical thing to do for the valley.

Sheryl Summers (Paradise): I have land in the immediate vicinity up there and one of my concerns is what if this development goes broke! In Box Elder County they had people out in

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Park Valley that got a section in the ground and they would survey that off. They would say this is main street; this is building lots; this is a park over there; and they would sell lots in magazines for \$100 down and \$25 a month! It became such a big problem that they went to 160-acres to build a building in an unincorporated area. You could ask for a variance. That is how they stopped the problem over there. If this place goes broke, what will happen? It is going to take a lot of money to develop it. They don't have any water developments yet. They don't have any roads. The only access they have is dirt roads and to my knowledge it is through private property. It is not through their property from the South Canyon road. How are they going to access that.

Every Fall the Forest Service closes the road up South Canyon and it is also closed over by the gun course in Liberty to keep people from going up and down that canyon to keep them off from everybody's ground. They do a lot of damage.... They actually have two gates on the South Canyon road that the Forest Service locks. Snowmobiles can get around them but 4-wheel drive trucks can't. The same is on the other side. I think we have a lot of problems with this. I am opposed to it. Thank you.

Dave Kikkert: My issue is that the zoning is the only way to keep development from happening. You can say maybe it won't because it won't have enough water or maybe this or that but money is proved to be the "do-all." Look at Snowbird. Once they get permission they build whatever they want. The zoning, I see, is the only way of controlling the development. Once it is re-zoned, there is not as much control on that development and the money and everything else can push through what it wants. I see the zoning in the County and the government as our only way of controlling our land.

Tom Jensen: I am a citizen of Cache County. My understanding is that the zoning has been created and the issue is whether (or not) to re-zone this property. Under the current status if we do nothing, development can occur. It would occur under the FR-40 Zone. There will be minimal control, minimal review and minimal observation. I would disagree with the previous presentation. There are issues to resolve; there is no question about that. The way to control it is under the Resort Recreation (RR) Zone. By making the change you do then have influence and control over how the property will be developed. Under no change you don't have the control but the development still will occur. It is not a question of stopping it by not re-zoning it. If you want control over water, drainage, open space, lighting, slope protection, wildlife areas, placement of building, colors and materials, you have that control of the them over the master plan process. You don't have control if you were to leave it under the FR-40 zone. The only logical choice is to make the re-zone and then have the review and the control.

There has been comments in the paper from various people about underhanded dealings. I think that is inappropriate. It is a charge that has no basis. I have done some checking on the background (of these people) and talked to the people they have worked for before, of course the very highest levels of incorporations and so forth that they have worked for. The report that I got back is at very high character and standards. I resent character assassination of people both yourselves and people on the County Planning and Zoning. I think it is inappropriate. I think we ought to deal with the facts and go through the regular process. I just wanted to make that as a public statement.

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Steve Roberts: I am a local consulting engineer and one that has been involved in some projects that have been master-planned communities. I tend to agree with Tom Jensen that the re-zone gives the flexibility of having the ability to better preserve open space, better preserve the environment and to have a little more control of the development. I would agree with the idea that the re-zone actually gives better control and has the opportunity to create a better project.

Chris Mortensen: I am a resident of Avon. My personal opinion on the re-zone is I would have liked to see something somewhere in between but we are passed that now. One problem I have is with the requirements of the RR Zone. It says properties shall be re-zoned through the Cache County re-zone process prior to master plan submitted and then there are eight general requirements that need to be met. My question is how can those requirements be met without the master plan submitted especially No. 6 on culinary water? Do we know where that is coming from and what amount and from whom yet at all. I have looked through this environmental summary and fiscal analysis of the water issues. It addresses drainage a lot and precipitation, etc. but I can't see where the culinary water is coming from. How can requirements be met the without master plan summary? The other concern is what this side of the development will do to our property taxes down the road.

Now I also have some other questions as far as building inspections, etc. I think for Cache County that is going to be a big liability and money-losing thing for our inspectors to go that far as they have to now. With the scope of development that they want to do, there will be a lot of inspections required. In my opinion I think this is kind of backwards too but I'm not an expert on the matter.

Lane Jensen: I'm a resident of Bear River City but I am an immediate, adjacent landowner to the proposed-zone property. My opposition to the zoning change is not just to Powder Mountain but to any area that wanted to be re-zone. There is a number of flaws within the language of the zone itself. I expressed these in a letter that was faxed to Mr. Anhder in April. To be brief the disgruntle that I have about the zone is that the first draft that was issued to public for comment is the draft that was passed. Through all the comment process, the public hearing and the written letters, not a single word was changed without any explanation from this Council. I would like to know; didn't any of you have any comment that was (of) merit for the benefit of this? I think of just the flaws that I have seen in some areas that aren't big, just a word here or there. If it said: "It should have the feel of the resort area." Should it say: "shall have the feel?" I am not going to point any fingers; but hypothetically, if there was an individual that wanted to take advantage of that, where would the County be then. Could you go back on them and say: "No, you have to go back to this." I am in favor of the people who want more control over what is going to happen. Those are my main concerns without getting into any specifics. I am in favor of a zoning change that is going to give the public and the County Council the ultimate say in how to protect water sheds, forest areas, and lands of high resource. Thank you.

Guy Ray Pulsipher: I just wanted to mention a couple of items in that area: The traffic going up South Canyon. We (The County) are unable to control the traffic of going up that way. We have 30-mile speed-limit signs now. They could mean (nothing) to a lot of people. A lot of

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people abide by them. Being right by the roadside, I have hollered more than once to "Slow up!", "Slow down!" They just disrespect you. I don't know that we can expand our protection any further than we are now, Larry and Council. It means a lot to me the protection that we have as individual citizens. Sheryl (Summers) mentioned about the land itself but the road certainly has to have a lot done. There are a lot of headaches up that South Canyon not to mention those two locked gates. They have been knocked down a time or two, Sheryl! So, I would just mention the road structure and the security of the citizens up in that end of the Valley.... Thank you for time and good luck with your decisions.

Dawna Majors (Avon): You have heard most of the concerns already that we have expressed as valley citizens especially on the South end. We appreciate the opportunity to share our feelings again; however, I share the disappointment with many people on our end. We feel like we have said it already and haven't been heard. I know that in the newspaper and on the radio, we got invitations today to come to this hearing so that our opinions will be heard. As we talked to people to invite them to come, a lot of them said: "Why do it?" "We are wasting our time because they don't listen anyway." "We stated our opinions and not a thing was changed."

The vote was made to accept this RR Zone before anyone really had an opportunity to look at the little changes that were made in the actual Ordinance. (There was no chance to) comment and think about those things before the vote was actually made on those. I know that many people feel disappointed in you as elected officials that we haven't been heard or listened to. Maybe heard but maybe not listened to totally. I know that you have to make a hard decision here and I know that everyone can not be pleased but I think that there was some things that need to be considered before we move any further. I still think that it is backwards that the water issue, like was stated before, comes after the fact. These are things that are important on the whole south-end of the valley. It is going to affect the whole valley if our water system is in jeopardy. The water out of that canyon runs clear through the valley. I know that will affect many people.

One of the things that I have been disappointed in too is the school was here to talk about their tax increase that was supposedly suppose to happen in the school system. That letter was not allowed to be read to the general public. From what they said, there will not be a tax benefit to schools because they will loose their State money. So as far as a net change, that is not going to happen; so, that is a little mis-leading.

I have also heard that Mr. Ferrin has lost some of his investors because of the problems that have come especially with the water. That concerns me. I don't know if that is true or not.

Also the inter-county discussion between its patrons. Did that really happen and is it still happening: These are thing that will need to continue to go on before this resort recreation is voted on as far as the actual land changing. I kind of felt all along that there has been a little pressure to get the re-zoning done quickly so that option to buy was not missed. That has been missed and we have been told that he was going to buy that property anyway.

Some questions and comments I had about the actual RR Zone itself: In one of the meetings in May at the Cache Chamber Board Meeting, Mr. Ferrin said that he would reduce the hard

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surface area to 5%. I think as a citizen that density is a big part of the problem. Chris (Mortensen) mentioned that we can't change that; but can we? I noticed on the agenda there was something just above it, some changes on the RR Zone. (Chairman Anhder responded: We set a public hearing is all we had done to make some changes. We are not changing the zone; we are changing the County's comprehensive plan to correspond with the RR zone.) Are there any options? Is there anyway anything can be changed there or is everything set in glue now? (Chairman Anhder stated that an Ordinance always can be amended.) Those are the things that some of the public are concerned about, some of the changes. The density is a big thing. One thing that concerns me is the adjacent property owners being attached to that. That is a big concern because that will just funnel right down. My vote is that we vote "No" right now. Maybe it is not the total answer but for right now, I vote "No" on that. Thank you.

Launi Evans-Stockner: I guess I am really not satisfied with some of the things I've heard. Maybe I'm not sure what the whole picture is. It is obvious that there is not access from our side now. It is not adequate for a lot of traffic. We have a narrow road; there are very steep turns; there is a canal on one side; and we are not able to access the area from this side. Whether or not that is in the works or whether there is a time line, I'm not sure. I have heard various ideas on that. At this point we are looking at access from Weber. Weber is not totally thrilled about the idea on their side. What I'm wondering is these people will have kids. At one point maybe we will build a school there when they get "X" number of kids. Until then their kids will be educated on Weber's side and Weber will provide service in the form of garbage. (Chairman Anhder interjected that it was probably premature to say and these were some of the details to be worked out.) We do know that the access is inadequate from our side. At least for a time period Weber will be providing all of this at some price. I am wondering if this all has some sort of time line as to how we are going to do this or if we operate with one little puzzle piece at a time. "Talk about this issue but not this one." "We are only dealing with this; so, we can't talk about that." That is the idea that I am getting and I'm wondering whether the whole picture is going to be a "hodge-podge" or something that will actually work. Look at what our obligation is to Weber County and how well we are working with them and if it is the right hand doesn't know what the left hand is doing at this point. Are we setting them up for something that they are not interested in doing so they will hike up the price to make it worth it to them to work with our little city? I am not really pleased with the answers that we've gotten through these hearings.

Nick Bouwes: (Environmental Consultant): I have a lot of concerns about the proposed Powder Mountain Resort and Re-Zone. I'm a little confused about where we are at this point. I'm also confused at how we got to this point. How with all the public opposition to re-zoning the fragmentation could occur. I have large concerns about the ability to fragment areas of large continuous tracks of low impact of land relatively. I think this land is extremely important for wildlife species such as the deer, elk, and moose. Preservation of non-fragmented lands provide a lot greater benefit than preservation of a small magnetism. In the same area, a continuous piece provides a lot more benefit. Right now that area is kind of a bottleneck between the Bear River range and the Wasatch and the Southern Wasatch area. Further fragmentation of that area is likely to have a really large impact on migratory species such as elk and deer. I am also concerned about large amounts of sedimentation, chemicals, fertilizers and things like that that will likely have a large impact on our water sheds. I am just kind of surprised that this whole thing has gone through in the first place. I have a hard time believing

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that if someone had 40 acres and wanted to subdivide their land so they could put up a subdivision they could get approval to do that. Maybe it is because this is such a large project that, that person gets priority consideration. I am greatly opposed to the ability to further fragment land in an area that we prize right now for the condition that it is in right now. Thanks.

Nicole Crookston (Logan): For what I understand on the FR-40, it seem like the RR Zone is a better zone as far as the control. Is that correct? (Chairman Anhder responded objectively that the County Council felt they would have more control with RR Zone than they do have with current FR-40 Zone.) In that regard, if it does offer more control than the previous FR-40 Zone, I am for the RR zone in the fact that it preserves the wildlife, it preserves the watershed, and it doesn't allow the density and so forth that this development is proposing. I am very much against the idea of having a resort. I don't want that to be a factor in the fact of bringing out that re-zone. That is pretty much my concern as far as the re-zone goes. I don't want impacts and so forth to our Forests and to whatever factors are included in that passing of that ordinance. (Chairman Anhder commented that the RR-Zone allows for higher density but more control as to how it goes in than our previous FR-40 Zone.) If that is passed, can modifications be made on that to take out the density or whatever the public requests? (Chairman Ander said it could. The RR-Zone sets maximums but not minimums.)

Steve Roberts: I wanted to just follow-up on the comment about the concern about wildlife migration. If my understanding is right, right now 40-acre lots can allow people to fence off 40 acres pieces and that does not allow migration; whereas, a master plan where you cluster homes allows you to maintain open space, green space There is a little bit of mis-conception here.

Mike Wolf (Logan Resident and a biologist): I share the concerns of some that it looks like it's a done deal. My opposition comes as much on philosophical grounds as subjective issues. I think the Chairman has gone on record previously in saying that he supports the primacy of private land rights so that they can develop land as they see fit. I would argue that is a felicitous argument and that the primacy of private rights only exists if it can be shown if it meets the greater public good. In my opinion, this project does not meet the greater public good. I think we have seen evidence of that on several cases. Thank you.

Jim Steitz (USU President of the Ecological coalition of Students): It is all just like a bad dream. The first time we came out here, we said, "No." You went ahead and created a zone anyway. Then the people said "No" again. We are here again and the people are saying "No" again; it just doesn't seem to be getting through. We are your employers; we are your bosses. We are saying what we want. I don't see how it could possibly be any more of a clear and convincing testimony of where the public stands on this issue. Across the cultural boundaries, the adversity here shows a lot about how fundamental this issue is to our valley. If you go do a search on the Herald Journal website or a search on the Standard Examiner website for Powder Mountain, in the opinion section there would be a long list of entries. There is a certain pattern to those entries if you look very far. The public opinion is clearly overwhelming against this. I don't see why this continues to be such a problem. We have said "No" and we have said "No" again. The ironic thing is that the one person who you do not answer to is the one person who seems to be driving this process. The one person who is not your boss, (to) whom you have no

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obligation to at all because he is not a citizen of Cache County is Brent Ferrin. Yet he seems to be the one person who seems to be driving this process. I have sat in the living room of my friends in Paradise and listened to their concerns. There are some of the most genuine and heartfelt concerns I have ever seen. I share them and so do my fellow students. I really don't know what much else to say.

This is not the direction that the majority of the citizens want to take our valley. We know what is going to happen if our valley goes in this direction. We have seen what happens to other communities across the West and in Utah up and down the Wasatch front. We have seen what happens when you allow small ski resorts to be turned into big four-seasons recreational developments. You get turned into a "Park City" basically. We do not want that to happen to our valley. We have heard the arguments about tax revenue; we have heard the arguments about what more jobs will be created. We have heard all these various different arguments about what the pros of this development will be. We have heard them and we consider it done. The overwhelming majority of us have said "No!"

Jennifer Gines: (Avon resident): Let it be known that I am opposed to the Power Mountain development/Avon-divide road. I hold this scenery and quietness of our small community with high regard. My daughters are 11-years-old and 6-years-old. The additional traffic will put them in harms way and will deprive them of a rural upbringing. If the road must come, I do not want for it to follow the path of the existing Hwy 165; I want it to be up on the middle section of the Western ridges. My sincerest apology to any of my neighbors that live along there because I don't want any of their children in harms way either. It is critical that a thorough traffic study be done before any action occurs. Highway 165 is already too small with no room for mistakes. Our children's busses travel that route. Tractors, bikers and our track teams run on that road. We can not have more traffic; the road is insufficient. If highway 165 is required to have more traffic, it must be widened to four lanes with turning lanes for our neighbors to turn into their homes. The cost for a 6-lane highway 165 is going to be astronomical not to mention my astronomical headache for the 2-years of construction to build that road. I truly do not want this new road or its consequential development. I moved my family here to get away from the masses; please don't bring them here. Thank you for you consideration.

Ted Black (Fire Marshall from Weber Fire District): - Brent Ferrin and Co. have been nothing but accommodating. They have done everything that we have asked. They have complied with every requirement we have set forth. We will be happy under the agreements that have been made with Brent Ferrin to provide fire protection for this development, ... for your side as well.

Janice Bettinger (Logan); I just wanted to say that I spent a week in Telluride at a meeting. Everyone pointed to Telluride as the example of how this housing development should be done. A government rate for the room was \$115.00 a night. You couldn't get a hamburger or a sandwich or anything for less than \$10.00. Little houses that are going for \$30,000.00 here are going for a million-and-a half dollars in Telluride. I just want to let you know that. In some sort of a development like this, when the average home is priced at \$4,000,000.00, we'll likely really change the character not only of Powder Mountain area but the surrounding communities. Most of the people I talked to, the jeep driver on the field trip, waiters and waitresses, they can not afford to live in Telluride. They commute an hour and an hour-and-a-half maybe from places like

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Norwood and car pool in because it is just not an affordable place to live to support the community in that lifestyle.

Council member Petersen moved to close the public hearing. Gibbons seconded the motion. The vote was unanimous, 5-0. (Beck and Yeates absent.)

Chairman Anhder noted that this item would be on the next Council meeting's agenda for a vote. He encouraged the individual Council members to ponder what had been said and to study the issues. Written comments and phone calls from the public were welcome. The delay on this issue had been purposeful in order to be able to gain other points of views and other facts that may not have been considered. He appreciated the comments and the participation.

ADJOURNMENT:

Council meeting was adjourned at 6:50 p.m.

ATTEST: Jill N. Zollinger
County Clerk

APPROVAL: C. Larry Anhder
Council Chairman